

PROCEDURE FOR OBTAINING A PERMIT TO SELL BEER

IN THE CITY OF BRISTOL TENNESSEE

1. THE APPLICATION:

Each applicant must obtain from the Police Department a State Application and complete it in full, including an authority to release information form for each owner and manager, which will allow the police to conduct a background investigation. The purpose of the background investigation is to ensure that ALL persons who have at least a 5% ownership interest in the business and those persons who will be in a management position in the business which is applying for a permit are not in violation of TCA 57-4-201 and the Bristol Municipal Code 6-147 (5), which states that: "Permits shall be issued only to persons... who have not been convicted within the past ten (10) years of violation of any laws or ordinances against manufacturing, selling, transporting, storing, or possessing intoxicating liquor of an alcoholic content in excess of 5% by weight and who have not been convicted of a felony within the past ten (10) years. Also, in accordance with the Bristol Municipal Code 6-156 (a) (1) the applicant is advised that "any material misrepresentation or false statement in the application upon which the permit is based or fails to keep and maintain as true any promise or fact as set forth in the application" is grounds to revoke or suspend any permit.

2. APPLICATION FEE:

An application fee of \$250.00 must be made paid when the application is returned to the Beer Board Secretary. The application must be filed thirty (30) days prior to any scheduled Beer Board meeting. A check should be made payable to the **City of Bristol Tennessee** and presented to the clerk in the City Finance Office, room 203 of the court house.

3. PUBLICATION FEE:

A publication fee of \$120.00 must also be paid at the time of the filing of the application. This fee is to pay for a two (2) column by two (2) inch ad that will be run for two (2) days. The Beer Board Secretary will place the ad in the public notices section of the local newspaper advising citizens that the application has been made and the date of the public hearing.

4. THE ALCOHOL EDUCATION AND AWARENESS CLASS:

Any person applying for a Beer Permit through the City of Bristol Tennessee must attend and complete a four (4) hour Alcohol Education and Awareness Class taught by the Bristol Tennessee Police Department prior to their hearing before the Beer Board. The owner or the manager (a person who is empowered to make policy for the establishment) of an "Off Premise" establishment must attend and complete the class and sign an agreement to train and be responsible for their personnel. An "On Premise" permit holder is required to have **on duty** and **on the premises**, a person who has completed the class, at all times that alcoholic beverages are being served or distributed. The person attending must be one who is empowered to make policy for the establishment and be responsible for the employees' actions. The cost of the class is \$50.00 per person and as many employees as the establishment wishes to send may attend. *This class does not meet the requirements of the State Alcoholic Beverage Commission's server's permits.*

5. A NOTICE OF APPLICATION:

A sign stating: "NOTICE OF APPLICATION FOR BEER PERMIT" with the date, time, and location of the public hearing written on the sign must be posted in a conspicuous place (a front window if available) on that property 24 hours a day for a duration of fifteen (15) days prior to the date designated for the public hearing. The sign will be provided by the Beer Board Secretary.

6. INSPECTION OF THE BUSINESS BY THE BEER BOARD SECRETARY:

Prior to the Beer Board hearing and AFTER the applicant has obtained all necessary business licenses and is ready to have the business inspected, the applicant will call the Beer Board Secretary and request an inspection. The Secretary or a designated representative will go to the business and inspect for the following:

- (A). All business licenses and permits
 - (1) City of Business License
 - (2) County Business License
 - (3) State Certificate of Registration (sales tax)
The Board must have a photo copy of this document.
 - (4) State Food Permit
 - (5) A. B. C. Permit date and number if the establishment will be selling wine or liquor. If these permits are not posted and available for inspection, the inspection will not be completed and must be rescheduled.
- (B). Any violation of the following codes:
 - (1) Sanitary
 - (2) Building
 - (3) Nuisance
 - (4) Other laws or ordinances
- (C). Posted hours of operation
- (D). Entertainment
- (E). Names of management and the number of employees

To contact the Secretary of the beer Board, call (423) 989-5600 between 8:00 AM and 4:00 PM Monday through Friday.

7. THE BEER BOARD HEARING:

The APPLICANT must appear in person at the Beer Board hearing and subject himself or herself to examination upon any and all questions pertaining to his/her qualifications under this chapter of the City Code and TCA and to the nature of the proposed establishment. If the establishment is a corporation, the Articles of Incorporation should be brought to the meeting for the Boards inspection. The Beer Board may require the applicant to submit a survey or other evidence showing that the establishment satisfies the applicable distance requirements of the Beer Ordinance.

8. DISPLAY OF THE PERMIT:

Every permit issued pursuant to this chapter shall be displayed along with all other required permits and licenses in a conspicuous place in the establishment named and described in the permit.

9. THE VALIDITY OF THE BEER PERMIT:

No permit now in force or hereafter issued shall be good or valid **except on the property location described in the application upon which it is based; nor shall any such permit be transferable.** If the applicant violates any provision of Chapter VI (6) of the Code of Ordinances for the City of Bristol Tennessee or the laws of Title 57 of the Tennessee Code Annotated, a public hearing may be called and the Beer Board has the authority to suspend or revoke this permit. The Applicant may also be prosecuted through either the State or City court systems if it is determined that a law or ordinance has been violated.

10. THE BEER PERMIT PRIVILEGE TAX:

There is a yearly \$100.00 Beer Permit Privilege Tax imposed by the City on each holder of a Beer Permit which must be paid by January 31 of each year or the permit will become void and the holder must re-apply to obtain another permit. During this application period, the establishment will not be allowed to sell beer.

INFORMATION SHEET

Permits shall be issued to the owner of the business whether a person, firm, corporation, joint-stock company, syndicate, or association.

A permit is **only** for a single location and is valid for all decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located.

Where an owner operates two or more restaurants or other businesses within the same building; the owner may, in his or her discretion, operate some or all of such businesses under the same permit.

A permit is valid **ONLY** for the **BUSINESS AND OWNER** named in the permit.

A permit holder **must** return a permit to the county or city that issued it within fifteen (15) days of the termination of the business, sale of the business, change in ownership, relocation of the business or change of the business name. A change in ownership occurs for a corporate owner when at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. It **is not** permissible to acquire a business from another beer permit holder and then “operate under their permit” until you permit is granted. This may result in both the former owner and the new owner being prosecuted through either the State or City court systems for violations of the city ordinances and/or state laws.

Signature of Applicant

FOR BEER BOARD USE ONLY:

MAP NO. _____

PARCEL NO. _____

ZONED _____

DISTANCE FROM NEAREST SCHOOL _____

DISTANCE FROM NEAREST CHURCH _____

DISTANCE FROM NEAREST RESIDENCE _____

Distances shall be measured using the straight-line method from building to building.

The Bristol Tennessee Municipal Code:

https://library.municode.com/tn/bristol/codes/code_of_ordinances

- Section 6-148 **Off-Premises Permits** states that permits for the off-premises sale of beer shall be issued only to establishments operating as a grocery store, convenience store, service station, drug store or similar retail business.

- Section 6-149 **On-Premises Permits** states that beer permits allowing the consumption of beer on- premises shall be of four types: on-premises permits for operation as a restaurant or tavern, on-premises permits for operation as a club, and on-premises for consumption in the rooms of regularly conducted hotels and motels; and operation as a community theater.

- Sec. 6-149.3. - **Manufacturer's permit.**
 - (a) The beer board may issue a Manufacturer's permit authorizing the manufacture, storage, sale and distribution of beer, not to be consumed on the premises of the manufacturer except as otherwise provided hereinafter. In addition to the manufacture and storage of beer, a manufacturer's permit shall authorize the sale and distribution of the beer through the standard non-retail system to the extent allowed by applicable law.
 - (b) The beer board may endorse a manufacturer's permit so as to authorize the manufacturer to sell beer manufactured on the premises at retail for off-premises consumption subject to the following limitations:
 - (1) The beer shall be sold in sizes and containers that are made available through the general wholesale/retail distribution system; and
 - (2) The manufacturer may sell no more than five gallons or one-sixth of a barrel of beer to any one individual per visit to the premises.
 - (c) Notwithstanding any other provision in this article to the contrary, the beer board may endorse a manufacturer's permit so as to authorize the manufacturer to sell beer manufactured on the premises at retail for on-premises consumption; provided, however, that no such endorsement shall issue for a premises located within 150 feet of a school (public or private), or within 150 feet of a church located in a residential zoning district, as measured on a straight line from the nearest point of the manufacturing facility to the nearest point of the building or structure of the school or church.
 - (d) A manufacturer's permit which is endorsed for retail sales shall be subject to the hours of operation provided in section 6-146, and such sales may take place within the same store licensed by the commission for the sale of high alcohol content beer.

- Sec. 6-149.5. - **Temporary permits.**
 - (a) In addition to the off-premises and on-premises permits provided for in this article, the beer board shall have the authority to issue temporary permits for the sale, storage, dispensing, serving, distribution and/or manufacture of beer in the city for periods not to exceed a total of 30 days during a calendar year. A temporary permit may be issued by the beer board for scheduled sporting, recreation, amusement, dining, entertainment and other similar events and activities and shall specify with reasonable particularity the premises on which the permit shall be valid and the time or times during which the permit shall be valid. Temporary permits shall be issued upon the same conditions governing other permits except that the posting of a sign on the premises shall not be required as part of the application process, and the beer board shall determine and

specify the terms and conditions for issuance of each temporary permit. Temporary permits may be issued for off-premises and/or on-premises consumption, but no such permit shall allow the sale, storage, dispensing, serving, distribution, or manufacture of beer on publicly owned or controlled property, or on public right-of-way, except as may be specifically authorized by the city council from time to time.

- (b) The beer board may issue a temporary permit of indefinite duration for scheduled events and activities at a motorsports facility having permanent fixed seating for at least 20,000 persons, and such a permit may authorize the sale, storage, dispensing, serving, distribution and/or manufacture of beer for periods not to exceed a total of 90 days during a calendar year.
 - (c) The term of a temporary permit issued for a reoccurring event may be extended by the beer board for successive additional terms, not to exceed one year each, upon application of the holder and a showing satisfactory to the beer board that: (1) there has been no substantial change in status of the licensed premises or the eligibility of the holder since the permit was issued; (2) extending the term of the permit would not be detrimental to public health, safety or welfare; and (3) all applicable licenses have been obtained and fees paid. Such an application shall be filed with the secretary of the beer board prior to the expiration of the permit and at least 30 days prior to its consideration by the beer board.
- **Sec. 6-149.7. – Dual Permits.**
 - (a) The beer board shall have the authority to issue Dual Permits to Craft Beer Retailers. Dual Permits shall authorize the sale, storage, dispensing, serving, and distribution of Beer which may be consumed on the premises of the Craft Beer Retailer, or may be sold for consumption off-premises. Both on-premises and off-premises sales may occur at the same location under one Dual Permit.
 - (b) Any Beer sold by a Craft Beer Retailer for consumption off-premises shall be sold in sealed containers, including bottles and cans, or in refillable containers such as growlers that are manufactured specifically for the transport of beer. No craft beer retailer shall sell more than 128 ounces of Beer in refillable containers to one individual per visit to the premises. Such refillable container must be treated by the purchaser as an open container for purposes of T.C.A. 55-10-416 (the Open Container Law).
 - (c) No dual permit shall be issued to a Craft Beer Retailer unless such Craft Beer Retailer meets the location requirements of Section 6-145, as applied to on-premises sales.

Check below the type of business for which this application is being submitted:

Off-Premises:

Grocery Store

Convenience Store

Service Station

Drug Store

Other Similar Retail Business

(Describe) _____

ON-PREMISES:

Restaurant

Tavern

Club

Hotel/Motel

Lodge

Community Theater

TEMPORARY PERMIT:

Describe Event: _____

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Dual on and off premises permit for craft beer retail

Signature of Applicant

**APPLICATION FOR A BEER PERMIT
STATE OF TENNESSEE
CITY OF BRISTOL TENNESSEE**

Application for (Check One) Date of application _____/_____/_____

_____ On Premise Permit	_____ Manufacturer's
_____ Off Premise Permit	_____ Temporary Permit
_____ Dual	_____ Distributor's Permit

Date Application Fee and Publication Fee Paid _____

I _____ HEREBY MAKE APPLICATION FOR A PERMIT TO SELL, STORE, MANUFACTURE, OR DISTRIBUTE BEER OR OTHER BEVERAGES AUTHORIZED TO BE SOLD, STORED, MANUFACTURED OR DISTRIBUTED UNDER THE PROVISIONS OF THE TENNESSEE CODE ANNOTATED 57-5-101 ET SEQ, AND BASE MY APPLICATION UPON THE ANSWERS TO THE FOLLOWING QUESTIONS:

1. Full name of applicant (Owner): _____

Person _____ Firm _____ Corporation _____ Syndicate _____ Association _____

2. List **ALL** persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business (attach additional sheet, if needed):

3. What is your present home address?

4. Previous address(es) (within the last 10 years): _____

5. Home telephone _____

Telephone number of the business _____

Best Email _____

6. Under what name will this business operate? _____

7. Location of the business by street address:

8. Specify the identity and address of the person to receive annual privilege tax notices and any other communication from the city.

Name: _____

Address: _____

_____ Zip Code: _____

9. Give the name and address of the property owner, if other than business owner.

Name: _____

Address: _____

_____ Zip Code: _____

10. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Section 57-5-103 (a) (4) within the same building?
YES ___ NO ___ If so, specify the number _____. List the names of the restaurants or other business and describe their location (use additional sheet if necessary)

11. Give the name, address, and date of birth of any manager other than the applicant:

Name: _____

Address: _____

_____ Zip Code: _____

Date of Birth: _____

12. Has any person having at least a 5% ownership interest, any of the managers listed in question 11, or any other employee of the business been convicted of any violation of beer or alcoholic beverage laws or any crime (other than minor traffic violations) within the last ten (10) years. Yes ___ No ___ If so, give particulars of each charge, court, and date convicted.

13. Has the owner or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Yes ___ No ___ If so, specify where, when, and why.

14. Have you previously operated a business which was granted a beer permit?

Yes ___ No ___ If yes, give name of the business and address.

Name: _____

Address: _____

15. Give the name, relationship to applicant (if applicable) and the address of the former beer permittee at this location.

Name: _____

Address: _____

_____ Zip Code: _____

Relationship: _____

16. List at least three (3) business references who have known you for at least five (5) years.

Name:

Address:

Phone:

_____	_____	_____
_____	_____	_____
_____	_____	_____

17. List at least three (3) personal references who have known you for at least five (5) years.

Name:

Address:

Phone:

_____	_____	_____
_____	_____	_____
_____	_____	_____

18. List any other business you have owned or managed.

Business Name: _____

Address: _____

_____ Zip Code: _____

Business Name: _____

Address: _____

_____ Zip Code: _____

I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in the distribution or sale of alcoholic beverage laws or any crime involving moral turpitude within the past 10 years. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, other places of public gatherings, or otherwise interferes with public health, safety and/or morals.

Signature of Applicant/Owner (or Authorized Corporate Officer)

Sworn to and subscribed before me this _____ day of _____, 20__

Notary Public

My Commission Expires: _____

NOTICE: A non-refundable \$250.00 fee must accompany this application. If the application is approved you are required to provide documentation of sales tax registration to the city within ten days of approval. Any applicant making a false statement in this application shall forfeit their permit and shall not be eligible to receive any permit for a period of ten (10) years.

A privilege tax of \$100.00 is imposed on the business of selling, distributing, storing, or manufacturing beer in this state effective January 1, 1994 and each successive January 1. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued.

AUTHORITY TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I hereby authorize any police officer acting on behalf of the Bristol Tennessee Beer Board bearing this release, or copy thereof, to obtain any information in your files pertaining to my criminal history, personal history, or disciplinary records. I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the official use of the Bristol Tennessee Beer Board. Consent is granted for the Bristol Tennessee Beer Board to furnish such information, as is described above, to third parties in the course of fulfilling its official responsibilities. I hereby release you as the custodian of such records, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any question as to the validity of the release, you may contact me as indicated below.

DATE	SIGNATURE
Full name (type or print):	_____
Current home address:	_____

Date of birth:	_____
Social security number:	_____
Home telephone number:	_____
Business telephone number:	_____
Driver's license number:	_____ State: _____

Witness: _____
Police Officer
Bristol Tennessee Police Department

Please include a photocopy of your driver's license with this form.

CITY OF BRISTOL TENNESSEE

BILL OF COSTS FOR AN APPLICATION FOR A BEER PERMIT

Application fee for a Beer Permit:	\$250.00	= \$ _____
Publication fee (2" by 2" column ad)	\$120.00	= \$ _____
Alcohol Awareness and Education Class	\$50.00 per student	= \$ _____

Total cost of applying for Beer Permit = \$ _____

Application and Publication TY433
Class TY434

Secretary of the Beer Board

Received in the Finance Office for the City of Bristol Tennessee: Receipt # _____

DATE: _____
Clerk for the Finance Office, City of Bristol Tennessee