

ORDINANCE # 340

AN ORDINANCE AMENDING THE TOWN OF ASHLAND CITY MUNICIPAL CODE, PURSUANT TO TENNESSEE CODE ANNOTATED 57-3-101, ET SEQ., AMENDING CHAPTER 1 UNDER TITLE 8 WHICH IS KNOWN AS INTOXICATING LIQUORS

WHEREAS, on December 1, 2007, a local option election was held in the Town of Ashland City, Tennessee on the question to permit retail package stores to sell intoxicating liquors in the Town of Ashland City, Tennessee; and

WHEREAS, the results of the election referendum have been certified and the certification from the Cheatham County Election Commission to the Town of Ashland City sets for the passage of the authority to sell intoxicating liquors within the corporate municipal limits; and

WHEREAS, Tennessee Code Annotated 57-3-101, et seq., allows municipalities to adopt regulations, procedures and inspection fees when engaging in the lawful sale, storing, transporting, distributing, purchasing and possession of intoxicating liquors within the municipal limits; and

WHEREAS, Title 8 of the Town of Ashland City's Municipal Code does not contain a chapter relative to retail package stores selling intoxicating liquors and therefore the Municipal Code should be amended.

NOW THEREFORE, be it ordained by the Mayor and Council of the Town of Ashland City, Tennessee pursuant to Tennessee Code Annotated 57-3-101, et. Seq., to govern the retail sale of intoxicating liquors at package stores as set out below:

CHAPTER

RETAIL PACKAGE INTOXICATING LIQUORS

SECTION

- 8-101 Sale, etc., of intoxicating liquor regulated
- 8-102 Definitions
- 8-103 State Laws to be complied with.
- 8-104 Wholesale selling prohibited
- 8-105 Restrictions on operators of retail liquor stores.
- 8-106 Application for certificate of good moral character and city license.
- 8-107 Certificate of good moral character-expiration and renewal.
- 8-108 Certificate of good moral character-issuance.

- 8-109 Only one establishment to be operated by retailer.
- 8-110 Restriction to location.
- 8-111 Minimum distance requirement.
- 8-112 Display of license.
- 8-113 New license after revocation.
- 8-114 Limitations of number of retailers
- 8-115 Radios, amusement devises and seating facilities
- 8-116 Regulations of sale.
- 8-117 Inspection fee.
- 8-118 Violations.

8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the Town of Ashland City, except as provided by Tennessee Code Annotated 57-3-101 et. Seq. and by the rules and regulations promulgated hereunder, and as provided in this chapter.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter.

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

- (1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every other liquid containing alcohol or spirits, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight or less.
- (2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued by the State of Tennessee Alcoholic Beverage Commission.
- (3) "Retail sale" means a sale of alcoholic beverage to a consumer.
- (4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provision herein.
- (5) "Manufacturer" means and includes a distiller, vintner and rectifier.
- (6) "Whole sale" or "sale at wholesale" means a sale to any person for purposes of resale.
- (7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provision of Tennessee Code Annotated Section 567-3-101-57-3-110.
- (8) "Words" importing the masculine gender shall include the feminine and the neutral, and the singular shall include the plural.
- (9) "Person" means a private individual, partnership, joint venture, corporation, or any other business entity or association.
- (10) "Premises" means the property owned, leased or controlled by the licensee and so connected with the liquor business in which the licensee is engaged as

to form a component or integral part of it, including, but not limited to, the building and parking areas surrounding it.

- (11) "Curb service" means all sales transacted outside of the building where the business is carried on. The intent of this provision being to insure that the sale and purchase of alcoholic beverages is transacted in a face-to-face meeting between the salesperson and the customer, with the customer outside of a motor vehicle and under such circumstances that the salesperson has a reasonable opportunity to determine if the customer is then in an intoxicated condition or is a minor.
- (12) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.
- (13) "Federal license" shall not mean tax receipt or permit.

8-103. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the wholesale or retail liquor business unless all the necessary state licenses and permits have been obtained.

8-104. Restrictions on operators of retail liquor stores.

- (1) Government employees prohibited from obtaining permit. No person, member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointed or elective, or who is a public employee either national, state, city or county except uncompensated appointed members of boards of commissioners who have no duties covering the regulation of permit holders under this chapter. It shall be unlawful for any such person to have any interest in such retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.
- (2) Residence requirements. No person, member or firm, corporation, partnership or association shall own or operate a retail store for the sale of alcoholic beverages as herein defined if he/she shall not have been a resident of Cheatham County for five (5) years prior to making application for a license. This requirement as to residence in the case of a corporation, firm, associations, or a partnership shall apply to all of its officers, stockholders, and partners.
- (3) Age limit. No retailer engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years. No employee engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer

- or employee to permit any such person under the age of eighteen (18) in his place of business to engage in the sale of alcoholic beverages.
- (4) Criminal record. No retailer shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances within a ten year period.
 - (5) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverage any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances, and in case an employee should be so convicted after becoming employed he shall immediately be discharged.
 - (6) Transfer or sale of license prohibited. The holder of a license may not sell, assign, or transfer such license to any other person, and the license shall be good and valid only for the calendar year in which the same was issued and at the location specified in the license.
 - (7) Undisclosed interest prohibited. It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in the business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and purchaser.

8-105. Application for certificate of good moral character and city license. Before any character certificate or city license is issued or a renewal of said certificate as required by Tenn. Code Ann. 57-3-213, the following must be accomplished.

- (1) An application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:
 - (a) Name, age and address of the applicant.
 - (b) Number of years of residence in Cheatham County.
 - (c) Occupation or business and length of time engaged in such occupation or business.
 - (d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.

- (e) If employed, the name and address of employer.
 - (f) If in business, the kind of business and location thereof.
 - (g) The location of the proposed store for the sale of alcoholic beverages.
 - (h) The name and address of the owner of the store.
 - (i) A copy of corporate paperwork as filed with the Tennessee Secretary of State, copy of any partnership agreement, or any other material to show ownership of a Partnership or Corporation as may be determined by the council.
 - (j) A copy of any and all paperwork submitted to the Alcohol Beverage Commission including but not limited to the application filed with the ABC.
 - (k) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.
 - (l) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner or by the president of the corporation.
 - (m) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the Alcoholic Beverage commission. The notice shall contain such information as is prescribed in Section (16) of Chapter 0100-3-09 of the Local option Liquor Rules and Regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rules of the Commission.
 - (n) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The City shall require a copy of all applications and information sent to the state.
- (2) Each application shall be accompanied by a non-refundable investigation fee of five hundred (\$500) dollars. There is also an additional fee of \$100.00 for each additional criminal background checkup in partnerships and corporations for anyone owning a five percent (5%) or greater interest. Each applicant understands that a full background checkup will be done on not only the applicant but if a partnership, then the partner, and if a corporation then on anyone owing an interest of five percent (5%) or more. By applying for a certificate, the applicant and anyone that is required to have a background check hereby releases the Town of Ashland City from any

and all liability that may be associated with the performance of the background check.

- (3) The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages.
- (4) An applicant for a certificate of good moral character will be required to appear in person before the Board of Mayor and Aldermen for such reasonable examination as may be desired by the board.

8-106 Certificate of good moral character-expiration and renewal.

Certificate of good moral character issued under this chapter shall expire after one year or any time there is a change in ownership of the licenses establishment or any time a license issued by the alcoholic Beverage Commission is revoked, canceled, or otherwise terminated other than by annual expiration. There shall be a \$100.00 renewal fee to defray the cost of a new background check.

8-107 Certificate of good moral character-issuance. A certificate of compliance shall be authenticated as any other resolution of the city council if the city council, while in session, shall find that the applicant fulfills all the following requirements:

- (1) The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.
- (2) If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.
- (3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.
- (4) The applicant has not been convicted of a felony within (10) ten years prior to the date of application.
- (5) In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.
- (6) The applicant or applicants meets all the other requirements of this chapter.

8-108 Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages. The word "indirectly", as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise.

8-109 Restriction to location.

(a) Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the Town of Ashland City. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the planning and zoning board has reviewed and recommends the site plan submitted by the applicant to the City Council.

(b) No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type of building. Said store shall be of a minimum size of 1000 square feet.

(c) To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale of alcoholic beverages there sold. All retail sales shall be confined to the premises of the structure and no curbside service should be permitted nor shall there be permitted drive in windows.

8-110 Minimum distance requirement. No liquor store shall be located within 300 foot distance of separation from a church, school, other public institution, or public meeting place.

The distance of separation shall be determined by the length of a straight line drawn between the front door of the building of the church, school or public institution or a public entrance of the building and the front door of the building for which the license is sought

8-111 Display of License. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license.

8-112 New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages to the same licensee until after the expiration of one (1) year from the date said revocation becomes final and effective.

8-113 Limitation on number of retailers. No more than three (3) retail licenses for the sale of intoxicating liquors shall be issued under this chapter.

8-114 Radios, amusement devices and seating facilities-prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted

in any retail establishment. No seating facilities shall be provided for persons other than employees.

8-115 Regulations of sale. (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) Sales on Sundays prohibited. No retailer shall sell any alcoholic beverages between 11:00 p.m. on Saturdays and 8:00 a.m. on the following Monday of each week.

(4) Sales to Minors prohibited. No retailer shall sell any alcoholic beverages to any person under twenty one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(5) Sales on certain holidays prohibited. No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and Fourth of July.

(6) Keeping an unsealed bottle or container prohibited. No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) Sales to Person intoxicated prohibited. No retailer shall sell any alcoholic beverages to any person who is intoxicated nor shall any retailer sell any alcoholic beverages to any person accompanied by a person which is intoxicated.

(8) Sales on credit prohibited. No holder of permit for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered any alcoholic beverages on credit.

(9) Unstamped merchandise prohibited. No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(10) Political advertising prohibited. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) Consumption on the premises prohibited. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

8-116 Inspection fee. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licenses under this chapter. Said fee to be at the maximum amount as provided for in TCA ' 57-3-501.

(2) The inspection fee shall be collected by the wholesaler from the retailer at the time of sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(3) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the Town of Ashland City as hereinafter provided.

(4) Each wholesaler making sales to retailers located within the corporate limits of the Town of Ashland City shall furnish the City of Ashland City a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

(b) The wholesaler price of the alcoholic beverages sold to such retailer;

(c) The amount of tax due under this section; and

(d) Such other information as may be required by the Mayor and City Council of the Town of Ashland City. The monthly report shall be furnished to the city recorder of the town not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the Town of Ashland City shall be paid to the Town of Ashland City. The wholesaler shall be entitled to reimbursement for this collection service a sum equal to five (5%) percent of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the Town of Ashland City.

(5) Each wholesaler who fails to collect and/or remit in a timely manner the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten (10%) percent of the fee due the Town of Ashland City which shall be payable to the Town of Ashland City.

(6) The Town of Ashland City shall have the authority to audit the records of all wholesalers subject to the provision of this section in order to determine the accuracy of said monthly report.

8-117 Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction be punishable by a penalty under the general penalty provisions of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

This ordinance shall take effect twenty (20) days after final passage.

Passed 1st reading: 2-28-08
Passed 2nd reading: 4-8-08
Public hearing: 4-8-08


Mayor

ATTEST:


Phyllis Schaeffer, City Recorder

APPROVED AS TO FORM AND LEGALITY

Jennifer Noe, City Attorney

TOWN OF ASHLAND CITY, TENNESSEE

PERSONAL REFERENCES

For Submittal with Application for Limited Certificate of Compliance for State Licensure for Sale of Package Liquor

List three personal references that are not related to you or to each other.

1. Name: _____

Address: _____ City: _____ Zip: _____

Phone Numbers: _____

How long have you known this person? _____

Relationship: _____

2. Name: _____

Address: _____ City: _____ Zip: _____

Phone Numbers: _____

How long have you known this person? _____

Relationship: _____

Name: _____

Address: _____ City: _____ Zip: _____

Phone Numbers: _____

How long have you known this person? _____

Relationship: _____

Town of Ashland City, Tennessee
Public Safety Department

APPLICANT BACKGROUND CHECK

For Application for Limited Letter of Compliance for License to Sell Retail/Alcohol

CITY USE ONLY

Address of Location of Proposed Store: _____

Use a separate form for each applicant.

Applicant's Full Name: _____

Current Address: _____

Social Security Number: _____

1. Convicted of felony, misdemeanor or any offense of the alcohol laws of the State or the U.S. in the past 10 years: _____ Yes _____ No

2. Has been engaged in business with anyone who was in violation of the laws mentioned above:

_____ Yes _____ No

If "yes" under questions 1 or 2, explain offense: _____

Any other information that was revealed in background check that is relative: _____

I have conducted a background search for all applicants for the above described retail liquor establishment.

MARC COULON, Police Chief
Town of Ashland City, Tennessee

Date

Resources used for background search: _____ TBI _____ ACCity _____ Cheatham County _____ NCIC

_____ Other

TOWN OF ASHLAND CITY

Application for Limited Certificate of Compliance for State Licensure for Sale of Package Liquor
 \$500.00 Additional \$100.00 fee for each additional background check.

THIS SECTION FOR CITY USE ONLY:

Date Application Filed: _____ Time: _____ Receipt No. _____ Amount Paid: _____ Cash: _____ Check# _____ Application for: <input type="checkbox"/> Retail sale of packaged alcoholic beverages <input type="checkbox"/> Renewal	City Attorney review completed by: _____ on _____ Police Chief review completed by: _____ on _____ BOARD ACTION: Granted: _____ Issued: _____ Denied: _____ Deferred: _____ Withdrawn: _____	Zoning: _____ Map No. _____ Parcel No. _____ Street Address: _____ Property Inspection completed by: _____ on: _____ Location Approved: _____
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ANSWER ALL OF THE FOLLOWING QUESTIONS:

APPLICANT IS SEEKING A PERMIT WHICH WOULD ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR:

OFF-PREMISES PACKAGED LIQUOR SALES ONLY

I hereby make application for a Limited Certificate of Compliance from the Town of Ashland City, Tennessee as provided for in the Tennessee Code Annotated 57-3-208, et seq., and the Town's Retail Alcoholic Beverage Ordinance#340 and the amendments thereto and base my application upon the answers of the following questions:

1. Name of Applicant: _____
2. Birth date of applicant: _____ Age at time of applicant: _____
3. Residential address of applicant: _____
 City: _____ State: _____ Zip: _____
4. How long a resident of Cheatham County: _____
5. Does applicant presently hold and elected office or is seeking an elected office in the next election? _____
6. Other states of residency: _____
7. Present occupation or business: _____ How long? _____
 If employed, name and address of employer: _____
 Phone: _____ Contact person: _____
8. Name of business for which permit is sought: _____

9. Address of the location of the business for which a permit is sought: _____

10. Name(s) of the owner of the property: _____

Deed Book and Page No. _____ Lease Expiration Date: _____

(Attach a copy of the executed lease or recorded deed of ownership hereto)

11. List persons, firms, corporations, joint stock companies, syndicates, or associations, having at least a five (5%) percent ownership interest in the applicant. Complete in detail. Attach a separate sheet if necessary. If corporation, give address of applicant's principal place of business.

Name of Individual Applicant Partners, or Officers and Directors	Title Percentage	Home address and Telephone Number	Date and Place of Birth	Race and Sex	SSN	U.S. Citizen Y or N

12. Previous Address of Applicant: _____

13. If Applicant is an individual, give name and date and place of birth of spouse: _____

14. If Applicant is a corporation, give name and date and place of birth of any spouse of anyone having a 5% or greater interest in the business corporation or partnership:

Name: _____ Date/Place of Birth: _____

Name: _____ Date/Place of Birth: _____

15. For corporations that are not publicly traded:

Registered Name of Corporation: _____

Date and Place of Incorporation: _____

If foreign corporation, give date of certificate of authority: _____

16. List stockholders having five (5%) percent or more ownership interest in the business: (attach a separate sheet if necessary)

Name of Stockholder		Home Address	Date and	Race		U.S.
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First, Middle, Last	%	and Telephone Number	Place Birth	and Sex	SSN:	Citizen Y or N

17. FOR CORPORATION ONLY:

At regular or special meeting held on the _____ day of _____, 200__, by the Applicant, it was resolved that said application be filed with the Town of Ashland City and that _____ (name or officer and title) or _____ (name of officer and title) is/are hereby authorized to execute said application and any other papers required by the Board.

18. Designate the person or persons who will be in charge of the operations on the premises including in the absence of the Applicant.

Name of Stockholder First, Middle, Last	Home Address and Telephone Number	Date and Place Birth	Race and Sex	SSN:	U.S. Citizen Y or N

19. Conviction Record: Has any person, firm, joint-stock company, syndicate or association having at least a five (5%) percent ownership interest in the Applicant been convicted of any violation of the laws against possession, sale, manufacture, or transportation of alcoholic beverages, or any crime either a felony or misdemeanor?

Yes No

If yes, list below:

Name First Middle Last	Charge(s)	Date of Conviction	Disposition	Location, Court, County and State

20. Name and address of representative to receive the annual tax notice and other communications: _____

21. Is the building to be licenses located within 300 feet of any church, school, public institution or public meeting place? Yes No

22. Has the Applicant ever had a liquor permit revoked, suspended or denied in the State of Tennessee? Yes No

If yes, explain: _____

23. Does applicant hold a license for Liquor-by-the-Drink with the State of Tennessee? Yes No

24. Are you familiar with the laws of the State of Tennessee governing the retail sale of package liquor? Yes No

25. Does applicant hold a license or permit to sell beer? Yes No

Applicant hereby solemnly swears that each and every statement in the foregoing application is true and correct; that the Town of Ashland City will be notified promptly if there is a change in circumstances that affect the responses provided in this application; that (1) no sale shall be made to anyone under twenty-one (21) years of age; (2) no person, firm, corporation, joint-stock company, syndicate or association having at least a five (5%) percent ownership interest in the Applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of alcoholic beverages or any crime involving moral turpitude within the past ten (10) years; (3) no person employed by the Applicant in such distribution or sale has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of any alcoholic beverages or any crime involving moral turpitude within the past ten (10) years; and (4) the Applicant is not a specially designated national and has legal status to hold a permit of any other U.S. Citizen might possess.

If any statement herein is false, the Application shall become void in its entirety and a new

application will not be accepted for a minimum of 90 days .

Attached to this application form is the following required documentation:

- Copy of application to the Tennessee Alcoholic Beverage Commission
- Copy of valid Tennessee Driver's License or other photo identification
- Copy of utility bills for the past 50 months to prove residency or statement from utility provider.
- Actual newspaper ad and certification of publication
- Copy of lease, Bill of Sale or deed on property to be used for retail sales
- List of personal referenced (non-related)-form provided

Sworn to and subscribed before me this the _____ day of _____, 20 ____.

Signature of Applicant: _____

NOTARY PUBLIC

My Commission Expires: _____

Note: State law allows up to 60 days to process this application.

Town of Ashland City, Tennessee

GENERAL PROCEDURES FOR PACKAGE LIQUOR LOCATIONS*

Note: This location application process could take up to 4 (four) weeks to complete. If the application is made by a corporation, or partnership, this process will have to be applied to every member of the corporation or partner with an interest of 5% or more.

*Recommended: CONSULT WITH APPLICABLE STATE AUTHORITIES AND ADVICE OF LEGAL COUNSEL TO CLARIFY QUESTIONS REGARDING THE APPLICATION PROCESS WITH THE STATE AND LOCAL GOVERNMENT.

1. Obtain application for Certificate of Compliance from City Hall.
2. Applicant must run notice in The Ashland City Times for three consecutive editions prior to turning in the application.
3. Inspection of premises no more than 7 days prior to application date by the Town=s Building Official to receive a Use and Occupancy certificate to be submitted with application to the Town.
4. Submit completed application to City Hall with the following documentation attached and the \$500.00 Investigation Fee, payable in cash or money order (payable to The Town of Ashland City):
 - a. Copy of application to the Tennessee Alcoholic Beverage Commission
 - b. Proof of five years residency in Cheatham County:

Copies of electric bills or water bills for past five years including the most recent bill or appropriate statement from Utility provider that applicant has been a customer for 5 years.
 - c. Copy of applicant's valid Tennessee Driver's License with photo or another valid photo I.D.
 - d. Copy of Vehicle registration
 - e. Copy of lease, bill of sale or deed on property to be used for retail sales location.
 - f. Actual newspaper ad and certification of publication from the editor
 - g. Personal referenced list (form provided)

NOTICE: Failure to produce any of the required documentation listed above, or failure to complete the application form may result in voiding the application process. New application may be made after 90 days.

5. Upon receipt of application at City Hall, the Chief of the Police will run a background

check including financial records. A period of 7 (seven) days may be required to complete this process. If the application's made by a partnership or corporation, every member with an interest of 5% or more will be required to have a background check. There will be a fee of \$100.00.

6. A final review by the City Recorder to verify that all information has been obtained will be performed which may take up to two business days to complete.

7. Completed application will be submitted to the City Council for selection as per Ordinance and applicant shall appear before the City Council for an interview. Scheduling for the interview will be determined by the order that completed applications were submitted to the Town. Applications will be dated and time stamped upon receipt at City Hall.

8. The Mayor will issue a letter of Compliance to the applicant when all approvals have been received and verified.

WAIVER FOR BACKGROUND CHECK

I by signing this document have applied for a package liquor store/beer permit and as such understand that part of the requirement for a package liquor store/beer permit is that the applicant can not have a criminal record of a felony, a crime involving moral turpitude, or a violation of any laws dealing with the possession, sale, manufacture, or transportation of beer or any other alcoholic beverage within the last ten years. This applies to anyone with an interest in the business of five percent (5%) or more. By signing this document, I hereby consent to myself as well as the other individuals listed that have a five percent (5%) or more interest in the business to have a background check run by the local police department including a criminal check. I fully release the Town of Ashland City from any and all liability from conducting the search and understand and release them from the reliability of the information that they receive in that they are relying on third parties for the supply of the information. I hereby consent to the Town of Ashland City to conduct a background check.

Date

Applicant

Social Security Number

DOB

List of other individuals who own at least a five percent (5%) or more in the business:

Owner's Name

DOB

Social Security Number

Owner's Name

DOB

Social Security Number