



## ORDINANCE # 25 – 541

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TITLE 8, RELATING TO ALCOHOLIC BEVERAGES; BY AMENDING CHAPTER 2 DEFINITION OF BEER; BY AMENDING CHAPTER 2 BY ADDING A NEW SUBSECTION RELATING TO SPECIAL EVENTS PERMITS FOR ON PREMISES SALE OF BEER; BY ADDING A NEW CHAPTER 3 RELATING TO RETAIL PACKAGE STORE LICENSING; TO FIX A PENALTY FOR VIOLATION THEREOF; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

**WHEREAS**, Mount Carmel voters approved a referendum on November 5, 2024, to allow packaged liquor sales within the town limits. Now therefore,

**BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN, AS FOLLOWS:**

**SECTION I.** That the Code of Ordinances, Title 8, Alcoholic Beverages, Chapter 2, Section 8-206 relating to the definition of beer, be and hereby is amended by deleted it in its entirety and replacing it with a new Section 8-206 to read as follows:

**Section 8-206 “BEER” DEFINED.**

Tenn. Code Ann. §57-5-101(b), including all amendments thereto, is hereby adopted by reference and incorporated in this ordinance as if fully set out herein and shall constitute the definition of beer.

**SECTION II.** That the Code of Ordinances, Title 8, Alcoholic Beverages, Chapter 2, Section 8-209, relating to permits for retail sale of beer be and hereby is amended by adding an additional Subsection (4) relating to Special Events, which Subsection (4) to read as follows:

(4) A special events permit for the retail sale of beer may be issued to current on-premises permit holders to be effective for periods of time not exceeding forty-eight (48) hours duration. Such permits shall be issued only for a community event designated as a special event by the beer board.

(a) A special event is defined as any public gathering such as a block party, local special event, festival, celebration, concert, carnival, fair, exhibits, trade shows or any similar occurrence to be conducted on private property.

(b) The special events permit may provide for the sale and consumption of beer in private locations by individuals attending the special event but does not otherwise suspend the prohibitions of § 8-102 regarding motor vehicles. The special events permit shall provide the following:

1. The name of the permit holder;
2. The location of the retail sale of beer during the special event;
3. The name of the special event;
4. The duration of the permit.

(c) The application for the special events permit shall be filed with the beer board not later than thirty (30) days prior to the beginning date of the special event accompanied by the application fee set forth on §8-207.

(d) The board shall designate the geographical location of a special event and any sale and consumption of beer, sold by a special event permit holder, in a public place, shall be subject to the provisions of this chapter.

**SECTION III.** That the Code of Ordinances, Title 8, Alcoholic Beverages, be and hereby is amended by adding an additional Chapter 3 relating to retail package store licenses, which chapter to read as follows:

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages except as provided by Tennessee Code Annotated, title 57.

8-302. Application for certificate.<sup>1</sup> Before any certificate, as required by Tennessee Code Annotated, §57-3-208 shall be signed by the mayor, or by any aldermen, a request in writing shall be filed with the recorder, giving the following information: (1) Name, age and address of the applicant. (2) Number of years residence at applicant's address. (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years.<sup>2</sup> (4) The location of the proposed store for the sale of alcoholic beverages. (5) The name and address of the owner of the store. (6) If the applicant is a partnership, the name, age and address of each partner. If the applicant is a corporation, the name, age and address of the executive officers, or those who will be in control of the package store. The information in the application shall be verified by

---

<sup>1</sup>

State law reference Tennessee Code Annotated, §57-3-208

<sup>2</sup>

State law reference Tennessee Code Annotated, §57-3-208 requires the applicant to submit a criminal history background report

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.

8-303. Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws, the rules and regulations of the Tennessee Alcoholic Beverage Commission for sale of alcoholic beverages and the Code of Ordinances of the Town of Mount Carmel.

8-304. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board.

8-305. Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the city/town attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed. The board of mayor and aldermen may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen

8-306. Renewal of certificate.<sup>3</sup> A certificate issued under this chapter remains valid unless there is a change of ownership or location. If either of these events occur, a new certificate must be obtained.

8-307. Applicants for certificate who have criminal record. No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws.

8-308. Number of retail licenses to be held by retailer.<sup>4</sup> No retail licensee shall, directly or indirectly, hold more one (1) retail license in the Town of Mount Carmel.

8-309. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages

---

3

State law reference Tennessee Code Annotated, § 57-3-208

4

State law reference Tennessee Code Annotated, §57-3-406

except at locations zoned Neighborhood Business District B-1, Arterial Business District B-2, General Business District B-3 or Shopping Center District B-4. In no event will a certificate be issued to an applicant when the location secured for the retail store is within two hundred feet (200') of any church, school, or other place of public gathering, as measured in a straight line from the nearest part of the entire building of a church, school, or other place of public gathering to the nearest part of the entire building from which alcoholic beverages will be sold.

8-310. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.<sup>5</sup>

8-311. Sales for consumption on-premises. No alcoholic beverages shall be sold for consumption on the premises of a retail seller.

8-312. 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.

8-313. Inspection fee. There is imposed an inspection fee in the maximum amount allowed by Tennessee Code Annotated, §57-3-501 on all licensed retailers of alcoholic beverages.

8-315. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the municipal judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

**SECTION IV.** That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00). Each day of violation may constitute a separate offense.

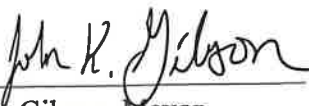
**SECTION V.** That this ordinance shall take effect from and after the date of its passage and publication as the law directs.

Voting by the Board, as follows, on May 22, 2025, First Reading:

	<u>Yes</u>	<u>No</u>
Alderman Patrick	<u>x</u>	___
Alderman Binstock	<u>x</u>	___
Alderman Cross	<u>x</u>	___
Alderman Shugart	<u>x</u>	___
Alderman Gilliam	<u>x</u>	___
Vice Mayor Bare	<u>x</u>	___
Mayor Gibson	<u>x</u>	___

Voting by the Board, as follows, on June 26, 2025, Second Reading:

	<u>Yes</u>	<u>No</u>
Alderman Patrick	<u>x</u>	___
Alderman Binstock	<u>x</u>	___
Alderman Cross	<u>x</u>	___
Alderman Shugart	<u>x</u>	___
Alderman Gilliam	<u>x</u>	___
Vice Mayor Bare	<u>x</u>	___
Mayor Gibson	<u>x</u>	___

  
John Gibson, Mayor

ATTEST:  
  
Tyler S. Williams, Recorder

APPROVED AS TO FORM:

  
Allen Coup, City Attorney