

RESOLUTION NO. 1997-81

RESOLUTION AMENDING AND ADOPTING
WEAKLEY COUNTY BEER REGULATIONS

WHEREAS, Tennessee Code Annotated, Section 57-5-301 (b)(1), authorizes county legislative bodies to extend laws for the sale of beer within their jurisdiction; and

WHEREAS, the law has been changed to remove the provision in the 300 foot rule that said it only applied to unzoned land.

NOW, THEREFORE BE IT RESOLVED, by the county legislative body of Weakley County, Tennessee assembled in regular session on this 23rd day of May, 1997 in Dresden, Tennessee that beer will not be sold on the following days and time:

- a. All days between one (1:00) o'clock a.m. and seven (7:00) o'clock a.m.
- b. Sundays between one (1:00) o'clock a.m. and seven (7:00) o'clock a.m. on Monday.
- c. Thanksgiving Day between one (1:00) o'clock a.m. and seven (7:00) o'clock a.m. the following day.
- d. Christmas Day between one (1:00) o'clock a.m. and seven (7:00) o'clock a.m. the following day.

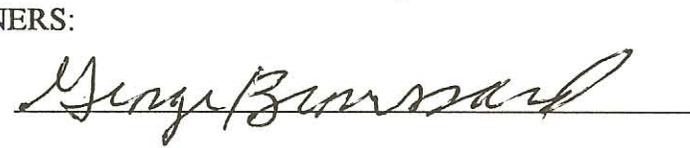
BE IT FURTHER RESOLVED, that the provision applying the three hundred foot rule only to land which is unzoned be expressly rescinded.

BE IT FURTHER RESOLVED, that the appended beer regulations be adopted as the beer regulations for Weakley County.

BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

BE IT FURTHER RESOLVED, that this resolution take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of County Commissioners.

PURSUANT TO THE RULES OF THE WEAKLEY COUNTY LEGISLATIVE BODY, THIS RESOLUTION IS SPONSORED BY THE FOLLOWING COMMISSIONERS:

 _____  _____

ACKNOWLEDGED AND APPROVED:

 _____
Chairman, Beer Board

Motion made by Commissioner Caudle that the foregoing resolution be approved.

Seconded by Commissioner Westbrook. Upon being put to a roll call vote, motion Carried by a vote of:

Ayes 19 Nays 0 Pass one Absent _____

ATTEST:

 _____
Pat Scarbrough, County Clerk

APPROVED:

 _____
Ron Gifford, County Executive

This is the 23rd day of May, 1997

WEAKLEY COUNTY BEER REGULATIONS

The Weakley County Beer Board, in session on May 23, 1997, adopted the following regulations governing the retail sale of beer and established standards for retail beer vendors.

These regulations were adopted by the Weakley County Beer Board pursuant to Title 57, Chapter 5, *Tennessee Code Annotated*, and apply to all Retail Beer Vendors outside municipalities within Weakley County.

REGULATIONS

1. *Sales Not Allowed* - - Beer will not be sold on the following days and times:
 - a. All days between one (1:00) o'clock a.m. and seven (7:00) o'clock a.m.
 - b. Sundays between one (1:00) o'clock a.m. and seven (7:00) a.m. on Monday.
 - c. Thanksgiving Day between one (1:00) o'clock a.m. and seven (7:00) a.m. the following day.
 - d. Christmas Day between one (1:00) o'clock a.m. and seven (7:00) a.m. the following day.
2. *Litter Containers* - - Litter containers will be available, whereby all litter (empty beer cans, bottles, trash, etc.) can be disposed of immediately inside the establishment, and no litter (empty beer cans, bottles, trash, etc.) will be piled outside the establishment, presenting an unsightly appearance to the general public.
3. *Sale to Minors Prohibited* - - The sale of beer or other alcoholic beverages to persons under 21 years of age is prohibited. Persons engaged in the sale of beer or other alcoholic beverages will require sufficient proof of age of any customer when age is questionable.
4. *Employment of Minors* - - No person under the age of 21 may possess or transport beer, except in the course of his/her employment. Persons 18 years old or older may transport, possess, sell or dispense beer in the course of their employment. A person under the age of 18 cannot process a sale or bag beer in the course of his/her employment.
5. *Loitering of Minors Prohibited* - - The management of any place where beer is sold shall not allow minors to loiter in such places. The burden of ascertaining the age of minor customers is on the owner or operator of the business.
6. *Restrooms Required* - - Restrooms for both men and women, and a telephone, will be provided in establishments where beer is sold to be consumed on the premises.
7. *Service Window Sales* - - No beer may be sold through a service window, door or any opening that is not clearly visible from the roads and streets.
8. *Parking* - - Sufficient parking areas must be provided at all establishments and all establishments are responsible for any violations of the beer laws that may occur in their parking areas.
9. *Two Thousand Foot Rule* - - No permit to sell, store or manufacture beer and/or light alcoholic beverages shall be granted to any person, firm, corporation, joint-stock company, syndicate or association if the beer or light alcoholic beverages are to be sold within two thousand (2,000) feet of any school, church or place of public gathering. Provided, however, that nothing in this paragraph shall apply to places of business that are located in the

terminal or main building at public airports serviced by commercial airlines with regular scheduled flights.

10. Three Hundred Foot Rule - - No permit to sell beer and/or other light alcoholic beverages shall be granted to any person, firm, corporation, joint-stock company, syndicate or association if the beer and/or light alcoholic beverages is to be sold within three hundred (300) feet of a residential dwelling, measured from building to building, provided the owner of the residential dwelling appears in person before the county beer board and objects to the issuance of such permit or license. This provision shall not apply to locations where beer permits or licenses have been issued prior to the date of adoption of such resolution by this commission, or to an application for a change in the licensee or permittee at such locations.
11. Employing Persons Convicted of Certain Crimes - - No holder of a beer permit or any employee of a person engaged in the business of selling beer shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude, within the last ten years. The ten year period begins on the date of conviction and ends ten years from that date.
12. Sale of Untaxed Beer - Contraband - - Any beer sold or offered for sale by, or in the possession of, a retailer purchased from any person or firm, except a Tennessee wholesaler or distributor licensed in this state is declared to be contraband and is subject to confiscation.
13. Storage at Other Than Permit Address - - Unless authorized in writing by the county legislative body or county beer board, it is unlawful for a retailer to store beer at any place other than the address designated on his or her retailers' beer permit.
14. Outdoor Signs - - No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located other than one sign, advertisement or display which makes reference to the fact that the establishment sells beer but does not use brand names, pictures, numbers, prices or diagrams relating to beer. The prohibition does not apply to any sign, advertisement or display erected or maintained by or at the request of a temporary beer permittee or to any sports arena, stadium or entertainment complex.

Any violation of the above regulations or Tennessee state laws contained in the *Tennessee Code Annotated* may result in fine, suspension or revocation of retail beer permits.

All regulations of the Beer Board of Weakley County, Tennessee which are in conflict with these regulations are hereby repealed. These regulations shall take effect from and after its passage, the public welfare requiring it.

These regulations become effective May 23, 1997 and remain in effect until resolved or amended by the Weakley County Beer Board.

ADOPTED: May 23, 1997

CHAIRMAN

Member

Member

WEAKLEY COUNTY BEER BOARD

Member

Member