

**ORDINANCE NO. 21-30**

**AN ORDINANCE TO AMEND TITLE 8, CHAPTER 1, INTOXICATING LIQUORS,  
OF THE CITY OF SPRING HILL CODE OF ORDINANCES**

**WHEREAS**, the Board of Mayor and Aldermen desire for the regulations contained in Title 8, Chapter 1, Intoxicating Liquors, of the City of Spring Hill Code of Ordinances to be consistent with the regulations contained in Tennessee Code Annotated; and

**WHEREAS**, the Board of Mayor and Aldermen have identified necessary amendments to Title 8, Chapter 1, Intoxicating Liquors, of the City of Spring Hill Code of Ordinances that are contained in Exhibit "A" attached hereto; and

**WHEREAS**, the amendments contained in Exhibit "A" attached hereto are deemed by the Board of Mayor and Aldermen to be in the best interest of the health, safety, and welfare of the citizens of the City of Spring Hill, Tennessee.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, that:

Section 1. Title 8, Chapter 1, Intoxicating Liquors, Sections 8-102, 8-105, 8-107, 8-108, 8-109, 8-110, 8-111, 8-112, 8-113, 8-114, 8-115, 8-116, 8-117, 8-118, 8-119, 8-120, 8-121, 8-123, 8-124, 8-125, 8-126 and 8-127 are hereby amended as more fully described in Exhibit "A" attached hereto.

**NOW, THEREFORE, BE IT FUTHER ORDAINED**, that all ordinances or partial ordinances in conflict herewith be, and the same hereby are, repealed or modified as the case may be.

**BE IT FURTHER ENACTED**, that this Ordinance shall take effect from and after its final passage by the Board of Mayor and Aldermen.

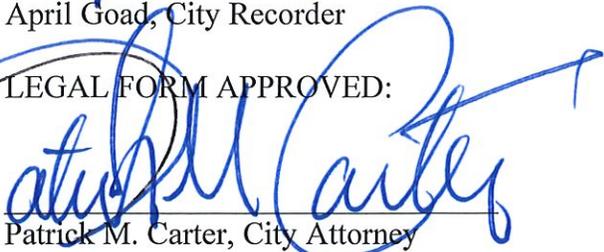
**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on 20<sup>th</sup> day of December, 2021.**

  
Jim Hagaman, Mayor

ATTEST:

  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
Patrick M. Carter, City Attorney

Passed on First Reading: December 6, 2021  
Passed on Second Reading: December 20, 2021



DATE: November 15, 2021

Memo To: Board of Mayor and Alderman

From: Trent Linville, Alderman

RE: Ordinance Amending Title 8, Chapter 1 of the City of Spring Hill Code of Ordinances.

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The need for this ordinance arose out of an inquiry from a potential beer board applicant leading staff to discover that our city ordinance and practice regarding the regulation of beer and liquor has been out of step with the enabling legislation in Tennessee code. After reviewing with our City Attorney and MTAS, the following changes were recommended to bring our city ordinance in alignment with current state law:

- §8-102: Amending definition so that the section does not regulate the sale of beer, as it is covered under Title 8, Chapter 2.
- §8-105: Removes this section as the city lacks the authority to issue retail package store licenses or liquor by the drink licenses which are issued by the TABC.
- §8-108: Removes this section as there is no enabling legislation allowing Spring Hill to require this bond.
- §8-109: Amended to align with state enabling legislation in Tennessee Code §57-2-210(b)
- §8-110: Amended to align with state code Tennessee Code §57-3-211
- §8-111 to 114: Removed for the same reason as §8-105 above.
- §8-115: Amended to align with state enabling legislation in Tennessee Code §57-3-501.
- §8-116: Heavily amends this section to insert language that is consistent with Tennessee Code §57-3-404
- §8-118: Amends section to align with current state law found in Tennessee Code §57-3-406.
- §8-119/120: Removes sections as oversight is subject to the state Commissioner of Revenue, not a local official.
- §8-124: New section inserted to adopt and incorporate by reference Tennessee Code Title 57, Chapter 4 regulations for on premise consumption of alcoholic beverages.
- §8-125: Aligned privilege tax fees to align with Tennessee Code §57-4-301.

- §8-126: New section inserted to clarify that the privilege tax shall be paid to the city recorder on an annual basis.
- §8-127: Clarifies City Administrator's oversight responsibilities.

- Chapter
1. INTOXICATING LIQUORS
  2. BEER

## CHAPTER 1: INTOXICATING LIQUORS

- Section
- 8-101 Business and the like unlawful, except under certain regulations
  - 8-102 Definitions
  - 8-103 Reserved
  - 8-104 Reserved
  - 8-105 ~~Issuance of licenses for retail sales~~ [Reserved](#)
  - 8-106 \_\_\_\_\_
  - 8-107 Number of licenses to be determined by population
  - 8-108 ~~Bonds of licensees~~ [Reserved](#)
  - 8-109 Restrictions on license holders and employees
  - 8-110 Display of license
  - 8-111 ~~Transfer of license restricted~~ [Reserved](#)
  - 8-112 ~~Expiration and renewal of license~~ [Reserved](#)
  - 8-113 ~~New license after revocation~~ [Reserved](#)
  - 8-114 ~~Federal license~~ [Reserved](#)
  - 8-115 Inspection fee
  - 8-116 Regulations for purchase and sale of intoxicating liquors
  - 8-117 ~~Retail solicitations prohibited~~ [Reserved](#)
  - 8-118 Regulation of retail sales
  - 8-119 ~~Enforcement of license and inspection fees and the like~~ [Reserved](#)
  - 8-120 ~~Inspection of books, papers and the like~~ [Reserved](#)
  - 8-121 Violations [and penalty](#)
  - 8-122 Possession of open containers
  - 8-123 Chapter not applicable to beer
  - 8-124 ~~Levied on retail sale of alcoholic beverages for consumption on premises~~ [Consumption of alcoholic beverage on-premise](#)
  - [8-125 Privilege tax on retail sale of alcoholic beverages for consumption on the premises](#)
  - [8-126 Annual privilege tax to be paid to the recorder](#)
  - [8-1257](#) City Administrator's responsibility

**Statutory reference:**

*Related provisions, see Tenn. Code Ann. Title 57*

## § 8-101 BUSINESS AND THE LIKE UNLAWFUL, EXCEPT UNDER CERTAIN REGULATIONS.

(A) Pursuant to Tenn. Code Ann. Title 57, and a referendum held pursuant thereto in the city, this chapter is enacted.

(B) It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess intoxicating liquor within the corporate limits of the city, except in accordance with the provisions of Tenn. Code Ann. Title 57, Ch. 5, and the rules and regulations promulgated thereunder and as provided in this chapter.

(2011 Code, § 8-101)

## § 8-102 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**~~INTOXICATING LIQUOR~~ or INTOXICATING DRINKS.** ~~Any liquid with an alcohol content of more than 5% by weight, but includes wine and any liquid containing distilled alcohol regardless of alcohol content.~~ “Intoxicating liquors” or “intoxicating drinks,” as defined in this chapter, means and includes alcohol, spirits, liquors, wines and every liquid or solid, patented or not, containing alcohol, spirits, liquor or wine, and capable of being consumed by human beings; but nothing in this chapter shall be construed or defined as including or relating to the manufacture of beer as defined in § 57-5-101(b).

**~~LICENSE.~~** ~~The license issued pursuant to this chapter~~ A license issued pursuant to Tennessee Code Annotated, title 57, chapter 3 or 4, and **LICENSEE** means any person to whom such license has been issued.

**MANUFACTURE.** Distilling, rectifying and operating a winery.

**MANUFACTURER.** A distiller, vintner and rectifier.

**RETAIL SALE** or **SALE AT RETAIL.** A sale to a consumer or to any person for any purpose other than for resale.

**RETAILER.** Any person who sells at retail any beverage for the sale of which a license is required under the provisions of this chapter.

**WHOLESALE SALE** or **SALE AT WHOLESALE.** A sale to any person for purposes of resale.

**WHOLESALER.** Any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Tenn. Code Ann. Title 57, Ch. 5.

**WINE.** 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 defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed 21% by volume. No other product shall be called **WINE** unless designated by appropriate

prefixes descriptive of the fruit or other product from which it was predominantly produced or an artificial or imitation wine.

~~(B) The words "gallon" or "gallons", wherever used in this chapter, shall be construed to mean a wine gallon or wine gallons of 128 ounces. The word "quart", whenever used in this chapter, will be construed to mean one fourth of a wine gallon. The word "pint", wherever used, shall be construed to mean one eighth of a wine gallon.~~

(GB) Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural.

(DC) The term "federal license", as used in this chapter, shall not mean tax receipt or permit.

(ED) The term "person" shall include natural person, corporation, partnership, limited liability company and unincorporated association.  
(2011 Code, § 8-102)

### **§ 8-103 RESERVED.**

(2011 Code, § 8-103) (Ord. 14-09, passed 4-21-2014)

### **§ 8-104 RESERVED.**

(2011 Code, § 8-104) (Ord. 14-09, passed 4-21-2014)

### **§ 8-105 ~~ISSUANCE OF LICENSES FOR RETAIL SALES.~~ RESERVED.**

~~For the retail sale of intoxicating liquor, a license may be issued as herein provided. Any person or persons desiring to sell intoxicating liquor to patrons or customers in sealed packages only and not for consumption on the premises shall make application to the City Recorder for a retailer's license. The application shall be in writing on forms prescribed and furnished by the City Recorder. Subject to the issuance of a retail license by the Commissioner of Finance and Taxation of the state, a majority of the Board of Mayor and Aldermen may issue the retailer's license. The retailer's license shall not be issued unless and until the applicant therefor pays the City Recorder a license fee of \$250.~~

~~(2011 Code, § 8-105)~~

### **§ 8-106 PROXIMITY TO ~~CHURCHES~~ SCHOOLS, PLACES OF WORSHIP AND THE LIKE; ~~RELOCATION OF PREMISES.~~**

No license shall be granted for the operation of a retail store for the sale of intoxicating liquor when, the carrying on of such business at the premises covered

by the application for a license is 200 feet to the nearest school, place of worship, or place of public gathering. The distance to be measured is a straight line from the nearest corner of the store to the nearest corner of the school, place of worship, or place of public gathering. No permit shall be suspended, revoked or denied a permit to a business engaged in selling intoxicating liquor on the basis of the proximity of the business to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location in the opinion of the Board of Mayor and Aldermen, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be in too close proximity of a church, school or public institution, or otherwise inimical to the public interest. A retailer's license issued under this chapter shall not be valid, except at the premises recited in the application, and any change of location of the business shall be cause for immediate revocation of the license by the City Recorder, unless the new location is approved in writing by the Board of Mayor and Aldermen.

(2011 Code, § 8-106)

#### **§ 8-107 NUMBER OF LICENSES TO BE DETERMINED BY POPULATION.**

No more than one license may be issued for each 5,000 in population that has been determined by a certified ~~censes~~ census count.

(2011 Code, § 8-107) (Ord. 04-28, passed 11- -2004)

#### **§ 8-108 ~~BONDS OF LICENSEES~~ RESERVED.**

~~(A) — Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in the state.~~

~~(B) — Bonds of retailers shall be \$1,000. These bonds shall be conditioned that the principals thereof shall pay any fine which may be assessed against them.~~

(2011 Code, § 8-108)

#### **§ 8-109 RESTRICTIONS ON LICENSE HOLDERS AND EMPLOYEES.**

~~(A) — The license fee for every license hereunder shall be payable by the person making application for the license and to whom it is issued, and no other person shall pay for any license issued under this chapter. In addition to all other penalties, a violation of this section will result in the revocation of the license if the fee was paid by another, and also the revocation of the license, if any, of the person paying for the license of another.~~

~~(B) — No retailer's license shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state,~~

~~city or county. 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.~~

~~(CA) No retailer shall be a person who has been convicted of a felony involving moral turpitude within ten years prior to the time he or she or the concern with which he or she is connected receives a license. This provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In the case of any such conviction occurring after a license has been issued and received, the license shall immediately be revoked if the convicted felon is an individual licensee and, if not, the partnership, corporation or association with which he or she is connected shall immediately discharge him or her.~~ No retailer's license shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, city or county. 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.

(B) 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.

~~(D) — No license shall under any condition be issued to any person who, within ten years preceding application for the license or permit, has been convicted of any offense under the laws of the state or of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing or otherwise handling intoxicating liquors or who has, during that period, been engaged in business alone or with others in violation of any of those laws or rules and regulations promulgated pursuant thereto, or as they existed or may exist thereafter.~~

(EC) No manufacturer, brewer or wholesaler shall have any interest in the business or building containing licensed premises of any other person having a license hereunder, or in the fixture of any such person.

~~(F) — It shall be unlawful for any person to have ownership in, or participate, either directly or indirectly, in the profits of any retail business licensed, unless his or her interest in the business and the nature, extent and character thereof appears on the application; or, if the interest is acquired after the issuance of a license, unless it is fully disclosed to the Board of Mayor and Aldermen and approved by it. Where the interest is owned by the person on or before the application for any license, the burden shall be upon the person to see that this section is fully complied with, whether he or she himself or herself signs or prepares the application, or whether it is prepared by another; or, if~~

~~the interest is acquired after the issuance of the license, the burden of disclosure of the acquisition of the interest shall be upon both the seller and the purchaser.~~

(GD) No retailer, or any employee thereof, engaged in the sale of intoxicating liquor shall be a person under the age of 18 years, and it shall be unlawful for any retailer to employ any person under 18 years of age for the physical storage, sale or distribution of intoxicating liquor, or to permit any such person under that age on its place of business to engage in the storage, sale or distribution of alcoholic beverages.

(HE) (1) No retailer shall employ, in the storage, sale or distribution of alcoholic beverages, any person who, within ten years prior to the date of his or her employment, shall have been convicted of a felony involving moral turpitude and, in case an employee should be so convicted, he or she shall immediately be discharged; provided, however, that this subsection (1) shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

~~(2) This provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.~~

~~(I) The issuance of a license does not vest a property right in the licensee, but is a privilege subject to revocation or suspension under this chapter.~~

~~(J) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a license shall be a violation of this chapter.~~

~~(K) No retailer shall hold, have any interest in or be the owner of a beer permit of any type issued under the ordinances of the city.~~

(2011 Code, § 8-109)

## § 8-110 DISPLAY OF LICENSE.

~~Persons granted a license to carry on any business or undertaking contemplated herein shall, before being qualified to do business, display and post the license and keep it in the most conspicuous place in their premises. Any person granted a license to carry on any of the businesses or undertakings contemplated by this chapter shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place on the premises, such license, and shall promptly procure and keep at the place of business a copy of the rules and regulations promulgated by the commission.~~

(2011 Code, § 8-110)

## § 8-111 ~~TRANSFER OF LICENSE RESTRICTED~~ RESERVED.

~~The holder of a license may not sell, assign or transfer it to any other person, and the license shall be good and valid only for the calendar year in which it was issued. Licensees who are serving in the military forces of the United States in the time of war~~

~~may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section.~~

~~(2011 Code, § 8-111)~~

#### **§ 8-112 EXPIRATION AND RENEWAL OF LICENSE RESERVED.**

~~Licenses issued under this chapter shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed each calendar year by payment of the above mentioned license fee.~~

~~(2011 Code, § 8-112)~~

#### **§ 8-113 NEW LICENSE AFTER REVOCATION RESERVED.**

~~Where a license is revoked, no new license shall be issued to permit the sale of intoxicating liquor on the same premises until after the expiration of one year from the date the revocation becomes final and effective.~~

~~(2011 Code, § 8-113)~~

#### **§ 8-114 FEDERAL LICENSE RESERVED.**

~~The possession of any federal license to sell intoxicating liquor without the corresponding requisite state license shall, in all cases, be prima facie evidence that the holder of the federal license is selling intoxicating liquor in violation of the terms of this chapter.~~

~~(2011 Code, § 8-114)~~

#### **§ 8-115 INSPECTION FEE.**

(A) ~~There is hereby imposed an inspection fee on all gross sales of intoxicating liquor by licensees under this chapter. The payment of the fee shall be accompanied by a report of gross sales for the calendar month on a form prescribed by the Board of Mayor and Aldermen. Failure to pay the fee and make the report accurately within the time prescribed, at the sole discretion of the Board of Mayor and Aldermen, may be cause for suspension for as much as 30 days and, at the sole discretion of the Board of Mayor and Aldermen, be cause for revocation of the license.~~ The City of Spring Hill hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located

within the corporate limits of the city.

~~(B) — The inspection fee imposed upon the sale of intoxicating liquor within the city shall be 5% the wholesale price of the intoxicating liquor and the inspection fee shall be collected pursuant to the terms and language contained in Tenn. Code Ann. Title 57, Ch. 5.~~

(2011 Code, § 8-115)

## **§ 8-116 REGULATIONS FOR PURCHASE AND SALE OF INTOXICATING LIQUORS.**

(A) It shall be unlawful for any person in the city to buy any intoxicating liquor from any person who does not hold the appropriate license under this chapter authorizing the sale of these beverages to him or her.

(B) No retailer shall purchase any intoxicating liquor from anyone other than a licensed wholesaler, nor shall any wholesaler sell any intoxicating liquor to anyone other than a licensed retailer.

~~(C) — No licensee shall sell intoxicating liquor at retail in connection with any other business or in the same store where any other business is carried on.~~

~~(D)~~ (D) No retail store shall be located, except on the ground floor and shall have one main entrance opening on a public street. It shall have no other entrance for use by the public, except as hereinafter provided. When a retail store is located on the corner of two public streets, it may maintain a door opening on each of the public streets. Any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into the lobby so long as it is open to the public. Every retail store shall be provided with whatever entrances and exits may be required by existing or future municipal ordinances.

~~(E)~~ (E) No holder of a license for the sale of intoxicating liquor for retail shall sell, deliver or cause, permit or procure intoxicating liquor to be sold or delivered on credit.

~~(F)~~ (F) No intoxicating liquor shall be sold for consumption on the premises of the seller.

~~(G) — The sale and delivery of intoxicating liquor shall be confined to the premises of the licensee and curb service is not permitted.~~

~~(H) — 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 or dispensing of intoxicating liquor.~~

~~(I)~~ (I) No form of entertainment, including pinball machines, music machines or similar devices, shall be permitted to operate upon any premises from which intoxicating liquors are sold.

~~(J)~~ (J) No advertising by a licensee, or signs, displays, posters or designs intended to advertise any intoxicating liquors is permitted within the corporate limits of the city, except a licensee may place upon the front of the premises, flat against the face of the building, a sign in letters not larger than eight inches in height or a neon or electric sign of the same description may be placed inside the front glass of a retail store. No more than one such sign shall be permitted, and no sign may extend from the

~~building. The lettering on the permitted sign outside the building shall be paint, enamel, gold or silver leaf or similar material used in sign painting. Electrically operated signs shall not be permitted outside the building.~~ All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission.

(2011 Code, § 8-116)

#### **§ 8-117 ~~RETAIL SOLICITATIONS PROHIBITED~~ RESERVED.**

~~No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any intoxicating liquor at the residence or places of business of the consumer, nor shall any licensee receive or accept any order which has solicited or received at the residence or place of business of the consumer. This section shall not be construed to prohibit the solicitation by a state licensed wholesaler of an order from any licensed retailer at the licensed premises.~~  
(2011 Code, § 8-117)

#### **§ 8-118 REGULATION OF RETAIL SALES.**

(A) ~~No retailer shall, directly or indirectly, operate more than one place of business for the sale of intoxicating liquor; and, the word **INDIRECTLY** shall mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest or otherwise.~~ No retail licensee shall, directly or indirectly, hold more than two (2) retail licenses. In no event shall a retail licensee, directly or indirectly, hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county.

(B) No retailer shall sell, lend or give away any intoxicating liquor to any person who is drunk, nor shall any retailer selling intoxicating liquor sell, lend or give such to any person accompanied by a person who is drunk.

(C) No retailer shall sell, lend or give away any intoxicating liquor to a person under 21 years of age.

(D) ~~No retailer shall sell, lend or give away any intoxicating liquor between 11:00 p.m. on Saturday and 8:00 a.m. on Monday of each week, and between 11:00 p.m. and 8:00 a.m. Monday through Saturday.~~ No retail store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of eight o'clock a.m. (8:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Monday through Saturday and between ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday.

(E) No retailer shall sell, lend or give away any intoxicating liquor on Christmas, ~~or~~ Thanksgiving, or Easter days.

(F) No retailer shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(2011 Code, § 8-118)

**§ 8-119 ~~ENFORCEMENT OF LICENSE AND INSPECTION FEES AND THE LIKE.~~ RESERVED.**

~~Whenever any of the persons licensed hereunder fails to account for or pay over to the City Recorder any license fee or inspection fee, or defaults in any of the conditions of his or her bond, the City Recorder shall report it to the City Attorney who shall immediately institute the necessary action for the recovery of any license or inspection fee.~~  
(2011 Code, § 8-119)

**§ 8-120 ~~INSPECTION OF BOOKS, PAPERS AND THE LIKE.~~ RESERVED.**

~~(A) The City Recorder is authorized to examine the books, papers and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with.~~

~~(B) Any refusal to permit the examination of any of such books, papers and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license.~~  
(2011 Code, § 8-120)

**§ 8-121 VIOLATIONS AND PENALTY.**

~~Any violation of the terms of this chapter shall be punishable under the general penalty clause for this code and, in such cases, suspension of the license by the City Recorder for 30 days shall be mandatory and, in the discretion of the Board of Mayor and Aldermen, may be cause for revocation of the license.~~ 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 city/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

(2011 Code, § 8-121)

**§ 8-122 POSSESSION OF OPEN CONTAINERS.**

Visible possession of intoxicating liquors in an unsealed container upon any public street or within any governmental building shall be a violation of this chapter.  
(2011 Code, § 8-122)

**§ 8-123 CHAPTER NOT APPLICABLE TO BEER.**

No provision of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation and the like or tax upon beer, as defined and regulated by Ch. 2 of this title.  
(2011 Code, § 8-123)

**§ 8-124 CONSUMPTION OF ALCOHOLIC BEVERAGES ON-PREMISE.**

Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by said code when such sales are conducted within the corporate limits of the City of Spring Hill, Tennessee. It is the intent of the City Board of Mayor and Aldermen that the said Tennessee Code Annotated, title 57, chapter 4, 1 State law reference Tennessee Code Annotated, § 57-3-404(f) 2 State law reference Tennessee Code Annotated, § 57-3-208(c). 8-5 inclusive, shall be effective in the City of Spring Hill, Tennessee, the same as if said code sections were copied herein verbatim.

**§ 8-1245 ~~LEVIED ON RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES.~~ PRIVILEGE TAX ON RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES.**

~~(A) Pursuant to the authority contained in Tenn. Code Ann. § 57-4-301, there is hereby levied a privilege tax upon each and every person, firm and corporation engaging in the business of selling at retail in the city alcoholic beverage for consumption on the premises where sold. For the exercise of such privilege, the following taxes are levied for the city's General Fund purposes to be paid annually:~~

<del>Commercial airline travel club</del>	<del>\$250</del>
<del>Commercial passenger boat</del>	<del>\$375</del>
<del>Community theater</del>	<del>\$150</del>
<del>Convention center</del>	<del>\$250</del>
<del>Establishment in a terminal building of a commercial air carrier airport</del>	<del>\$500</del>
<del>Historic interpretive center</del>	<del>\$150</del>
<del>Historic mansion house site</del>	<del>\$150</del>
<del>Historic performing arts center</del>	<del>\$150</del>
<del>Hotel and motel</del>	<del>\$500</del>
<del>Museum</del>	<del>\$150</del>
<del>Premiere type tourist resort</del>	<del>\$750</del>
<del>Private club</del>	<del>\$150</del>
<del>Public aquarium</del>	<del>\$150</del>

<del>*Restaurant, according to seating capacity, on licensed premises</del>	
<del>75-125 seats</del>	<del>\$300</del>
<del>126-175 seats</del>	<del>\$375</del>
<del>176-225 seats</del>	<del>\$400</del>
<del>226-275 seats</del>	<del>\$450</del>
<del>276 seats and over</del>	<del>\$500</del>
<del>Urban park center</del>	<del>\$250</del>
<del>Zoological institution</del>	<del>\$150</del>
<b><u>NOTES TO TABLE:</u></b>	
<del>* If a restaurant is licensed by the Alcoholic Beverage Commission to sell wine only under Tenn. Code Ann. § 57-4-101(n), the privilege tax imposed shall be 1/5 the amount specified above.</del>	

~~(B) — Every person, firm and corporation engaging in the business of selling at retail in the city alcoholic beverage for consumption on the premises where sold shall, before commencing business, pay the privilege tax to the city and receive a license to be displayed at all times at the business location.~~

~~(C) — No tax authorized or imposed by this section shall be levied or assessed from any charitable, non-profit or political organization selling alcoholic beverages at retail pursuant to a special occasion license.~~

Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301,) for the City of Spring Hill, Tennessee to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Spring Hill, Tennessee of alcoholic beverages for consumption on the premises where sold.

(2011 Code, § 8-124)

### **§ 8-126 ANNUAL PRIVILEGE TAX TO BE PAID TO THE RECORDER.**

Annual privilege tax to be paid to the recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Spring Hill, Tennessee shall remit annually to the recorder the appropriate tax described in § 8-124. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.

**§ 8-1257 CITY ADMINISTRATOR'S RESPONSIBILITY.**

It shall be the responsibility of the City Administrator to ensure that the city receives ~~its share of the 15% tax levied on the gross sales of alcoholic beverages sold at retail for consumption on premises and collected by the Commissioner of the Alcoholic Beverage Commission under Tenn. Code Ann. § 57-4-301(c) and distributed to the state and its political subdivisions under Tenn. Code Ann. § 57-4-306~~ and distributes proceeds in accordance with Tennessee Code.  
(2011 Code, § 8-125)