



## CITY OF CLARKSVILLE APPLICATION PROCEDURE FOR RETAIL LIQUOR LICENSE CERTIFICATE OF COMPLIANCE

- Applications cannot be accepted from a holder of public office or from a public employee.
- Application must be completed by each person who will hold the license.
- The following must be submitted to the City Clerk.
  1. Application for Certificate of Compliance (separate form for each applicant)
  2. Criminal History Investigation Authorization (separate form for each applicant)
- The City Clerk will present the application and results of the Criminal History Investigation to the City Council on June 30, 2022; approval of the Certificate of Compliance will be considered by the City Council on July 7, 2022.

### ATTACHMENTS:

- Application for Certificate of Compliance
- Criminal History Investigation Authorization
- Copy of *City Code* relative to retail liquor store
- Sample of Certificate of Compliance

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If additional information is necessary, please call the City Clerk, 931- 648-6121.



**CITY OF CLARKSVILLE  
APPLICATION FOR  
CERTIFICATE OF COMPLIANCE  
RETAIL LIQUOR STORE**

Date of Application: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Home Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Phone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security No: \_\_\_\_\_

Tennessee Drivers License No: \_\_\_\_\_

Current Occupation: \_\_\_\_\_

Name of Proposed Liquor Store: \_\_\_\_\_

Location of Proposed Liquor Store: \_\_\_\_\_

Type of Business Organization\*: \_\_\_\_\_

(\*Sole Proprietorship, General or Limited Liability Partnership, Corporation, Limited Liability Company, etc)

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*I hereby certify that all of the above information is true and that no false statements have been submitted in this application:*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Notary Public

Commission Expires: \_\_\_\_\_



**CITY OF CLARKSVILLE  
CRIMINAL HISTORY  
INVESTIGATION AUTHORIZATION**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security No: \_\_\_\_\_

Tennessee Driver's License No: \_\_\_\_\_

\*\*\*\*\*

I hereby authorize the City of Clarksville to investigate my criminal history for the purpose of issuance of a Certificate of Compliance for a retail liquor license.

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Notary Public*  
*Commission Expires: \_\_\_\_\_*

**CITY CODE**  
**Title 2, Chapter 2**  
**Intoxicating Liquor**

**Sec. 2-201. - Definitions.**

Whenever used in this chapter, unless the context requires otherwise:

- (1) *Alcoholic beverage or beverages and intoxicating liquor* means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, or wine 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 (5) percent by weight or less.
- (2) *City* means the City of Clarksville, Tennessee.
- (3) *Council or city council* means the governing body of the City of Clarksville, Tennessee.
- (4) *Domicile* means and includes actual physical residence accompanied by an intention to make such residence a permanent home.
- (5) *Person* means any natural person as well as any corporation, partnership, firm, or association.
- (6) *Retailer or dealer* means any person who sells at retail any beverage covered by this chapter.
- (7) *Retail sale or sale at retail* means a sale to a consumer or to any person for any purpose other than for resale.
- (8) Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural.

(1963 Code, § 4-41; Ord. No. 4-2002-03, 9-5-02)

**Sec. 2-202. - Penalty for violation of chapter.**

Any violation of any section of this chapter upon conviction shall be punished by a fine in accordance with the general penalty clause for this Code. This penalty shall be in addition to any other penalty provided by any section of this chapter.

(1963 Code, § 4-42)

**Sec. 2-203. - Scope of chapter.**

It shall be unlawful to store, transport, sell, give away, distribute, possess, and receive alcoholic beverages in the city unless provisions of this chapter and the laws of the State of Tennessee have been complied with.

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

(1963 Code, § 4-43)

### **Sec. 2-204. - State laws to be complied with.**

No person, firm, corporation, association, or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained.

(1963 Code, § 4-44)

### **Sec. 2-205. - Restriction on number of retail liquor stores.**

- (a) There shall be no more than one (1) retail liquor store within the city per every six thousand (6,000) residents of the city as per the most recent United States census population count for the city, except there shall be no reduction in the number of retail liquor stores allowed if the population decreases as determined by any such census.
- (b) The provisions of subsection (a) above shall be phased in as follows: Starting July 1, 2018, an additional two (2) retail liquor stores shall be allowed within the city, and thereafter, on July 1 of every even numbered year, an additional two (2) retail liquor stores shall be allowed, until such time as the number of allowed retail liquor stores within the city in ratio to the census population referenced in subsection (a) has been achieved.
- (c) The limit on the number of retail liquor stores provided in this section shall not apply to grocery stores selling wine as permitted by state law.

(1963 Code, § 4-45; [Ord. No. 75-2015-16, § 1, 6-2-16](#))

### **Sec. 2-206. - Retail store restrictions.**

No retail store shall be located except on the ground floor and it shall have one main entrance opening on a public street, and such place of business 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 (2) public streets, such retail store may maintain a door opening on each of the public streets. Any salesroom adjoining the lobby of a hotel or other public building may maintain an additional door into the lobby, so long as it is opened to the public. In addition, 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 alcoholic beverages. No retail store shall be permitted unless outside the main building but on the premises between the building and the main street adjacent to the premises there is sufficient space for the parking of at least five (5) automobiles, exclusive of parking spaces for employers or employees of the store. (1963 Code, § 4-46)

## **Sec. 2-207. - Reserved.**

**Editor's note**— Ord. No. 4-2002-03, adopted September 5, 2002, repealed § 2-207 in its entirety, which pertained to location restrictions and derived from the Code of 1963, § 4-47.

## **Sec. 2-208. - Restrictions on operators of retail liquor stores.**

- (1) *Interest of officers and employees.* No person shall operate a retail store for the sale of alcoholic beverages if he 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 wholesale or 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) *Domicile.* No person shall operate a retail store for the sale of alcoholic beverages if he has not been domiciled for two (2) years in the City of Clarksville or annexed areas immediately preceding the date of application for license. In the case of a corporation, this requirement as to domicile shall apply to its officers.
- (3) *Citizenship.* No person shall own or be employed in the storage, sale, or distribution of alcoholic beverages except a citizen of the United States.
- (4) *Age limit.* No retailer or any employee thereof engaged in any activity covered by this chapter shall be a person under the age of twenty-one (21) years, and it shall be unlawful for any retailer or employee to permit any person under this age on his place of business to engage in the sale of alcoholic beverages. Further, it shall be unlawful for any minor to misrepresent his age in purchasing or attempting to purchase alcoholic beverages.
- (5) *Employees.* No retailer shall employ in the sale, storage, or distribution of alcoholic beverages any person who, within ten (10) years prior to the date of his employment, has been convicted of a felony involving moral turpitude or of any law regulating intoxicating liquors, and in case an employee should be so convicted, he shall immediately be discharged.
- (6) *Restrictions cumulative.* The provisions of this section shall be in addition to any other restrictions or condition which may be contained elsewhere in the provisions of this chapter.

(1963 Code, § 4-48; Ord. No. 38-1988-89, 3-2-89; Ord. No. 4-2002-03, 9-5-02)

## **Sec. 2-209. - Certificate of compliance.**

A certificate of compliance issued in accordance with Tennessee Code Annotated Title 57, Chapter 3, shall be signed by the mayor.

(Ord. No. 4-2002-03, 9-5-02)

**Editor's note**— Ord. No. 4-2002-03, adopted September 5, 2002, amended § 2-209 in its entirety to read as herein set out. Formerly, § 2-209 pertained to certificates of good moral character and derived from the Code of 1963, § 4-49.

## **Sec. 2-210. - Reserved.**

**Editor's note**— Ord. No. 4-2002-03, adopted September 5, 2002, repealed § 2-210 in its entirety, which pertained to city privilege licenses and derived from the Code of 1963, § 4-50.

## **Sec. 2-211. - Regulation of sales.**

- (1) *Hours.* Hours for retail sale of alcoholic beverages shall be in accordance with Tennessee Code Annotated § 57-3-406 as amended.
- (2) *Sales to persons under twenty-one (21) years of age.* No retailer shall sell or give away any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for any such person to purchase any alcoholic beverage. Also it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21) years of age.
- (3) *Keeping an unsealed bottle or container.* 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.
- (4) *Sales to persons intoxicated.* No retailer shall sell or give away any alcoholic beverages to any person who is drunk, nor shall any retailer sell or give away any alcoholic beverages to any person accompanied by a person who is drunk.
- (5) *Sales on credit.* No holder of a 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.
- (6) *Unstamped merchandise.* 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 to the state.
- (7) *Political advertising.* No political advertising of or for any candidate or party by poster, handout card, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.
- (8) *Consumption on premises.* No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

(1963 Code, § 4-51, modified; Ord. No. 80-1985-86, 8-7-86; Ord. No. 40-1988-89, 3-2-89; Ord. No. 4-2002-03, 9-5-02)

## **Sec. 2-212. - Advertising.**

Advertising intoxicating liquors on the outside of the building on the premises within which intoxicating liquors (other than beer) are sold shall be as herein set out. There may be placed on the outside of the building not more than two (2) signs and not extending from the building more than four (4) inches, which signs will set out the name of the store or a compatible symbol, logo, or caricature of the name of the business, or both, neither sign shall be over twenty-four (24) feet in its entire length and letters thereon shall not be higher than fourteen (14) inches.

Such businesses may also erect not more than one (1) on-premises, freestanding sign, not more than eighty-four (84) square feet in area, and containing letters not more than eighteen (18) inches tall.

Off-premises ("billboard") advertising is permitted in accordance with local, state and federal restrictions; provided, however, that no billboard shall be located closer than five hundred (500) feet to the business advertised thereon.

(1963 Code, § 4-52; Ord. No. 41-1988-89, 3-15-89; Ord. No. 11-2001-02, 9-6-01; Ord. No. 4-2002-03, 9-5-02)

**Cross reference**— Signs, § 11-501 et seq.

### **Sec. 2-213. - Inspection fees.**

- (1) *Levied.* There is hereby levied an inspection fee of five (5) percent on the gross purchase price of alcoholic beverages purchased by retail dealers in the City of Clarksville for the purpose of resale.
- (2) *Collection.* The inspection fee shall be collected by the wholesaler and transmitted to the department of finance and taxation not later than the twentieth day of each month for the preceding month.

(1963 Code, § 4-53)

### **Sec. 2-214. - Procedures for processing applications for certificates of compliance for liquor stores.**

- (a) Any applicant that desires to operate a retail liquor store within the city, must obtain a state retail liquor license from the State of Tennessee, Alcoholic Beverage Commission, or take such other action as is required by state law. Prior to the issuance of such state retail liquor license, applicants desiring to operate a retail liquor store and to sell liquor at retail within the city must obtain a certificate of compliance from the city, except as may be otherwise provided by state law.
- (b) As permitted by state law, the city has established a limit on the number of retail liquor stores within the city as is provided by [section 2-205](#) herein. At any time the number of approved licensed retail liquor stores is less than the total limit for the number of retail liquor stores as provided in [section 2-205](#), the following procedures are established and shall govern the processing of applications for additional retail liquor stores up to the total limit on the number of retail liquor stores specified in [section 2-205](#) at that time.
  - (1) The City Clerk shall publish online using the city website, and in a local newspaper of general circulation, for a period of three (3) consecutive calendar days, a notice that the city has an open certificate or certificates of compliance, equal to the total amount of retail liquor stores permitted by [section 2-205](#) less any previously approved certificates of compliance, for the operation of one or more retail liquor stores within the city, available to prospective applicants. The notice shall provide that prospective applicants may obtain a written application for a certificate of compliance from the City Clerk. The application form shall also be posted on the city website by the City Clerk for download by the public. The notice shall further provide that the City shall accept applications for a period of twenty (20) calendar days after the last date of publication of the notice, and no applications shall be accepted after that date for that application period.



- (2) The City Clerk shall develop an application form with the input and assistance of the city attorney and chief of police, and provide such application to any prospective applicant upon request by the applicant. The application shall include the names, addresses, phone numbers, date of birth and driver's license information for all individuals with an ownership interest in the prospective business establishment, along with the same information for any persons who are to be in charge of the business establishment, the location of the business establishment, and such other information as the City Clerk, City Attorney, City Building Official or City Chief of Police require for processing said application. The application shall also include an authorization from the applicant and all owners of the prospective establishment for the city police department to conduct a criminal background check on same.
- (3) During the twenty (20) calendar days period specified above, the city shall accept all written applications for processing that are properly and fully completed and timely submitted during business hours at the city clerk's office. It shall be the sole responsibility of the applicant to complete the application properly and fully and to timely submit the application.
- (4) Once an application has been submitted, a copy of the application shall be referred by the city clerk to the Clarksville Police Department, which shall conduct a criminal background check of the applicant. The Clarksville Police Department shall complete its criminal background check of all applications submitted to it by the city clerk within ten (10) calendar days of receiving same from the city clerk. The results of the Clarksville Police Department criminal background check shall be filed with the application and returned to the city clerk for further processing. A copy of the application shall also be referred by the city clerk to the Clarksville Department of Buildings and Codes, which shall conduct a review to determine if the applicant's proposed business location is properly zoned for use as a retail liquor store. The results of the Clarksville Department of Buildings and Codes zoning check shall be filed with the application and returned to the city clerk for further processing.
- (5) Upon return of an application after the criminal background check by the Clarksville Police Department to the city clerk, the city clerk shall confer with the city attorney to determine if any applicant has been convicted of a felony from any jurisdiction within a ten-year period immediately preceding the date of the application, and any other disqualifying factors as may be prescribed by state law. Any applications wherein the applicant has been found to have been convicted of same shall have their application denied and such applicant shall receive written notice of this finding and that their application has been denied by the city for that reason, or for any other reason prescribed by state law.
- (6) All applicants that timely submitted a properly and fully completed application and who have passed the criminal background check shall then be eligible for further processing.
- (7) If the number of applicants eligible for further processing after completion of the criminal background check is less than the number of open certificates of compliance (retail liquor stores permitted pursuant to [section 2-205](#)) that are available, then each applicant's application for a certificate of compliance shall be placed on the agenda by the city clerk for the next regular session of the city council in the form of a separate resolution approving a certificate of compliance for each separate applicant location. At said next regular session the city council shall consider each separate resolution which shall require a majority vote for approval.

- (8) If the number of applicants eligible for further processing exceeds the number of open certificates of compliance (retail liquor stores permitted pursuant to [section 2-205](#)) that are available, then each applicant's application for a certificate of compliance shall be considered based on a public lottery drawing. The city clerk shall place on the agenda for the next regular session of the city council an agenda item for a public lottery drawing pertaining to retail liquor store certificates of compliance, and listing the names of all applicants that are eligible for the public lottery drawing. Prior to said next regular session, the city clerk shall prepare separate strips of paper of equal dimensions upon which the names of each applicant seeking a certificate of compliance is typed. Each strip of paper shall then be folded twice in the same manner for each strip of paper, and then placed into an opaque container from which the drawing shall be made. At the appropriate time at the next regular city council meeting, the city mayor, or the mayor's designee, shall draw from the opaque container without viewing the inside of the container a number of the strips of paper containing the typewritten names of the applicants that are equal to the number of open certificates of compliance (retail liquor stores permitted pursuant to [section 2-205](#)) that are available. Those applicants selected by public lottery shall then be the applicants accepted for consideration of the applicant's application for a certificate of compliance by the city council.
- (9) In those circumstances where the provisions of subsection (b)(8) above applies, upon the conclusion of the public lottery drawing, each applicant selected during the public lottery drawing shall have their application for a certificate of compliance immediately considered at the same session as the public lottery drawing, by the city council by separate resolution for each selected applicant location, which shall require a majority vote for approval.
- (10) Any applicant who has been approved for a certificate of compliance by the city council who does not then make application for a retail liquor store license from the Tennessee Alcoholic Beverage Commission within one hundred twenty (120) calendar days of the date of approval of the resolution for a certificate of compliance by the city council, may have their certificate of compliance repealed by a separate resolution of the city council.
- (11) Any certificate of compliance approved by resolution of the city council for any applicant, who, prior to obtaining their retail liquor store license from the Tennessee Alcoholic Beverage Commission, is subsequently convicted of any felony from any jurisdiction, may have their certificate of compliance repealed by a separate resolution of the city council.
- (12) As provided by state law, any applicant's application for a certificate of compliance that is selected through the public lottery method prescribed herein that is not voted on by the city council within sixty (60) days from the date such applicant's application is submitted to the city clerk shall be deemed granted.



*City of Clarksville, Tennessee*  
**CERTIFICATE OF COMPLIANCE**  
**RETAIL LIQUOR STORE**

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*Pursuant to Tennessee Code Annotated, Title 57, Sections 57-3-208 and 57-3-213, this is to certify that:*

**Name and Home Street Address  
Of Licensee**

*has made application for a Certificate of Compliance to sell retail alcoholic beverages in the City of Clarksville, County of Montgomery, State of Tennessee, at*

**Address of Liquor Store**

and that an investigation has been undertaken of the applicant's criminal record and of the compliance of said business with local law, ordinances, or resolutions, and from said investigation the undersigned certified:

- 1. That the applicant/applicants who are to be in actual charge of said business has/have not been convicted of a felony within a ten year period immediately preceding the date of the application and, if a corporation, that the executive officers, or those in control, have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further that it is the undersigned's opinion that the applicant will not violate any provisions of Tennessee Code Annotated, Title 57, Chapter 3;*
- 2. That the applicant has secured a location which complies with all restrictions of the laws, ordinances, or resolutions;*
- 3. That the applicant or applicants has/have complied with the residency provision;*
- 4. That the issuance of this license will not exceed the numerical limit.*

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Mayor

Date: