

HELPFUL HINTS FOR BEER LICENSE APPLICANTS

The list of helpful hints set out below is not an all-inclusive list of instructions for completion of a beer license application for the City of Johnson City, Tennessee. Instead, the list provides reminders to help applicants turn in applications that are complete. Incomplete and inaccurate applications are considered void and of no effect. The list of reminders set forth addresses commonly encountered mistakes.

1. For the answer to paragraph 4, please remember to include the requested information for all personnel who complete the sale of beer for the applicant, including all waiters, cashiers, and any other personnel who sell or serve beer. This paragraph also requires information on the applicant's managers and supervisors in charge of the daily operation of the business.
2. Don't forget to provide the zoning designation of the location to be licensed in the space provided after paragraph 6.
3. Make sure that your answers to paragraphs 8 and 9 are complete and remember to provide the telephone number for paragraph 8.
4. To answer paragraph 10, you will be required to attach the following to the application:
 - a. A legal description of the premises on which this business is or will be located.
 - b. Photographs of the finished interior of the actual building wherein the business is or will be located.
 - c. Photographs of the finished exterior of the actual building wherein the business is or will be located.
 - d. Copies of the deed to the subject premises.
 - e. Any leases or other agreements pertaining to the property (if applicable).
 - f. **A survey by a licensed surveyor depicting all boundaries of the subject premises and showing the location of any and all structures thereon.**
5. For paragraph 12's answer, make sure you provide all the requested information, if the application is from a corporation or other business entity.
6. Paragraphs 14, 15, 17, 21, 22, and 30 have spaces for initials to acknowledge the requirements listed therein. **Make sure you initial those spaces.**
7. If the answer to paragraphs 16, 18, 19, or 20 is "yes" please remember to provide complete details as requested so that the application can be properly evaluated.
8. Paragraph 28 requires the applicant to attach information proving that the applicant's residency in the United States is legal and not in violation of federal law. For business/governmental entities that apply, they must attach proof of authorization to do business in Tennessee. For applicants who are natural persons, they must provide proper documentation, including but not limited to valid Federal immigration documentation,

birth certificates, etc. Drivers' licenses, photo identification cards from state or federal agencies, and social security cards do not constitute acceptable proof.

9. All applicants must provide a written plan with details regarding their training programs to prevent beer sales to underage patrons, intoxicated patrons, etc. The plan must be detailed and complete, showing implementation of courses, course contents, providers of the course, the frequency of continuing education, etc. Simply responding that the applicant will card everybody is not responsive to the requirements of paragraph 31 of the application. We must have a detailed, written plan providing a list of all measures that the applicant has implemented to teach and/or aid the employees concerning compliance with local and state law regarding beer sales.
10. Do not forget to pay the \$250.00 application fee. Make checks payable to the City of Johnson City, Tennessee. The mailing address is: City of Johnson City, 601 E. Main Street, Johnson City, Tennessee 37601.
11. WHEN YOU PICK UP YOUR BEER LICENSE AFTER APPROVAL BY THE CITY COMMISSION, YOU WILL HAVE TO PAY THE \$100.00 PRIVILEGE TAX AT THAT TIME BEFORE THE LICENSE WILL BE ISSUED.
12. APPLICANTS (OR THEIR REPRESENTATIVES) ARE STRONGLY ENCOURAGED TO ATTEND THE MEETING WHEN THE CITY COMMISSION WILL CONSIDER THE APPLICATION. THE CITY COMMISSION MAY HAVE QUESTIONS OF THE APPLICANT. FAILURE TO ATTEND MAY RESULT IN DEFERRAL OF THE APPLICATION OR OTHER ACTION AS APPROPRIATE.

If you have any questions, you may call 423-434-2393. Please be mindful that the City cannot provide legal advice, but we will do everything that we can to answer your questions to the extent possible.

For City use only: _____
Date Filed

BEER LICENSE APPLICATION
FOR THE CITY OF JOHNSON CITY, TN

If the applicant is an individual or sole proprietorship, the applicant must conduct the business in person for himself or herself, and must complete this application. If the applicant is acting as an agent for the owner of the business in the event the owner is a corporation, firm, syndicate, stock company, association, or other business/governmental entity, the agent shall complete this application on behalf of the business entity.

Each applicant for a beer license shall file with the City of Johnson City this sworn petition in writing, establishing the following facts, to the satisfaction of the City Manager, the truth of each and all of which facts at the time of approval of the application and in the future are hereby made conditions of any license issued hereunder:

1. State the name of the owner of the business regulated by the City of Johnson City, Tennessee for the sale of beer in the following space. The applicant is the owner of the business and may be an individual, partnership, corporation, limited liability company, limited partnership, association, syndicate, or other business/governmental entity:

2. State the date of birth of the applicant or the date of creation of the applicant, whichever is applicable, in the following space:

3. Provide the applicant's social security number or its tax identification number, as applicable, in the following space:

4. State the name, social security number, date of birth, and residence addresses of all of the applicant's managers, supervisors in charge of the daily operation of the business, and all personnel completing the sale on behalf of the applicant, for the ten (10) years next preceding the date of the application (use additional sheets if necessary):

5. Provide the telephone number of the applicant, in the following space:

6. Provide the address and zoning designation of the location for which the license is requested:

7. Put an "X" beside the following classification that applies to your business:

_____ Class 1: On-premises, where alcoholic beverages, beer, high alcohol content beer, or wine is sold for consumption at a restaurant. "Restaurant" shall mean any place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least twenty-five (25) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted.

_____ Class 2: On-premises, where alcoholic beverages, beer, high alcohol content beer, or wine is sold for consumption at a hotel, motel, club, or lodge.

_____ Class 3: On-premises, where alcoholic beverages, beer, high alcohol content beer, or wine is sold for consumption in a bar.

_____ Class 4: Off-premises, where beer is sold for consumption off the premises.

_____ Class 5: Off-premises, originally licensed by Washington County, Carter County, or Sullivan County, where beer is sold for consumption off the premises and on which said premises there exists at the time of annexation a lawful, valid, and unrestricted license for the sale of off-premises consumption of beer. The license authorized by this class shall be permitted to exist following annexation only if the licensee shall be properly qualified for the sale of beverages under this code, as provided in § 8-212 hereinafter, has filed a duly certified copy of the license issued to said licensee by Washington County, Carter County, or Sullivan County with the city recorder; and, all such licenses, upon annexation and qualification under this part, shall not be transferred

from the premises occupied at the time of annexation and qualification under this chapter, any other provision of this code, or other rule, regulation, ordinance or law to the contrary notwithstanding.

_____ Class 6: Wholesale license, which is for a business engaged in the delivery of beer (or high alcohol content beer, where applicable) by a wholesaler to a retailer and which does not allow sales to any persons not holding a retail beverage sales license.

_____ Class 7: Manufacturer/retailer, which is for a business engaged in the manufacture of beer and which sells the aforesaid beer for consumption on the premises or off the premises, providing that the aggregate of such sales shall not exceed the sum of twenty-five thousand (25,000) barrels of beer annually, in accordance with all provisions of Tennessee Code Annotated, chapter 5, title 57, as the same may be amended, which chapter is hereby incorporated in its entirety by reference as fully as if set forth verbatim herein.

_____ Class 8: On premises for a governmental entity, where the governing body of the governmental entity has authorized the sale of beer. **Please attach a certified copy of the resolution by the governing body authorizing the sale of beer.**

The determination of the class of licensee to be granted shall be solely within the discretion and judgment of the City Commission of the City of Johnson City.

8. Provide the address and telephone number of the corporation, firm, syndicate, stock company, association, or other business/governmental entity, that is the owner of the business in the following space:

9. Provide the name of the owner or owners of the premises on which your business is or will be located, including any and all persons, corporations, or other entities as may have a partial ownership interest therein, or who may share a portion of any proceeds therefrom:

10. Please attach to this application the legal description of the premises on which this business is or will be located with photographs of the finished interior and exterior of the actual building wherein the business is or will be located, copies of the deed to the subject premises, any leases and other agreements to which the same are subject, and a survey by a licensed surveyor depicting all boundaries of the subject premises and showing the location of any and all structures thereon.

11. In the event that the applicant is a corporation or other business/governmental entity, provide the names, addresses, and telephone numbers of the manager of the licensed premises, any immediate supervisor of such manager, and the chief executive officer of such corporation or other business/governmental entity in the following space (use additional sheets if necessary):

12. If the applicant is a corporation or other business/governmental entity, state the name and address of the entity's registered agent for service of process in Tennessee in the following space:

13. If the applicant is a corporation or other business/governmental entity, state the principal office address of the entity:

14. The applicant acknowledges that he/she/it shall not engage in the sale of beer except at the place for which the license has been issued. Initial here: _____

15. The applicant acknowledges that no sale of beer shall be made except in accordance with all terms and conditions of the license granted. Initial here: _____

16. Has the applicant had a license for the sale of alcoholic beverages or controlled substances revoked or suspended by the City of Johnson City, Tennessee? If the answer to this question is yes, please provide all details of the revocation or suspension including the date and reason for that revocation or suspension (use additional sheets if necessary):

17. The applicant acknowledges receipt of a copy of the sections of the Johnson City Code applicable to the sale of such beverages or conduct of business in connection therewith, including but not limited to any applicable zoning, building, and sign codes, and the applicant acknowledges that he/she/it has read of the ordinances and is familiar with their contents and with the applicant's responsibilities thereunder. Initial here: _____

18. Does the applicant, at the time of making this application, employ within Johnson City any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person whose duties include serving or completing the sale of beer on behalf of the license holder, who has been convicted of violating any statute, rule or regulation against the prohibition, sale, consumption, manufacture, handling or transportation of beer within the ten (10) year period next preceding the date of the application or the possession, sale, manufacture, and transportation of intoxicating liquor or any crime of moral turpitude within the ten (10) year period next preceding the date of the application. If the answer to this question is yes, provide complete details of each conviction or violation (use additional sheets if necessary):

19. At the time of making this application, does the applicant employ within Johnson City any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person whose duties include serving or completing the sale of beer on behalf of the license holder who has been convicted of violating any statute, rule, or regulation regarding any controlled substances within the ten (10) year period next preceding the date of application.? If the answer to this question is yes, provide complete details of the conviction (use additional sheets if necessary):

20. At the time of making this application, does the applicant employ within Johnson City any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person whose duties include serving or completing the sale of beer on behalf of the license holder, who has been convicted of committing any state or federal felony, violating any DUI/DWI/IMPLIED consent laws, or violating any criminal law regarding theft, burglary, violence, child abuse, spousal abuse, prostitution, or pandering within the ten (10) year period next preceding the date of application.? If the answer to this question is yes, provide complete details of the conviction (use additional sheets if necessary):

21. The applicant acknowledges that the applicant and all managers, supervisors, and persons in charge of daily operations, consent to be investigated by municipal, county, state, and federal law enforcement agencies or any other agency or representative thereof or such other firms as may be employed concerning any information presented in this application and any other information which any of the aforementioned authorities deem pertinent. Initial here: _____

22. The applicant acknowledges and agrees to provide any additional information as may be required by the Board of Commissioners of the City of Johnson City or their designee or the City Manager or his or her designee from time to time in their absolute discretion. Initial here: _____

23. At the time of making this application, are the premises for this business wholly within the corporate limits of the City of Johnson City? _____

24. Has the applicant received a certificate of occupancy from the City of Johnson City for the premises on which this business is located? _____

25. Are the premises upon which this business is located within one hundred (100) feet of any school, child day care center, playground, park, church, or other bona fide religious establishment? The distance shall be measured from the center of the front door of the premises to be licensed to the center of the nearest entrance/exit door of any school building, child day care center, or church building, in a straight line. For playgrounds and parks the measurement shall be from the center of the front door of the licensed premises to the nearest point on the property line bounding the playground or park in a straight line. _____

26. If this application is for an on-premises location, does the business offer separate restrooms for each sex? _____

27. Is the applicant delinquent in any tax payments to any governmental agency? _____

28. Any applicant who is residing in the United States must attach to this application proof that the applicant's residency is legal and not in violation of federal law. If the applicant is a business/governmental entity, it must attach to this application proof that it is authorized to do business in Tennessee. Driver's licenses, photo identification cards from a state or federal agency, and social security cards are not acceptable proof. Proper documentation includes but is not limited to valid Federal immigration documentation, birth certificates, and documents from the Secretary of State showing domestication of a business entity in Tennessee, etc.

29. The applicant acknowledges that no license issued hereunder shall be construed or deemed as vesting a property right in any licensee, but shall instead be deemed a privilege. Initial here: _____

30. All applicants shall provide a written plan detailing applicant's employee training program to prevent beer sales to underage patrons, intoxicated patrons, etc. Be as detailed as possible in this response. Provide a list of all measures that the applicant has implemented to teach and/or aid its employees concerning compliance with local and state law regarding beer sales.

31. APPLICANTS (OR THEIR REPRESENTATIVES) ARE STRONGLY ENCOURAGED TO ATTEND THE MEETING WHEN THE CITY COMMISSION WILL CONSIDER THE APPLICATION. THE CITY COMMISSION MAY HAVE QUESTIONS OF THE APPLICANT. FAILURE TO ATTEND MAY RESULT IN DEFERRAL OF THE APPLICATION OR OTHER ACTION AS APPROPRIATE. Please call 423-434-2393, if you have questions.

Applicant swears and affirms that the above information in the beer license application of the City of Johnson City has been accurately and truly completed to the best of the applicant's knowledge and belief.

Name: _____

Title: _____

Date: _____

STATE OF _____
COUNTY OF _____

SWORN TO AND SUBSCRIBED BEFORE ME ON THE _____ DAY OF _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

Address & Name of Notary Public: _____
