



CITY OF CLARKSVILLE, TENNESSEE ANNOUNCEMENT

RETAIL LIQUOR STORES

Upon the adoption of ORDINANCE 75-2015-16 on June 2, 2016, the Clarksville City Council amended the Official Code of the City of Clarksville, Section 2-205, authorizing issuance of two additional retail liquor store certificates of compliance every even-numbered year beginning July 1, 2018. A copy of this section can be found at the end of this announcement.

A public notice of the procedure, City Code Section 2-214, will be published in *THE LEAF-CHRONICLE* and on www.cityofclarksville.com on May 1, 2018. Applications will not be available until this time. A copy of this section can also be found at the end of this announcement.

For additional information, please contact the City Clerk's Office, (931)648-6121 or email sylvia.skinner@cityofclarksville.com.

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CLARKSVILLE CITY CODE

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. 2-214. - 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.

([Ord. No. 75-2015-16, § 2, 6-2-16](#))