

JAN WADE HENSLEY  
Mayor



TINA DUNN  
Recorder-Treasurer

# *City of Covington*

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THE MEETING OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF  
COVINGTON, TENNESSEE ON JULY 9, 2024, AT 5:30 P.M.

1. Meeting to be called to order by Mayor Jan Hensley.
2. Invocation to be given by Alderwoman Jean Johnson.
3. Pledge of Allegiance to the Flag to be led by Alderman John Edwards.
4. Minutes of the Preceding Meeting to be approved.
5. Report from Committees:
  - Minutes of the General Welfare – Public Safety Committee Meeting
6. Additions to the Agenda.
7. Welcome to visitors and grievances from citizens.
8. Report from Mayor Jan Hensley:
  - Updates
9. Report from Recorder-Treasurer Tina Dunn:
10. Report from City Attorney Rachel Witherington.
11. Old Business:
12. New Business:
  - Interlocal Agreement with Tipton County – Annexation
  - Resolution – USDA Rural Development Community Facility Grant
  - Ordinance 1776 (Baskin Rezoning Hwy 51 N) (Public Hearing) ready for approval on third and final reading
  - Ordinance 1777 (Title 8 -- Alcoholic Beverages) ready for approval on second reading

- Ordinance 1778 (Regional Zoning B-4 Artesian) ready for approval on second reading
- Ordinance 1779 (Hotel/Motel Occupancy Tax) ready for approval on second reading
- Ordinance 1780 (Rezoning – 800 Tennessee Avenue) ready for approval on first reading
- Bills Over/Under \$1,000.00 ready for Board Approval
- Memorandum of Agreement: Tipton County and City of Covington - TDEC-ARP State Strategic Project

The Board of Mayor and Aldermen met at City of Covington on June 25, 2024, at 5:30 p.m. with the following members present: Mayor Jan Hensley, Aldermen: C.H. Sullivan, Jeff Morris, John Edwards, Danny Wallace, Chris Richardson. and Jean Johnson. Also present were Parks and Recreation Director Molly Glass, Fire Chief Richard Griggs, Public Works Director David Gray, Building Official Lessie Fisher, Human Resource Director Cody Bumpus, Assistant to the Mayor Jason Fleming, and Recorder-Treasurer Tina Dunn.

Meeting was called to order by Mayor Jan Hensley.

Invocation was given by Alderwoman Jean Johnson.

Pledge of Allegiance to the Flag was led by Alderman John Edwards.

Motion was made by Alderman John Edwards and seconded by Alderman Jeff Morris that the Minutes of the Preceding Meeting be approved as distributed to the Board (See Attached).  
Motion passed.

Motion was made by Alderman C H Sullivan and seconded by Alderwoman Jean Johnson that the Minutes of the General Welfare – Public Relations Committee Meeting be approved (See Attached).  
Motion passed.

Motion was made by Alderman Sullivan and seconded by Alderman Jeff Morris that the Minutes of the Finance & Administration Committee Meeting be approved (See Attached).  
Motion passed.

Mayor Hensley presented the Resolution to intend to apply for and accept a Rural Housing Service Loan/and/or Grant not to exceed 1.4 million with a 25% match from the city (\$350,000.00) for approval (See Attached). This purpose of said funds is to assist in the purchase of equipment for use in preparing for and recovering from a winter weather event.

Motion was made by Alderman Sullivan and seconded by Alderman Edwards to approve the Resolution for the Rural Housing Service Loan/and/or Grant not to exceed 1.4 million.  
Motion passed.

Mayor Hensley presented the Saddle Club Lease for approval (See Attached).

Motion was made by Alderman Sullivan and seconded by Alderman Morris to approve the lease with the Saddle Club.  
Motion passed.

Recorder-Treasurer Tina Dunn presented the sales tax report for collections in April showing \$419,889.00 (increase of 1.1%) and year to date collections showing \$4,171,785.00 (increase of 3.54%) (See Attached).

Motion was made by Alderman Morris and seconded by Alderman Edwards to approve the report from Recorder-Treasurer Dunn.  
Motion passed.

Public Hearing for Ordinance 1771 (Budget Continuation) for third and final reading was called to order. There being no public comments, the public hearing was closed (See Attached).

Motion was made by Alderman Sullivan and seconded by Alderman Morris to approve Ordinance 1771 (Budget Continuation) on third and final reading.  
Voting Aye: Wallace, Richardson, Johnson, Edwards, Morris, and Sullivan.  
Motion passed.

Public Hearing for Ordinance 1772 (2023-24 Budget Amendment) for third and final reading was called to order. There being no public comments, the public hearing was closed (See Attached).

Motion was made by Alderman Sullivan and seconded by Alderman Richardson to approve Ordinance 1772 (2023-24 Budget Amendment) on third and final reading.  
Voting Aye: Wallace, Richardson, Johnson, Edwards, Morris, and Sullivan.  
Motion passed.

Public Hearing for Ordinance 1773 (Tax Rate) for third and final reading was called to order. There being no public comments, the public hearing was closed (See Attached).

Motion was made by Alderman Sullivan and seconded by Alderman Morris to approve Ordinance 1773 (Tax Rate) on third and final reading.  
Voting Aye: Wallace, Richardson, Johnson, Edwards, Morris, and Sullivan  
Motion passed.

Public Hearing for Ordinance 1774 (2024-25 Budget) for third and final reading was called to order. There being no public comments, the public hearing was closed (See Attached).

Motion was made by Alderman Richardson and seconded by Alderman Morris to approve Ordinance 1774 (2024-25 Budget) on third and final reading (See Attached).  
Motion was amended by Alderman Edwards and seconded by Alderwoman Johnson to approve the 2024-25 Budget with the amendment of moving \$30,000.00 from the codes maintenance building line (leaving \$70,000.00) and adding \$30,000.00 to the Park and Recreation Improvements budget line item with the improvements of \$15,000.00 to the Frazier Park and \$15,000.00 to Cobb Parr Park with the concession buildings being priority and if any balance left after concession improvements be used at each of the parks.  
Voting Aye: Wallace, Richardson, Johnson, Edwards, Morris  
Abstaining: Sullivan  
Motion passed.

Public Hearing for Ordinance 1775(Administrative) for third and final reading was called to order. There being no public comments, the public hearing was closed (See Attached).

Motion was made by Alderman Sullivan and seconded by Alderman Richardson to approve Ordinance 1775 (Administrative) on third and final reading.

Voting Aye: Wallace, Richardson, Johnson, Edwards, Morris, Sullivan.

Motion passed.

Mayor Hensley presented Ordinance 1776 (Baskin Rezoning Hwy 51 N) for approval on second reading (See Attached).

Motion was made by Alderman Sullivan and seconded by Alderman Morris to approve Ordinance 1776 (Baskin Rezoning Hwy 51 N) on second reading.

Motion passed.

Mayor Hensley presented Ordinance 1777 (Alcoholic Beverages) for approval on first reading (See Attached).

Motion was made by Alderman Sullivan and seconded by Alderman Edwards to approve Ordinance 1777 (Alcoholic Beverages) on first reading.

Motion passed.

Mayor Hensley presented Ordinance 1778 (Regional Zoning B4 Artesian) for approval on first reading (See Attached).

Motion passed.

Motion was made by Alderman Sullivan and seconded by Alderman Richardson to approve Ordinance 1778 (Regional Zoning B4 Artesian) on first reading.

Motion passed.

Mayor Hensley presented Ordinance 1779 (Hotel/Motel Occupancy Tax Rate) for approval on first reading.

Motion was made by Alderman Edwards and seconded by Alderman Sullivan to approve Ordinance 1779 (Hotel/Motel Occupancy Tax Rate) on first reading.

Motion passed.

The following bills over/under \$1000.00 were presented for approval:

A T & T	ALL	TELEPHONE SERVICE	3,557.87
A T & T	AKK	TELEPHONE SERVICE	1,978.29
A2H	STREET	PROFESSIONAL SERVICES	3,292.00
A2H	CODES	PROFESSIONAL SERVICES	2,310.00
ALPHA ONE APPAREL	POLICE	UNIFORMS	5,813.42
CITY OF COVINGTON	ALL	UTILITIES	5,517.84
COLEMAN TAYLOR TRANS	POLICE	TRANSMISSION OVERHAUL	5,600.00

COMM DEV PARTNERS	SEWER	2022 COVINGTON TDEA ARPA PROJECT	17,000.00
COVINGTON ELECTRIC	ALL	ELECTRIC UTILITIES	42,046.88
COVINGTON ELECTRIC	ALL	ELECTRIC UTILITIES	5,991.45
DABNEY MAXWELL	FIRE	WORK - SOUTH STATION	5,010.00
G & C SUPPLY CO INC	WATER	REPAIRS - BURNETT LANE - CIP 70941	6,565.00
G & C SUPPLY CO INC	WATER	REPAIRS - BURNETT LANE - CIP 70941	1,415.00
GAS INOVATION SOLUTIONS	WTR/SWR/GAS	TESTING - WRITTEN AND FIELD	3,430.00
GULF STATES ENGINEERING	SEWER	HWY 179 LIFT STATION REHAB	105,000.00
JAMIESON & FISHER	PARKS/REC	EVENT POLICY RENEWAL	2,471.61
JAMIESON & FISHER	BOARD	INSURANCE RENEWAL	3,397.00
KRISTIE MAXWELL, TRUSTEE	GENERAL	JUNE 2024 MIXED DRINK TAX	1,910.25
LABTRONX	WWTP	ANNUAL OPERATION & CALIBRATION CK	2,061.63
LABTRONX	WTP	ANNUAL OPERATION & CALIBRATION CK	1,205.00
MEAC	GAS	PURCHASED NATURAL GAS	21,948.00
NAIFEH BROTHERS	BBQ FEST	BBQ MEAT	1,404.76
OWEN & WITHERINGTON	ATTORNEY	PROFESSIONAL SERVICES	3,062.50
REPUBLIC SERVICES	WWTP	CONTRACTED SERVICES	1,550.72
SYMMETRY	GAS	PURCHASED NATURAL GAS	53,732.86
TACH'D OUT DIESEL	WWTP	SERVICE & REPAIR/REPLACE DBW THROT	2,000.00
TIPTON COUNTY	GENERAL	VCIF GRANT REIMBURSEMENT	23,307.25
WOOTEN OIL CO	GAS INV	LOAD OF GAS	18,218.61
XYLEM	WWTP	RENTAL FEE	2,567.78
		<b>TOTAL</b>	<b>\$ 353,365.72</b>

Motion was made by Alderman Morris and seconded by Alderman Richardson that the preceding bills over/under \$1000.00 be paid when properly approved.  
Motion passed.

There being no further business, the meeting was adjourned at 5:55 p.m.

Attest: \_\_\_\_\_  
Recorder-Treasurer                      Mayor

The General Welfare – Public Safety Committee met at City of Covington on June 25, 2024, at 4:00 p.m. with the following members present: Mayor Jan Hensley, Alderman Chris Richardson, and Alderman C H Sullivan. Also, present were Police Chief Donna Turner, Fire Chief Richard Griggs, Public Works Director David Gray, Human Resource Director Cody Bumpus, Alderwoman Jean Johnson, Alderman Jeff Morris, Alderman Danny Wallace, Park and Recreation Director Molly Glass, Assistant to the Mayor Jason Fleming, and Recorder-Treasurer Tina Dunn.

Meeting was called to order by Chairman Alderman Chris Richardson.

Fire Chief Griggs reported the CFD attended several events in the month. Asst. Chief Channell, Fire Inspector Rusty Thigpen, Lt. Ed Moss, and Firefighter Terrence Smith travelled to the Tennessee Fallen Fighter Memorial Clean-Up Event. There were not any hours worked by the volunteers in May. The run report was presented showing 223 calls for the period May 23rd – June 20<sup>th</sup>. The county coverage area collections are \$77,775.00 for the current year. Station 1 had a water line break under the building and was without water for 72 hours. Station 2 renovations are ongoing. The CFD responded to the Planters Cotton Oil Mill Fire on June 17<sup>th</sup> around 7:00 a.m. The department fought the fire with assistance from Brighton, Gilt Edge, and Atoka Fire Departments. The fire inspection report was presented for review. Chief Griggs reminded the citizens there are no fireworks allowed in the city limits.

Motion was made by Mayor Hensley and seconded by Alderman Sullivan to approve the fire department report.

Motion passed.

Chief Turner reported the department has six vacancies. Officer Gary Gill has been appointed as a K9 Officer. Officer Gill will be the handler for Gino, the newest addition to the K9 unit who was gifted from MPD. Officer Perry and Woodard graduated from TLETA and will move to the final phase of the FTO Program. Officer Barnes, Dowell, and Olive are scheduled to attend TLETA in September at Donelson. Training and Monthly Activities were presented for review (See Attached). The statistics for the month were presented showing 1,544 calls for the month and 142 traffic stops. There were five vehicle/seizures awarded to the CPD. The retention bonus of an additional \$800.00 was submitted and approved this week. There were no traffic issues found on either Bert Johnston or Turner Dairy/Murphy.

Motion was made by Alderman Sullivan and seconded by Mayor Hensley to approve the police department report.

Motion passed.

There being no further business, the meeting was adjourned at 4:32 p.m.

## INTERLOCAL AGREEMENT

This Interlocal Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, pursuant to *Tennessee Code Annotated* § 5-1-113 between The City of Covington, Tennessee, a municipal government organized and existing under the laws and Constitution of the State of Tennessee (hereinafter called the "City"), and Tipton County, Tennessee (hereinafter called the "County").

**WHEREAS**, *Tennessee Code Annotated* § 6-51-104(d) allows for a municipality to annex by Resolution territory that does not adjoin the boundary of the municipality provided that the area is within the Urban Growth Boundary of the municipality, and

**WHEREAS**, the Board of Mayor and Aldermen of the City voted on May 14, 2024 to proceed with investigating and preparing a Plan of Services to annex approximately 279.7 acres of land into the city limits. The tracts the City is considering annexing are more particularly described as 243.3 acres of land on Tax Map 049, Parcel 5.00 and 36.4 acres of land on Tax Map 049, Parcel 8.00, and

**WHEREAS**, the tracts of land the City is considering annexing are not contiguous to the city limits, but are within the City's urban growth boundary. The owners of the properties, Gary W. Taylor, Trustee, and Ceres Land Management and Consulting, LLC submitted a signed written request to the City for the proposed annexation. The proposed annexation meets the requirements of *Tennessee Code Annotated* § 6-51-104, and

**WHEREAS**, *Tennessee Code Annotated* § 6-51-104(d)(4) also requires the City and County to enter into an interlocal agreement pursuant to *Tennessee Code Annotated* § 5-1-113 to provide emergency services for any interceding properties and to maintain roads and bridges comprising the primary route to the area to be annexed, and

**NOW, THEREFORE**, in consideration of the promises and mutual covenants contained herein, the parties agree as follows:

**Section 1. Purpose.** This Agreement is for the purpose of establishing the manner, terms, and conditions by which the City shall annex the property described Exhibit A, which is currently owned by Gary W. Taylor Living Trust, Gary W. Taylor, Trustee, and Ceres Land Management and Consulting, LLC, and the services to be provided by the City in a portion of Tipton County as further described herein.

### **Section 2. Cooperative & Performance Agreement.**

- a) **Property to be annexed and services provided.** The City hereby agrees to provide urban services to the area of land owned by Gary W. Taylor Living Trust, Gary W. Taylor, Trustee, and Ceres Land Management and Consulting, LLC that is being annexed into the City which is described in the map attached as Exhibit A. As used herein, the term urban



**Tipton County, Tennessee:**

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Jeff Huffman, County Executive

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Date

**City of Covington, Tennessee**

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Jan W. Hensley, Mayor

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Date

Resolution No. \_\_\_\_\_

**RESOLUTION ACCEPTING USDA RURAL DEVELOPMENT COMMUNITY  
FACILITY GRANT**

**BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMAN OF THE  
CITY OF COVINGTON, TENNESSEE** that it accepts the offer of the United States of  
America, acting through Rural Development, United States Department of Agriculture,  
for a Rural Development (RD) Grant under the terms and conditions of the Grant  
Agreement furnished by Rural Development, and the Mayor and Recorder are hereby  
authorized and directed to execute such documents.

**RESOLVED** this the **9<sup>th</sup>** day of **July 2024** by a vote of \_ to \_.

**By:** \_\_\_\_\_  
**Jan W. Hensley**  
**Title: Mayor**

\_\_\_\_\_  
**Tina Dunn**  
**Title: City Recorder**

**Certification**

**I, Tina Dunn, City Recorder** for the **City of Covington**, do hereby certify that the  
foregoing is a true and correct copy of the Resolution adopted by the Mayor and Board of  
Alderman at a meeting held July 9, 2024.

\_\_\_\_\_  
**Tina Dunn, Treasurer-Recorder**

## ORDINANCE 1776

**AN ORDINANCE TO AMEND THE COVINGTON MUNICIPAL ZONING MAP TO REZONE PROPERTY ON U.S. HIGHWAY 51 NORTH AND INDUSTRIAL DRIVE (DONALD M BASKIN JR LIVING TRUST PROPERTY) FROM M-1 (INDUSTRIAL PARK) DISTRICT TO B-2 (HIGHWAY ORIENTED BUSINESS) DISTRICT.**

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 and 13-7-202 a zoning ordinance and map have been adopted for the City of Covington; and,

WHEREAS, the Covington Municipal-Regional Planning Commission has recommended that the following property be reclassified from its current zoning designation to the proposed zoning designation and,

WHEREAS, a public hearing was held before Covington Board of Mayor and Aldermen pursuant to section 13-7-203, Tennessee Code Annotated, the time and place of which was published with fifteen days advance notice; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON:**

**SECTION 1.** That the following described property be rezoned from M1 to B-2 (Highway Commercial) District to M-1 (Industrial Park) District:

**A portion of Parcel 16.01 on Tipton County Tax Map 025K, Group B.**

BEGINNING AT A SET ½" REBAR AT A NEW ZONING PARTITION LINE OF THE DONALD M. BASKIN LIVING TRUST PROPERTY RECORDED AT RECORD BOOK 1735 PAGE 942 WITH SAID REBAR LOCATED AT TENNESSEE STATE PLANE COORDINATES OF N=474423.99' E=886242.81' (NAD 83 DATUM US SURVEY FEET)

THENCE, S 22° 10' 27" W FOR A DISTANCE OF 60.73 FEET TO A POINT AT THE NORTHWEST CORNER OF AN EXISTING BUILDING

THENCE WITH EXISTING BUILDING LINE, S 22° 10' 27" W FOR A DISTANCE OF 376.13 FEET TO A SET ½" REBAR ALONG ZONING PARTITION LINE

THENCE CONTINUING WITH ZONING PARTITION LINE, N 67° 49' 33" W FOR A DISTANCE OF 23.39 FEET TO A SET ½" REBAR AT THE NORTHEAST CORNER OF REALTY INCOME PROPERTIES 30 LLC RECORDED AT RECORD BOOK 1613 PAGE 1026

THENCE WITH NORTH LINE OF REALTY INCOME PROPERTIES 30 LLC, N 76° 21' 24" W FOR A DISTANCE OF 235.07 FEET TO A SET ½" REBAR IN THE APPARENT EAST MARGIN OF US HWY 51 (100' RIGHT OF WAY)

THENCE WITH EAST MARGIN OF HWY 51 THE FOLLOWING CALLS:

1. N 22° 09' 34" E FOR A DISTANCE OF 173.04 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,

2. SAID CURVE TURNING TO THE RIGHT THROUGH 02° 13' 50", HAVING A RADIUS OF 5628.55 FEET, AND WHOSE LONG CHORD BEARS N 23° 58' 30" E FOR A DISTANCE OF 219.10 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE.

3. SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 00° 50' 20", HAVING A RADIUS OF 5600.05 FEET, AND WHOSE LONG CHORD BEARS N 25° 28' 06" E FOR A DISTANCE OF 81.99 FEET TO A SET ½" REBAR AT THE POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE.

THENCE S 67° 19' 03" E A DISTANCE OF 244.32 FEET TO THE POINT OF BEGINNING CONTAINING 114,788 SQUARE FEET OR 2.635 ACRES.

**SECTION 2.** That the following described property will remain zoned M-1 (Industrial Park) District:

**A portion of Parcel 16.01 on Tipton County Tax Map 025K, Group B.**

BEGINNING AT A SET ½" REBAR AT A NEW ZONING PARTITION LINE OF THE DONALD M. BASKIN LIVING TRUST PROPERTY RECORDED AT RECORD BOOK 1735 PAGE 942 WITH SAID REBAR LOCATED AT TENNESSEE STATE PLANE COORDINATES OF N=474423.99' E=886242.81' (NAD 83 DATUM US SURVEY FEET)

THENCE WITH SOUTH LINE OF BASKIN RECORD BOOK 1627 PAGE 296, S 67° 19' 03" E FOR A DISTANCE OF 507.86 FEET TO A CONCRETE POST FOUND IN THE WEST RIGHT OF WAY OF A RAILROAD

THENCE WITH WEST MARGIN OF RAILROAD RIGHT OF WAY, S 03° 24' 49" W FOR A DISTANCE OF 532.95 FEET TO A SET ½" REBAR IN THE NORTH MARGIN OF INDUSTRIAL DRIVE (80' PUBLIC RIGHT OF WAY)

THENCE WITH NORTH MARGIN OF INDUSTRIAL DRIVE, N 78° 07' 26" W FOR A DISTANCE OF 714.42 FEET TO AN IRON SET AT THE SOUTHEAST CORNER OF REALTY INCOME PROPERTIES 30 LLC RECORDED AT RECORD BOOK 1613 PAGE 1026

THENCE WITH REALTY INCOME PROPERTIES 30 LLC, N 22° 15' 14" E FOR A DISTANCE OF 200.00 FEET TO A SET ½" REBAR

THENCE WITH A NEW ZONING PARTITION LINE, S 67° 49' 33" E FOR A DISTANCE OF 23.39 FEET TO A SET ½" REBAR

THENCE CONTINUING WITH SAID PARTITION LINE, N 22° 10' 27" E FOR A DISTANCE OF 376.13 FEET TO A POINT AT THE NORTHWEST CORNER OF AN EXISTING BUILDING

THENCE N 22° 10' 27" E A DISTANCE OF 60.73 FEET TO THE POINT OF BEGINNING CONTAINING 347,239 SQUARE FEET OR 7.972 ACRES.

**SECTION 3.**

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, THE PUBLIC WELFARE REQUIRING IT.

\_\_\_\_\_  
Passed First Reading

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Passed Second Reading

\_\_\_\_\_  
City Recorder-Treasurer

\_\_\_\_\_  
Public Hearing

\_\_\_\_\_  
Passed Third Reading

## ORDINANCE 1777

AN ORDINANCE TO DELETE IN ITS ENTIRETY THE TEXT OF THE COVINGTON MUNICIPAL CODE, (ALCOHOLIC BEVERAGES) TITLE 8, CHAPTER 1 AND 2 AND REPLACE IT WITH THE FOLLOWING.

WHEREAS, the Board of Mayor and Alderman has deemed it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City to amend The Covington Municipal by amending Title 8, Chapter 1 and 2; and adding Chapter 3 and,

WHEREAS, the Board of Mayor and Alderman have discussed and reviewed the above stated proposed deletion, replacement and addition; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF COVINGTON:**

**SECTION 1.** That Title 8, Chapter 1 and 2 shall be deleted in their entirety and replaced with the following attached,

**SECTION 2.** That the following attached Title 8, Chapter 3 be added.

**SECTION 3.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, this ordinance shall take effect from and after its passage, the welfare of the City requiring it.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing \_\_\_\_\_

Passed Third Reading \_\_\_\_\_

\_\_\_\_\_

Mayor

\_\_\_\_\_

Recorder-Treasurer

## ORDINANCE 1777

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**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF COVINGTON:**

**SECTION 1.** That Title 8, Chapter 1 and 2 shall be deleted in their entirety and replaced with the following attached,

**SECTION 2.** That the following attached Title 8, Chapter 3 be added.

**SECTION 3.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, this ordinance shall take effect from and after its passage, the welfare of the City requiring it.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing \_\_\_\_\_

Passed Third Reading \_\_\_\_\_

\_\_\_\_\_

Mayor

\_\_\_\_\_

Recorder-Treasurer

## TITLE 8

### ALCOHOLIC BEVERAGES<sup>1</sup>

#### CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE IN RETAIL FOOD STORES.

#### CHAPTER 1

#### INTOXICATING LIQUORS

#### SECTION

- 8-101. Definitions.
- 8-102. Scope of chapter.
- 8-103. State laws to be complied with.
- 8-104. Classes of permits.
- 8-105. Restrictions.
- 8-106. Certificate of compliance.
- 8-107. Inspection fees.
- 8-108. Advertisement of alcoholic beverages.
- 8-109. Penalties.
- 8-110. Specific rules governing manufacturing and distillers' licenses.
- 8-111. Specific rules governing retail package stores.
- 8-112. Specific rules governing on-premises.

**8-101. Definitions.** The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Alcoholic beverage" or "beverage" means and includes all alcohol, spirits, liquor, wine, high alcohol content beer and other liquids included in the definition of "alcoholic beverage" contained in Tennessee Code Annotated,

§ 57-3-101(a), as the same may be amended, supplemented, or replaced.

(2) "Certificate" or "certificate of compliance" means the certificate required pursuant to Tennessee Code Annotated, §§ 57-3-208 or 57-3-806, as the same may be amended, supplemented, or replaced, and subject to the provisions set forth in this article for issuance of such a certificate.

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Municipal code references  
Driving under the influence:  
Minors in beer places, public drunkenness, etc.:

State law reference.  
Tennessee Code Annotated, title 57.



(3) "License" means a license issued by the alcoholic beverage commission of the state pursuant to Tennessee Code Annotated, §§ 57-3-204 or 57-3-803, as the same may be amended, supplemented, or replaced, provided that the issuance of licenses shall be subject to the restrictions set forth in this article.

(4) "Licensee" means any person to whom a license has been issued.

(5) "Majority owner" means any person who owns fifty-one percent (51%) or more of the business.

(6) "Manufacturer of intoxicating liquors" means one who employs a minimum of twenty-five (25) full-time employees in the manufacturing of alcoholic beverages.

(7) "Near" means any portion of the property containing the business, any portion of another property which adjoins the property containing the business, or any portion of another property which is located within two hundred feet (200') of the property which contains the business.

(8) "Retail sale" means a sale to a consumer or to any person for any purpose other than for resale.

(9) "Retail food store" means an establishment which is eligible for the issuance of a retail food store wine license by the alcoholic beverage commission of the state, pursuant to Tennessee Code Annotated, title 57, chapter 3, part 8.

(10) "Retail liquor store" or "retail package store" means any business which is required to have a license for the retail sale of alcoholic spirituous beverages, including beer and malt beverages, under the provisions of Tennessee Code Annotated, title 57, chapter 3, part 2.

(11) "Wholesale" means a sale to any person for purposes of resale, except those sales by a person licensed under Tennessee Code Annotated § 57-3-204 to a charitable, nonprofit, or political organization possessing a valid special occasion license for resale by such organizations pursuant to their special occasion license shall not be construed as such a sale.

(12) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, title 57, chapter 3.

(13) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, as further defined by Tennessee Code Annotated, §§ 57-3-101 and 57-3-802, as the same may be amended, supplemented, or replaced.

**8-102. Scope of chapter.** This chapter shall govern the manufacture of intoxicating liquor, retail package stores, retail food stores and consumption on-premises (liquor by the drink) of alcoholic beverages in the City of Covington. Nothing in this chapter regulates the distribution, possession, receipt of sale, storage, tax upon, or transportation upon any beverage of alcoholic content of five (5%) percent by weight or less, and no ordinance related thereto is modified by this chapter.

**8-103. State laws to be complied with.** No association, corporation, firm, partnership, or person shall engage in wholesale or retail sales unless all the necessary state licenses and permits have been obtained.

**8-104. Classes of permits.** It shall be unlawful for any corporation, firm, partnership, or person to distribute, sell, or manufacture any intoxicating liquor without first making an application to and obtaining a permit from the City of Covington. This application shall be made to the Recorder-Treasurer on such form as the City shall prescribe and shall be accompanied by a non-refundable deposit as currently adopted in the administrative ordinance. Each applicant shall be of good moral character and certify that he has read and is familiar with the provisions of this chapter.

There shall be three (3) classes of permits issued by the Board of Mayor and Alderman.

**Class A.** A manufacturer's permit to any association, corporation, firm, partnership, or person engaged in the manufacture of intoxicating liquors to distribute, manufacture, possess, sell, store, and transport the product of the manufacturer.

**Class B.** A retail package store, retail food store where the beverages are not to be consumed by the purchaser or other persons upon or near the premises of such seller.

**Class C.** Consumption of "on-site" or "liquor-by-the-drink" permits any association, corporation, firm, partnership, or person engaged in the sale of intoxicating liquors for consumption on the premises.

**8-105. Restrictions.**

(1) **Zoning.** It shall be lawful to distribute, manufacture, sell, or store for resale intoxicating liquors in the City of Covington provided that permits authorized under this chapter shall be issued for locations that are zoned as follows:

Class A permits: Zoning district M-1, M-2, and B-4.

Class B permits: Zoning districts B-2.

Class C permits: Zoning districts B-2, B-3, and B-4.

(2) **Proximity restrictions.** No retail package store or retail food store shall be permitted except in the zoning districts listed above. No retail package store or retail food store shall be allowed when it is two hundred feet (200') or nearer to any church or school. The distance shall be measured in a straight line from the nearest corner of each structure. If any property applying for a retail license shall be contiguous to another property classified as a hospital, school, church, or other place of public gathering, but meets the distance requirement of two hundred feet (200') feet, then before the permit may be issued, a solid fence of eight feet (8') in height must be erected and properly maintained along the adjoining property line at the expense of the applicant for the retail liquor license. The fence shall be substantially opaque and serve as a visual barrier between the adjoining properties. The fence shall be constructed of masonry, durable hardwoods, or a combination of masonry and durable woods.

(3) **Limitation on number of Retail package stores.** There shall be no limit to the number of retail package stores.

(4) **Hours for the sale of alcoholic beverages.** No retail liquor store or retail food store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of eight a.m. (8:00 a.m.) and eleven p.m. (11:00 p.m.) on Monday through Saturday and between ten a.m. (10:00 a.m.) and eleven p.m. (11:00 p.m.) on Sunday. No retailer shall sell, give away any alcoholic beverages on Easter, Thanksgiving, or Christmas.

(5) **Inspection.** The Director of Codes, Fire Chief, Police Chief, or their designee shall have the right to inspect the premises of any licensee under this chapter any time the building is occupied.

**8-106. Certificate of compliance.** A certificate of compliance is required for all retail package stores and retail food stores prior to the issuance or renewal of a license by the state alcoholic beverage commission.

**(1) Requirements.**

(a) An application for certificate of compliance must be submitted by all owners, partners, stockholders, or directors of the store, whether same is a firm, partnership or corporation and the failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, nor as a stockholder, officer, or director on more than one (1) application, nor hold more than one (1) permit at the same time.

(b) A copy of each application form, questionnaire, partnership agreements or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. The Recorder-Treasurer shall review the applications and notify the applicants and the Board of Mayor and Aldermen of any errors and insufficiencies based on the application. The application shall be signed and verified as to all owners, partners, stockholders, directors, or otherwise and shall reflect the names of all persons having any financial interest in and to the proposed liquor store. No sale, transfer, or gift of any interest of any nature, either financial or otherwise, shall be made without first obtaining a permit from the City of Covington and the State of Tennessee Alcoholic Beverage Commission.

**(2) Issuance.** Before any certificate as required by Tennessee Code Annotated. §§ 57-3-208 and 57-3-806 or a renewal as required by § 57-3-213 shall be signed by the Mayor an application in writing shall be filed with the Recorder-Treasurer on a form to be provided by the City, giving the following information:

- (a) Name, age and address of the applicant.
- (b) Number of years residence at applicant's address.
- (c) Occupation or business and length of time engaged in such occupation or business.
- (d) Each applicant or officer must obtain and submit with the certificate a local and national criminal history record obtained from a third party using a multistate criminal records locator or other similar commercial nationwide database with validation. A criminal history record that indicates that the applicant or officer has not been convicted of a felony within the immediately preceding ten-year period.
- (e) The location of the proposed store for the sale of intoxicating liquors and verification that said location complies with all restrictions of any local law, ordinance duly adopted by the local jurisdiction, as to the location of the business.
- (f) The name and address of the owner of the property.
- (g) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business, or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

(3) Filing and processing. All applications submitted in accordance with this chapter shall be filed with the Recorder-Treasurer at least fourteen (14) days prior to a regular meeting. The Board of Mayor and Aldermen shall receive the applications and take appropriate action in accordance with this chapter.

(4) Investigation fee. All applications for issuance of a certificate of compliance shall be accompanied by a non-refundable fee as adopted in the current Administrative Ordinance.

(5) Certificate approval. A certificate of compliance shall be authenticated as any other ordinance of the Board of Mayor and Aldermen if the Board of Mayor and Aldermen, while in session, shall find that the applicant fulfills the following requirements:

The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to the Board of Mayor and Aldermen, or it is found that the applicant's general character is good.

The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulates the control of intoxicating liquors, within ten (10) years prior to the date of this application.

The applicant has not been convicted of a felony within ten

(10) years prior to the date of application.

In the opinion of the Board of Mayor and Aldermen the applicant is not likely to violate the law regarding sales of alcoholic beverages.

The applicant or applicants meets all the other requirements of this chapter.

Should the Board of Mayor and Aldermen fail to grant or deny the certificate within sixty (60) days of the filing of the application with the Recorder-Treasurer, the certificate shall be deemed as granted under Tennessee Code Annotated, §§ 57-3-208 or 57-3-806.

#### **8-107. Inspection fees.**

(1) Inspection fee. The City of Covington hereby imposes an inspection fee in the maximum amount allowed by TCA § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the City.

Collection by wholesaler from retailer. The inspection fee shall be collected by the wholesaler from the retailer at the time of the sale or at the time the retailer makes payment for delivery of the alcoholic beverages.

Fees to be held until paid to city. Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City of Covington as hereinafter provided.

Monthly report and payment. Each wholesaler making sales to retailers located within the corporate limits of the City of Covington shall furnish the City of Covington a report monthly, which report shall contain the following:

(a) The name and address of the retailer.

(b) The wholesale price of the alcoholic beverages sold to such retailer.

(c) The amount of tax due under this section

Such other information as may be required by the Recorder-Treasurer.

The monthly report shall be furnished to the Recorder-Treasurer not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the city shall be paid to the City of Covington at the time the monthly report is made.

Wholesalers collecting and remitting the inspecting fee to the City of Covington shall be entitled to reimbursement for this collection service a sum not to exceed five percent (5%) of the total amount of inspection fees collected and remitted such reimbursement to be deducted and shown on the monthly report to the city.

(5) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent (10%) of the fee due to the city which shall be payable to the city. The City of Covington shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of the monthly report.

(6) Disposition of fee. The Recorder-Treasurer shall deposit all funds collected hereunder in the general fund.

**8-108. Advertisement of alcoholic beverages.** All advertisements 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.

**8-109. Penalties.** The license holders are responsible at all times for the conduct of their business and are at all times directly responsible for the conduct of all employees. Any violation of any section of this chapter, upon conviction, shall be punished according to Tennessee Code Annotated, § 57-3-412. The Board of Mayor and Alderman, at the time it imposes a revocation or suspension request to the Alcoholic Beverage Commission, may offer a permit holder the alternative of paying civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense. This alternative is at the sole discretion of the Board of Mayor and Alderman. If a civil penalty is offered as an alternative to revocation or suspension, the license holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension request is sent to the alcoholic beverage commission.

**8-110. Specific rules governing manufacturing.**

(1) A manufacturer's license issued or renewed under this section shall also allow such manufacturer to sell at retail on the licensed premises of the manufacturer products that are manufactured on the manufacturer's premises: provided, that no more than five gallons (5 gal.) or one-sixth (1/6) of a barrel of its products may be sold to anyone (1) individual per visit to the premises.

(2) The manufacturer may serve samples of the product manufactured or distilled at the premises to any person of legal drinking age with or without cost or may include such samples as part of a tour of the manufacturers or distiller's premises available to the public with or without cost. Such samples may be made available at any location on the manufacturing premises permitted by federal law. The manufacturer shall disclose to the Tennessee Alcoholic Beverage Commission and the City of Covington the location where samples are available.

(3) The hours of sale for the manufacturer to sell products at retail shall be between the hours of eight (8:00) A.M. and eleven (11:00) P.M. on Monday through Saturday and between ten (10:00) A.M. and eleven (11:00) P.M. on Sunday.

**8-111. Specific rules governing retail package stores.**

(1) Store requirements. No retail liquor store shall be located except on the ground floor, and it shall have one (1) 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) streets, such retail store may maintain a door opening on each of the public streets. 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 the sale or dispensing of alcoholic beverages there sold or dispensed. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type building.

The store shall have night lighting surrounding the outside of the premises of at least two (2) foot candles, shall be equipped with a monitored burglar alarm system and panic alarm system on the inside of the premises, shall be equipped with an operating twenty-four (24) hour color video recording system on the inside and outside of the premises, and shall be of a minimum size of one thousand (1,000) square feet.

(2) Residency requirement. No association, corporation, firm, partnership, or person may obtain a retail liquor license unless the majority owner is a citizen of the United States of America and has been a full-time resident of Tipton County, Tennessee for a minimum of two (2) years. The majority owner of the liquor license must submit to the City of Covington proof of residency on an annual basis. If the majority owner moves out of the corporate established boundaries of Tipton County, he must notify the city immediately and surrender his license. The residency requirement does not apply to any applicant who has been continuously licensed pursuant to § 57-3-204 for seven (7) consecutive years.

(3) Government employees are prohibited from obtaining permits. No person, member of a corporation, firm, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointed or elected, or who is a public employee of either a national, state, county, or city government except uncompensated appointed members of boards of commissioners who have no duties covering the regulation of permit holders under this chapter. 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.

(4) Employees. No retailer shall employ in the distribution, sale, or storage of alcoholic beverage any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony or of any law regulating intoxicating liquors, controlled substances, or moral turpitude and in case an employee should be so convicted after becoming employed he shall immediately be discharged.

(5) Transfer or sale of license prohibited. The holder of a license may not sell, assign, or transfer such license to any other person, and the license shall be good and valid only for twelve (12) months from the issuance and at the location specified in the license.

(6) Undisclosed interest prohibited. It shall be unlawful for any person to have ownership in or to be a director, officer, partner, or stockholder, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in the business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and the purchaser.

**8-112. Specific rules governing on-premises consumption. Privilege license required.**

(1) Before any person shall engage in the sale of alcoholic beverages, a privilege license must be obtained from the Recorder-Treasurer. There shall be a fee as currently adopted in the administrative ordinance for said license. The Recorder-Treasurer shall not issue said license until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the recorder-treasurer the state retailer's license issued to the applicant by the Alcohol Beverage Commission.

(2) It shall be unlawful for any person to engage in the retail sale of alcoholic beverages for on-premises consumption in the City of Covington without having first obtained a permit evidencing payment of the aforesaid privilege fee which shall be renewed annually.

## Chapter 2

### BEER<sup>1</sup>

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceeding to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. Definitions
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Classes of permits.
- 8-211. Limitation upon issuance of beer permits.
- 8-212. Conditions.
- 8-213. Minimum mandatory training requirements.
- 8-214. Legal hours of sale.
- 8-215. Suspension and revocation of beer permits.
- 8-216. Civil penalty on lieu of suspension.
- 8-217. Effect of board action.
- 8-218. Brown Bagging and /or BYOB.

8-201. **Beer Board established.** There is hereby established a Beer Board to be composed of the Board of Mayor and Aldermen. The Mayor shall be the chairman of the Beer Board and shall be entitled to vote on all matters coming before the Beer Board. (Ord. #1514, May 2003)

8-202. **Meetings of the Beer Board.** All meetings of the Beer Board shall be open to the public. The Board shall hold regular meetings in City Hall at such times as it shall prescribe. When there is business to come before the Beer Board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The Board may adjourn a meeting at any time to another time and place. (Ord. #1514, May 2003)

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<sup>1</sup>Municipal code references

Alcohol: title 11, chapter 1.

Tax provisions: title 5.



8-203. **Record of Beer Board proceedings to be kept.** The Recorder-Treasurer shall make a record of the proceedings of all meetings of the Beer Board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the Board members present and absent; the names of the members introducing and seconding motions and resolutions, etc. before the Board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the Beer Board. (Ord. #1514, May 2003)

8-204 **Requirements for Beer Board quorum and action.** The attendance of at least a majority of the members of the Beer Board shall be required to constitute a quorum for the purpose of transacting business. Matters before the Board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a “nay” vote. (Ord. #1514, May 2003)

8-205. **Powers and duties of the Beer Board.**<sup>1</sup> The Beer Board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the City of Covington in accordance with the provisions of this chapter. (Ord. #1514, May 2003)

8-206. **Definitions.** For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed by this section:

(1) “Agent” means any person who is a partner, member or otherwise involved in the permittee’s business, any employee of the permittee, or the spouse, parent(s), stepparent(s), grandparent(s), sibling(s), stepsibling(s), child(ren), stepchild(ren), or grandchild(ren) of the permittee.

(2 “Beer” as used in this chapter shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101.

(3) “Business” shall be defined as it is in Tennessee Code Annotated § 67-4-704 in the term “business” means any activity engaged in by a person, individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number or caused to be engaged in by a person, individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number with the object of gain, benefit or advantage, whether direct or indirect. For purposes of this section the term “business” shall also be defined as any person, individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number that holds a valid business license.

(4) “BYOB” means “bring your own bottle” but also mean a person bringing their own beer or other alcoholic beverage into a business or any place for consumption.

(5) “Caterer” means a business engaged in offering food and beverage service for a fee at various locations, which (a) operates a permanent catering hall on an exclusive basis; (b) has a complete and adequate commercial kitchen facility; and (c) is licensed as a caterer by the Tennessee Department of Health.

(6) “Church” means a building or property where a congregation regularly meets at least one day per week for religious worship.

(7) “Clerk” means any person working in a capacity to sell beer directly to consumers for off-premises consumption.

(8) “Beer Board” means that administrative body organized and empowered under the authority of Tennessee Code Annotated, Title 57, Chapter 5.

(9) “Minor” with respect to purchasing, consuming, or possessing beer means any person who has not attained the age of twenty-one (21) years.

(10) “Moral Turpitude” includes but is not limited to the crimes of premeditated homicide, all sex related crimes, selling of any schedule and/or controlled substances illegally, fraud, and theft. For purposes of this definition, identification of Schedule substances is as defined by Tennessee Code Annotated sections 39-17-406, 39-17-410, 39-17-412, 39-17-414, 39-17-416 respectively.

(11) “Park” means a piece of property either owned or maintained by the City of Covington where people regularly gather for recreational purposes or as spectators.

(12) “Permit” means any permit issued pursuant to this Title.

(13) “Permittee” means any person to whom any permit has been issued pursuant to this title.

(14) “Premises” means any building, portion of a building, or property that is utilized for a particular enterprise.

(15) “Resident” means any person who at present is living with the City of Covington corporate limits with the intent that his permanent home shall be within such city.

(16) “Responsible vendor” means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the “Tennessee Responsibly Vendor Act of 2006,” Tennessee Code Annotated § 57-5-601, et seq.

(17) “Retailer” means any person licensed by the Beer Board who sells beer for consumption and not for resale.

(18) “Off-Premises permit” means a permit issued by the Beer Board to a retailer engaged in the sale of beer which is not to be consumed by the purchaser upon the premises of such permittee.

(19) “On-Premises permit” means a permit issued by the Beer Board to a retailer engaged in the sale of beer which is to be consumed by the purchaser only upon the premises of such permittee.

(20) “School” means any institution, including kindergarten, where regular classes are conducted under the supervision of a teacher, or instructor, including schools or colleges where specialized subjects are taught to students of all ages. Such terms shall include vocational, medical, law, art, cosmetology, and other institutions where similar subjects are taught; provided however, mortuary colleges shall not be included in such terms.

(21) “Sell” means and includes taking or receiving an order for, keeping, or exposing for sale, delivering for value, keeping for intent to sell and trafficking in beer.

(22) “Valid Identification” means (a) a valid driver’s license issued by the State of Tennessee or any other state of the United States, (b) United States Active Military identification, (c) a valid passport, (d) valid identification card showing a recent photograph issued by any agency of the state or country for the purpose of identification. (Ord. #1514, May 2003 and Ord. #1165, April 2015)

8-207. **Permit required for engaging in beer business.**<sup>2</sup> (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the Beer Board.

(2) After the effective date of this section, each applicant for a beer permit must be at least twenty-one (21) years of age.

(3) The application shall be made on such form as the Beer Board shall furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee as currently adopted on the administrative ordinance.

(4) Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. Licensed retail package stores located in the city are exempt from the provisions of this chapter and are not required to obtain a beer permit. (Ord. #1514, May 2003)

8-208. **Privilege tax.** There is hereby imposed on the business of selling, distributing, storing, or manufacturing beer an annual privilege as currently adopted on the administrative ordinance pursuant to Tennessee Code Annotated § 57-5-104(b)(1).

(1) Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage, or manufacture of beer shall remit the tax each successive January 1 to the City of Covington, Tennessee.

(2) The Beer Board shall mail written notice to each permit holder of the payment date of the annual privilege tax at least thirty (30) days prior to January 1<sup>st</sup> of each year. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31<sup>st</sup> or within thirty days after written notice of the tax was mailed, whichever is later, then the Beer Board shall notify the permit holder by certified mail that the tax payment is past due. If the permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the permit may be suspended, revoked or the permit holder may be given a civil penalty subject to the procedures set forth in Tennessee Code Annotated § 57-5-108 and sections 8-215, and 8-216 of this title.

(3) The City of Covington may use the tax funds for any public purpose.

(4) At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next payment date. (Ord. #1514, May 2003 and Ord. #1665, April 2015)

8-209. **Beer permits shall be restrictive.** All Beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type of phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the Beer Board. (Ord. #1514, May 2003)

8-210. **Classes of permits.** Permit issues by the beer board shall consist of five (5) types:

(1) **Manufacturing.** A manufacturer's permit to a manufacturer of beer for the manufacture, possession, storage, sale, giveaway, distribution, and transportation of the product of each manufacturer, not to be consumed by the producer upon or near the premises of such manufacturer.

(2) **Class 1 on premises permit.** A Class 1 on premises permit shall be issued for the consumption of beer only on the premises. To qualify for a Class 1 on premise permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter.

- (a) Must obtain and maintain a valid Food Establishment Permit from the State of Tennessee;
- (b) Be able to seat a minimum of thirty (30), including children, in booths and at tables, in addition to any other seating it may have;
- (c) Keep and maintain the premises in a clean and sanitary condition, and obtain the Tennessee Department of Health and Environment, Division of Food and General Sanitation, or its designee, or other proper state and local authority, all necessary permits as required for restaurants in the State of Tennessee;
- (d) File with the City of Covington on a monthly basis a copy of the sales tax return due to the State of Tennessee; and
- (e) Provide a state sales tax number and federal employee's identification number to the City of Covington.
- (f) Provide the Covington Police Department prior to commencement of employment, the name, address, date of birth, and copy of valid identification of each and every employee for the purposes of ascertaining whether said employee has a criminal record.

In addition, the monthly beer sales of any establishment that holds a Class 1 on premises permit shall not exceed forty (40%) of the gross sales of the establishment. Any such establishment that for two (2) consecutive months has beer sales exceeding forty percent (40%) of its gross sales, shall have its beer permit revoked. It shall be the responsibility of each applicant to provide the City of Covington with appropriate distinctions of the amount of beer and food sold. Said information shall be provided to the City of Covington on a monthly basis on such forms and according to such procedures as the City of Covington may dictate. The city may, in its discretion, require each applicant to provide such additional information as the City of Covington deems necessary in order to make appropriate distinctions of the amount of beer and food sold. Failure to provide such information shall constitute a violation of this chapter and may result in a revocation or suspension of the permit.

(3) **Class 2 on premises permit.** Other establishments making application for a permit to sell or give away beer for consumption on the premises, which did not qualify, or do not wish to apply for a Class 1 on premises permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a Class 2 on premises permit. To qualify for a Class 2 on premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- (a) Allow no one under the age of twenty-one (21) years to be in or about the premises where beer is being sold or given away;
- (b) Require all customers to have valid identification on their person;
- (c) Provide to the Covington Police Department prior to commencement of employment, the name, address, date of birth, and copy of valid identification of each and every employee for the purpose of ascertaining whether said employee has a criminal record;
- (d) Provide and maintain separate sanitary toilet facilities for men and women, and keep and maintain the premises in a clean and sanitary condition;

(e) Allow no assaults, fighting, damaging of property and breaches of peace occurring on or in the premises where beer is sold or given away;

(f) Provide a state sales tax number and federal employee's identification number to the City of Covington;

(g) In the event food is served, shall obtain from the Tennessee Department of Health and Environment, Division of Food and General Sanitation, or its designee, or other state or local authority, all necessary permits as required for sale of food; and

(h) Have all seating in the interior of the building under a permanent roof. No beer shall be allowed outside the building for sale, giveaway, or consumption.

(4) **Off premises permit.** An Off Premises permit shall be issued for the consumption of beer only off the premises. To qualify for an Off Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

(a) Be a grocery store or a convenience type market;

(b) In either case, be primarily engaged in the sale of grocery and personal, home care and cleaning articles, but may also sell gasoline; and

(c) Provide a state sales tax number and federal employee's identification number to the City of Covington.

(d) An establishment that obtains an Off Premises permit may allow the sale of beer through any type of drive-through window once they comply with the following:

(i) Installation of a commercial grade inside and outside monitoring/recording video surveillance security system;

(ii) At a minimum a camera(s) must be installed to show the purchasers and employees face as well as ID confirmation by the employee;

(iii) Additionally, a camera must be installed outside in a well-lighted location to capture the license plate, vehicle make and model;

(iv) This system shall be properly working during the hours the business is open to the public.

(v) For new applicants after this ordinance is in effect the beer permit will not be issued until you have obtained a permit to install a drive-through window; and the above-listed requirements have been met and have been confirmed by the Covington Police Department to meet the requirements.

(vi) For existing permit holders, you shall not sell beer through a drive-through window until you obtain a permit to install a drive through window in addition to complying will all the regulations listed above. You will be in violation of your permit if you sell beer through a drive-through window prior to complying with above regulations.

(e) No beer shall be allowed outside the building of an Off Premises permit holder for sale, giveaway, or consumption. The permittee with an Off Premises beer permit shall not allow the consumption of beer anywhere on the premises of the permittee.

(5) **Special Use-Event permit.** In addition to the permanent permits provided for in this section, the Beer Board shall have the authority to issue special use-event permit to bona fide charitable, nonprofit, or political organizations upon the same terms and conditions governing permanent permits, including limitations on the hours of sale. Special Use-Event permit shall be issued as one (1) of two (2) types:

(a) **A Single Event Permit.** A single event permit shall be valid for a maximum period of three (3) consecutive days, with the actual number of days to be determined by the Beer Board.

(b) **A Multiple Event Permit.** A multiple event permit may be issued for a fixed number of events during a calendar year, not to exceed six events per calendar year. The exact dates, time and location of each individual event must be approved by the Beer Board at the time of the issuance of the permit. If exact dates are not known at the time of permit issuance, subsequent approval at a future Beer Board meeting must be obtained prior to the event.

(i) For purposes of this section only, an event occurring on one day and up to three (3) consecutive days shall be considered one (1) "event."

(c) Special Use-Event permit does not permit the seller to sell beer anywhere within the city limits of their choosing but is specific to the location wherein the event is being held. If the seller is found to be selling beer anywhere other than the location where the event is being held that is specified on the permit it will be considered a violation of their permit.

(d) No organization possessing a special use-event permit shall purchase, for sale or distribution, beer from any source not properly licensed provided by State law.

(e) Failure of a special use-event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of Covington will result in a denial of a special use-event permit for the sale of beer for a period of one year

(f) For purposes of this section:

(ii) Bona fide charitable or nonprofit organization means any entity which has been recognized as exempt from federal taxes under §501 (c) of the Internal Revenue Code (26 U.S.C. §501(c)) or any organization having been in existence for at least two (2) consecutive years which expends at least sixty (60%) of its gross revenue exclusively for religious, education or charitable purposes;

(ii) Bona fide political organization means any political campaign committee as defined in Tennessee Code Annotated §2-10-102 or any political party as defined in Tennessee Code Annotated §2-13-101.

(g) The application for a special use-event permit shall set forth the following information:

(i) The name, address, and telephone number of the chairperson of the charitable, nonprofit, or political organization seeking a temporary permit;

(ii) The name, address, and telephone number of the person responsible for beer sales under the permit;

(iii) The date, time, and location when the event will be held;

(iv) If the event requested to be covered by the special use-event permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the application; and

(v) The hours which beer sales or give away will be conducted during the event.

(vi) The anticipated number of people attending the event(s).

(vii) If beer is to be sold outside of a structure, the specific parameters of the special event area include the designated beer sale or give away area.

(viii) Plans for security and policing the event, including how the permittees will check identification and ensure beer is not sold to or given to minors.

(h) A special use-event beer permit shall state on its face the name of the permit holder, the specific location, times, and dates when they are permitted to sell or give away beer under the permit. A copy of the temporary beer permit must be displayed at the location where the beer is being sold or given away. Further, the permit holder must be on the premises at all times beer is being sold or given away.

(i) All beer must be removed from the premises where it is to be sold between events, as defined in this section, if there is any intervening event, assembly, or public gathering of any type.

(j) Special Use-Event permit holders shall be liable for the acts of all persons serving beer under any temporary permit issued to them.

(k) The number of special use-event permits issued to any specific bona fide charitable nonprofit or political organization shall be limited to two (2) per calendar year.

(l) The Beer Board may impose additional requirements, conditions and/or restrictions on special use-event beer permits or permittees the Board finds to be necessary for the health, safety, welfare, and security of the citizens of the City of Covington.

**(6)Special Use-Event permit on City Property.** In addition to the listed Special Use-Event regulations the following additional regulations are required.

(a) Beer may only be served by vendors who are properly licensed and possess all the appropriate state and local permits. Any individual serving beer must possess the appropriate license and credentials.

(b) Beer must be stored and consumed within the defined area, shown on a map, that shall be submitted with the application to the Special Events Committee along with the Special Event application. Prior to applying to the Beer Board for the Special Use-Event Permit.

(c) During the Special Event Committee meeting the required number of security personnel in attendance for the event will be discussed with the Covington Police Department representative. The Covington Police Chief will determine the number of security personnel that will be required per the information the applicant provided on the estimated attendance.

(d) The serving and consumption of beer at approved events is to be an amenity to well-planned and structured programs; it is not to be the indispensable and essential program element.

(e) No municipal funds nor municipal accounts can be used to purchase beer.

(f) Food and non-alcoholic beverages must also be served concurrently with the selling or give away of beer at the event.

(g) The only beer that may be legally possessed or consumed at Special Events on city property are those that are served by the approved special use-event permit holder.

(h) The Parks and Recreation Director must sign the application prior to the application being included on the Beer Board agenda if the event is to be held on any City property considered to be in the Park and Recreation Departments management authority.

(i) The Event Sponsor shall not consume alcohol while on duty and shall be in attendance for the duration of the event and the immediate post-cleanup period.

(j) Seventy-five percent (75%) or more of the attendees must be over the age of 21, and effective methods for ascertaining which guests may legally consume beer must be implemented.

(k) There may be an additional amount of Certificate of Liability required for Special Use-Event permits with approved Special Use-Event permits for the sale or give away of beer.

(7) **Events not subject to permit; notice required.** Any event which is catered, and the caterer has a valid Tennessee Alcoholic Beverage Commission (TABC) license to serve alcohol is not required to obtain a temporary permit. For the safety and welfare of the citizens of the City of Covington, the Beer Board requires prior notice of each event which is catered and not required to obtain a permit. Event coordinators shall furnish to the City of Covington Code Compliance Officer and the City of Covington Police Chief a copy of the form submitted to the TABC no later than five (5) business days prior to the event. (Ord. #1514, May 2003 and Ord. #1665, April 2015)

8-211. **Limitations upon issuance of beer permits.** No Class 2 on premises permit shall be issued to an applicant whose location:

(1) Is within two hundred fifty feet (250') from any hospital, church, school, public park or public playground or other place of public gathering and would cause congestion of traffic, or would otherwise interfere with the public health, safety, and morals of the citizens; and

(2) Class 2 beer permit applicants' distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored, or sold to the nearest point on the property line of the hospital, church, school, or other place of public gathering. No permit shall be suspended, revoked, or denied on the basis of proximity of the establishment to the hospital, church, school, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed, or manufactured at that location during any continuous six (6) month period.

8-212. **Conditions.** The following are conditions for issuance of a permit under this chapter:

(1) In the case of a partnership, a partner shall be the applicant, and, in the case of a corporation, any officer or the local manager of the proposed location shall be the applicant. The license shall be issued in the name of the partnership or the corporation, as the case may be. In the case of a corporation, where the local manager is the applicant, the corporation shall report any change in that position.

(2) The applicant shall designate the location of the premises where beer shall be sold or given away and shall name the owner of the premises as well as the lessee thereof.



(3) The applicant shall not sell or give away beer at any place except the premises designated in the petition, except that an applicant may have a permit for more than one (1) location within the City of Covington, so long as a separate permit is issued for each location by the beer board.

(4) The applicant shall make no sales or give away of beer except upon the terms and conditions of the permit issued.

(5) The applicant shall designate in the application whether his application is for beer to be sold or given away for consumption on the premises or consumption off the premises. The application shall not be made for both consumption on and off the premises designated in the application.

(6) No sale or give away of beer shall be made to persons under the age of twenty-one (21) years and no such person shall be allowed to loiter about the area where beer is being sold or given away; however, any person eighteen (18) years of age or older may transport, possess, sell or dispense beer in the course of such person's employment in Class 1 on premises establishments and off premises establishments.

(7) The applicant shall allow no gambling upon the premises, not allow any devices defined as gambling devices by state statute upon the premises designated for sale or giveaway of beer.

(8) Neither the applicant nor any person employed by him shall have been convicted of any violation of any liquor laws, any crime involving moral turpitude, or any felony within the last ten (10) years prior to filing the application.

(9) Neither the owner nor any employee of the applicant shall drink intoxicating beverages during hours of operation.

(10) Only the person receiving the beer permit shall act as manager of any establishment granted the right to sell or give away beer within the City of Covington, however, the manager shall designate, in writing with a copy to the City of Covington, an alternative person who shall be in charge of the establishment when he is absent from the premises.

(11) No beer shall be sold or given to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(12) In all On Premises locations, there must be sufficient lighting for customers to adequately read a menu, if applicable, and for employees to properly inspect the age and identification card of customers without aid of additional illumination.

(13) The permittee shall maintain an orderly establishment and not be in violation of any health, building or fire department regulations or ordinances of the City of Covington.

(14) The Beer Board, Police Department, Fire Department, and City of Covington Code Compliance Department has the full power and authority to enter, inspect, and investigate any business operated pursuant to any permits issued by the Beer Board, and has full authority to call upon any member of the police and health departments for assistance in the enforcement of the State laws, City ordinances, and rules and regulations of the Beer Board pertaining to the sale or giveaway of beer.

(15) No beer may be sold or given away except at places where such sale or giveaway will not cause congestion of traffic or interference with hospitals, schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, and morals. (Ord #1514, May 2003, modified and Ord. #1665, April 2015)

(16) Beer permit holders must, at all times, have a valid business license issued by the City of Covington and Tipton County and provide proof of the same before a beer permit will be issued initially or renewed annually. (Ord #1752, July 2022)

(17) The owner of a business license for beer sales in any class, shall be required to complete and sign an affidavit that he, she or they have read the ordinance governing the sale and consumption of beer and acknowledges responsibility to strictly enforce the beer ordinance in their establishment. Such affidavits shall be signed annually and kept on file with the beer permit. Failure to complete the required affidavit shall be considered the basis for license revocation.

(18) A permit holder must return its permit to the board withing fifteen (15) days of termination of the business, change in ownership, relocation of the business or change in the business name; provided that, regardless of the failure to return a beer permit, a permit shall expire upon termination of the business, change in ownership, relocation of the business or change in the business's name.

**8-213. Minimum mandatory training requirements.**

(1) Unless a beer permit holder is a certified Responsible Vendor pursuant to T.C.A. § 57-5-601 *et seq.*, all persons, businesses, or organizations holding a beer permit issued by the Beer Board of the City of Covington shall not allow any employee to sell or serve beer unless that employee has attended and completed a server training program approved by the Tennessee Alcoholic Beverage Commission.

(2) All employees of beer permit holders must keep and maintain their server permit training in accordance with state law.

(3) New employees of beer permit holders will have thirty (30) days from the date of hire to complete a certified server training program.

(4) Documentation proving compliance with these training requirements shall be maintained on the premises of the beer permit holder and shall be available for inspection by proper authorities at all times.

(5) The City of Covington shall cause a copy of this Ordinance with a list of certified and approved training programs from the Tennessee Alcoholic Beverage Commission to be provided to all beer permit holders within thirty (30) days of passage, and all new applicants shall be provided a copy at the time of application.

(6) Beer permittees who also hold a valid Tennessee Alcoholic Beverage Commission license shall be exempt from the training requirements of this ordinance as they are bound by state training requirements.

(7) The City of Covington shall cause a copy of this Ordinance to be mailed to all beer permit holders within thirty (30) days of passage and all new applicants shall be provided a copy of the Ordinance at the time of application.

(8) If any provision of this Ordinance shall be invalidated by a court of law the remaining sections shall remain valid, effective, and enforceable.

(9) This Ordinance shall take effect ninety (90) days from the date of passage of this Ordinance.

8-214. **Legal hours of sale.** Except as otherwise provided by state law:

(1) It shall be unlawful for any off-premises permit holder to make or allow any sale or giveaway of beer between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 1:00 A.M. on Sunday and 10:00 A.M. on Sunday.

(2) It shall be unlawful for any Class 1 permit holder to make or allow any sale or giveaway of beer between the hours of 2:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 2:00 A.M. on Sunday and 10:00 A.M. on Sunday.

(3) It shall be unlawful for any Class 2 permit holder to make or allow any sale or giveaway of beer between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 1:00 A.M. on Sunday and 6:00 A.M. the following Monday.

(4) All Class 1 permit holders must have their place of business cleared of all customers by 2:00 A.M. and Class 2 permit holders must have their place of business cleared of all customers by 1:30 A.M.

(5) It shall be unlawful for any temporary permit holder to make or allow any sale or giveaway of beer between the hours of 12:00 A.M. and 12:00 P.M. (Ord. #1638, Nov. 2012 and Ord. #1665, April 2015)

8-215. **Suspension and revocation of beer permits.** "The Beer Board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement(s) or misrepresentation(s) on his application or of violating any of the provisions of this chapter. The Beer Board shall also have the power to suspend or revoke any beer permit issued in accordance with the provisions of Tennessee Code Annotated § 57-5-108. No beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the Police Chief, Fire Chief, Building Official, or by any member of the Beer Board." (Ord. 1165, April 2015)

8-216. **Penalties.** The Beer Board shall impose the following penalties if, after a public hearing, it finds that a beer permit holder has violated any conditions of said permit.

(1) If the permit holder and the clerk that commits any offense, including making or permitting to be made any sales or giveaway of beer to a minor, have both complied with Tennessee Code Annotated § 57-5-606 then the Beer Board shall impose a civil penalty in lieu of suspension of one thousand dollars (\$1,000) for each offense.

(2) If the permit holder and/or the clerk that commits any offense is not a "Responsible Vendor" or has failed to comply with Tennessee Code Annotated § 57-5-606, then the penalties shall be as follows:

(a) For a 1<sup>st</sup> offense, a \$2,500 civil penalty in lieu of a 30-day suspension for each offense.

(b) For a 2<sup>nd</sup> offense, a 60-day suspension of the beer permit.

(c) For a 3<sup>rd</sup> offense, revocation of the beer permit.

(3) To determine the number of violations in order to assess a penalty under this part, the Beer Board shall look back a consecutive twelve 12-months from the date of the current violation for any previous violations.

(4) Nothing in this part prohibits the Beer Board from considering especially mitigating or aggravating factors of any offense or violation and assessing a different penalty. However, if the Beer Board assesses a different penalty due to especially mitigating or aggravating factors, said factors shall be specifically stated.

(5) If a civil penalty is offered in lieu of suspension, the permit holder shall have seven (7) business days within which to pay the civil penalty before the suspension shall be deemed withdrawn.

8-217. **Effect of board action.** The action of the Beer Board in all such hearings shall be final, subject only to review by the court. When a permit is revoked, no new permit shall be issued hereunder for the sale or giveaway of beer to the same permit holder or any agents of the permit holder at the same location as the Beer Board may determine until the expiration of one (1) year from the date said revocation becomes final. When a permit is suspended, no new permit shall be issued hereunder for the sale or giveaway of beer at the same location or to the same permit holder until the period of suspension is over. (Ord. #1514, May 2003 and Ord. 1665, April 2015)

8-218. **Brown Bagging and /or BYOB.** This section shall make the unregulated and unlicensed possession and consumption of beer and alcoholic beverages in a business in the City of Covington between the hours of 1:00 A.M. and 6:00 A.M. unlawful.

(1) Between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 1:00 A.M. on Sunday and 12:00 noon 10:00 A.M. on Sunday it is unlawful for any person to consume beer, or an alcoholic beverage not lawfully sold by the business on the premises of any business open for business during these hours in the City.

(2) Between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 1:00 A.M. on Sunday and 12:00 noon 10:00 A.M. on Sunday it is unlawful for any person to possess an open container of beer, or an alcoholic beverage not lawfully sold by the business on the premises of any business open for business during these hours in the City.

(3) Between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 1:00 A.M. on Sunday and 12:00 noon 10:00 A.M. on Sunday it is unlawful for any owner of a business open for business during these hours in the city to knowingly or intentionally permit any person to possess an open container of beer or an alcoholic beverage not lawfully sold by the business or to consume beer or an alcoholic beverage not lawfully sold by the business on the premises of said business. For the purposes of this section, notice to an agent or employee of a business shall constitute notice to the owner of the business.

(4) Between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 1:00 A.M. on Sunday and 12:00 noon 10:00 A.M. on Sunday the open display by any person on the premises of a business open for business during these hours of any open container of beer or an alcoholic beverage marked as if for resale and lawfully sold by the business, shall be evidence of a violation of subsection (3) above.

(5) Any owner of a business open between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week and between the hours of 1:00 A.M. on Sunday and 12:00 noon on Sunday, having notice, either actual or constructive, prior to 1:00 A.M. that beer and/or alcoholic beverages not lawfully sold by the business are being consumed on the premises shall at 1:00 A.M. or within a reasonable time thereafter give notice reasonably calculated to inform all persons on the premises that the consumption of beer or

alcoholic beverages or the possession of an open container of beer or an alcoholic beverage on the premises is prohibited by this section. Failure of the owner of a business to give notice pursuant to this section, personally or through an agent or employee, shall be unlawful and shall constitute a separate violation of this section. However, such failure shall not provide a defense to prosecution of any person under any other subsections herein.

(6) This section does not prohibit the sale of beer or alcoholic beverages by any business that possesses a valid beer permit or alcoholic beverage license during such hours authorized by the laws of the State and the Ordinances of the City, nor does this section prohibit any other conduct permitted under the laws of the State or the Ordinances of the City. This section does not prohibit the owner of a business who resides on the premises of the business from consuming beer or alcoholic beverages at any time on the premises or from possession of an open container of beer or alcoholic beverages at any time on the premises. This section does not prohibit the consumption of beer or alcoholic beverages by any person within the confines of the person's individual room in any hotel within the City.

(7) The provisions of this section are severable. If any provision of this section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. (Ord. #1665, April 2015)

## **CHAPTER 3**

### **WINE IN RETAIL FOOD STORES**

#### **SECTION**

- 8-301. Retail food store wine licenses.
- 8-302. Inspection fee on retail food store wine licenses.
- 8-303. Application for certificate.
- 8-304. Application fee and annual license fee.
- 8-305. Hours of sale of wine.
- 8-306. Wine Tastings prohibited on premises – Licensee permitted to hold license to sell alcoholic beverages for consumption on premises – Requirements.
- 8-307. Storage and delivery of wine – Purchase of wine from wholesaler.
- 8-308. Prohibition against sale to intoxicated persons or persons accompanied by an intoxicated person.
- 8-309. Prohibition against sale or gift of wine on certain holidays.
- 8-310. Responsible vendor training program.
- 8-311. Permitted manager – Employees to obtain certification pursuant to responsible vendor training program for wine.

#### **8-301. Retail food store wine licenses – Retail food stores defined – Number of Stores.**

(1) Notwithstanding any other law to the contrary, an additional class of licenses allowing the sale of wine at retail stores has been created. These licenses shall be known as “retail food store wine licenses” and shall be issued by the Tennessee Alcoholic Beverage Commission; provided, that licenses shall only be issued to a retail food store located in a municipality that has authorized the sale of wine at retail food stores by local option election pursuant to TCA 57-3-801 and has full-time law enforcement through a police department. In a local option election held in November 2014, the citizens of the City of Covington voted in favor of the sale of wine in retail food stores. On July 1, 2016, the Tennessee Alcoholic Beverage Commission began issuing licenses. The retail food store wine license shall permit the license to receive, store, possess and sell wine at retail for consumption off the premises at the licensed retail food store subject to the restrictions in this part.

(2) Retail food stores are defined in this Chapter as a business that derives at least twenty (20) percent of its sales from the retail sale of food and food ingredients and has floor space of at least 1,200 square feet.

(3) Nothing shall permit the holder of a retail food store wine license from having more than one (1) retail food store wine license.

**8-302. Inspection fee on retail food store wine licenses.** Pursuant to the authority contained in Tennessee Code Annotated, 57-3-501 et seq., there is hereby imposed an inspection fee on retail food store wine licenses. The inspection fee shall be five percent (5%) of the wholesale price of alcoholic beverages as defined in Tennessee Code Annotated, 57-3-101(a)(1)(A) supplied by a wholesaler to a retail food store wine licensee.

**8-303. Application for certificate.** Before any certificate, as required by Tennessee Code Annotated, 57-3-806, shall be signed by the Mayor of the City of Covington, a request in writing shall be filed with the Recorder-Treasurer giving the following information:

- (1) Name, birthdate, age, and address of the applicant. Applicant must be 21 years or older.
- (2) Number of years residence at applicant's current address. Applicants are not required to be residents of the municipality. Whether or not the applicant has been convicted of a felony in the past ten (10) years.
- (3) The proposed store's location for alcoholic beverages sale.
- (4) The name(name)s and/or address (addresses) of the owner of the store.
- (5) If the applicant is a partnership, the name, age, and address of each partner. If the applicant is a corporation, the name, age, and address of the executive officers, or those who will be in control of the store. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

**8-304. Non-refundable application fee.** Each applicant for wine in a retail food store shall submit a non-refundable application fee to the City of Covington as set forth by the current Administrative Ordinance.

**8-305. Hours for the sale of wine.** No retail liquor store or retail food store shall sell, give away, or otherwise dispense wine except between the hours of eight a.m. (8:00 a.m.) and eleven p.m. (11:00 p.m.) on Monday through Saturday and between ten a.m. (10:00 a.m.) and eleven p.m. (11:00 p.m.) on Sunday.

**8-306. Wine tastings prohibited on premises-Licensee permitted to hold license to sell alcoholic beverages for consumption on premises – Requirements.**

- (1) No retail food store shall conduct wine tastings on its premises.
- (2) A retail food store that has a license pursuant to this part may also hold a license to sell alcoholic beverages for consumption on premises. TCA 57-3-817

**8-307. Storage and delivery of wine – Purchase of wine from wholesaler.**

- (1) A retail food licensed to sell wine shall not store any wine off the licensed premises.
- (2) All deliveries of wine to a retail food store must be made by a licensed wholesaler through a common carrier, a contract carrier or on vehicles owned by the wholesaler. The deliveries shall only be made to the business address of the retail food store. TCA 57-3-812

**8-308. Prohibition against sale to intoxicated persons or persons accompanied by an intoxicated person.** No retail food store wine licensee shall sell any alcoholic beverages to any person who is visibly intoxicated, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is visibly intoxicated. Tennessee Code Annotated 57-3-809

**8-309. Prohibition against sale or gift of wine on certain holidays.** Notwithstanding any law to the contrary, a retail food store wine licensee shall not sell or give away wine on Easter, Thanksgiving or Christmas. Tennessee Code Annotated 57-3-819

**8-310. Responsible vendor training program – requirements.** The Tennessee Alcoholic Beverage Commission has created a responsible vendor training program for retail food store wine licensees and retailers licensed pursuant TCA 57-3-204. Each retail food store wine licensee and retailer licensed under this section shall participate in the responsible vendor training program as a condition to having and maintaining such licensee. Tennessee Code Annotated 57-3-818

**8-311. Permitted manager – Employees to obtain certification pursuant to responsible vendor training program for wine.**

- (a) Any retail food store licensed to sell wine must have a permitted manager as prescribed in TCA 57-3-221 and that manager must work on the licensed retail food store's premises. A retail food store may have more than one (1) manager per license.
- (b) All employees of a retail food store that is licensed to sell wine and is involved in selling the wine must obtain certification pursuant to the responsible vendor training program for wine in TCA 57-3-818. Tennessee Code Annotated 57-3-816



## ORDINANCE 1778

### AN ORDINANCE TO AMEND THE TEXT OF THE COVINGTON MUNICIPAL- REGIONAL ZONING ORDINANCE BY ADOPTING STANDARDS FOR DISTILERIES IN THE B-4 (ARTISAN BUSINESS) DISTRICT

WHEREAS, Sections 13-7-201 through 13-7-211 of the *Tennessee Code Annotated* empowered the City of Covington to enact the Covington Municipal Zoning Ordinance and Official Zoning Map, and provide for its administration and enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals, and general welfare of the City to amend the Municipal Zoning Ordinance; and,

WHEREAS, the Covington Planning Commission has reviewed said proposed zoning amendment pursuant to Sections 13-7-203 and 13-7-204 of the *Tennessee Code Annotated* and recommends such amendment to the Board of Mayor and Alderman; and,

WHEREAS, the Covington Board of Mayor and Aldermen has given due public notice on said amendment and has held public hearing; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-211 of the *Tennessee Code Annotated*, with regard to the amendment of the Covington Municipal Zoning Ordinance by the Planning Commission and subsequent action of the Covington Board of Mayor and Aldermen, have been met.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON:**

**SECTION 1.** That following language be added to 11-704, Section 1. H. Uses Permitted:

1. Alcohol Distillery subject to the following conditions:
  - A. Prior to development of an Alcohol Distillery a site plan shall be approved by the Planning Commission. The site plan shall include and clearly show the following:
    - (1) Site and building dimensions
    - (2) Interior functions (production, assembly, and retail) and square footage of each. Spaces designated for commercial functions should be

accessory to the production purposes of the site and should not exceed 25% of the gross floor area.

(3) Any outdoor seating and assembly

(4) Outdoor seating and assembly areas must be screened from surrounding properties.

(5) Parking provisions based on the square footage of each use. Parking must be provided on-site. Outdoor seating areas must be included in the parking calculation.

B. Taproom/Tasting Room shall be in the same building as the distillery.

C. The Planning Commission shall consider the appropriateness of the site for a distillery in context of the other surrounding land uses and zoning.

**SECTION 2.** That the following language be added to 11-201. Definitions:

*Alcohol Distillery: Large scale production of alcoholic beverages and may include accessory use tours, a taproom/tasting room, restaurant, or retail space for the consumption of alcohol made on-site and purchase of distillery related merchandise.*

**SECTION 3.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, this ordinance shall take effect from and after its passage, the welfare of the City requiring it."

\_\_\_\_\_  
Passed First Reading

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Passed Second Reading

\_\_\_\_\_  
City Recorder-Treasurer

\_\_\_\_\_  
Public Hearing

\_\_\_\_\_  
Passed Third Reading

**ORDINANCE 1779**

**AN ORDINANCE LEVYING A PRIVILEGE TAX UPON THE OCCUPANCY  
IN ANY HOTEL OR MOTEL OR ANY PLACE IN WHICH ROOMS,  
LODGING OR ACCOMMODATIONS ARE FURNISHED  
TO TRANSIENTS FOR CONSIDERATION**

**WHEREAS,** Tennessee Code Annotated § 67-4-1401, et seq. authorizes the City of Covington, Tennessee, to levy by Ordinance an occupancy or hotel/motel tax; and

**WHEREAS,** the City of Covington, Tennessee, deems it to be in the best interest of the City to have such a tax; and

**WHEREAS,** the health, safety, and welfare of the citizens of the City of Covington, Tennessee, will be positively impacted by the adoption of this Ordinance.

**NOW, THEREFORE BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON, TENNESSEE, AS FOLLOWS:**

- (1) "Exhibit A" attached herein is hereby adopted and shall be codified in its entirety.
- (2) All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.
- (3) This Ordinance shall take effect from and after its adoption, the public welfare requiring it.

**ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON, TENNESSEE, this, the \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

Passed on first reading: \_\_\_\_\_

Passed on second reading: \_\_\_\_\_

Public hearing held: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder/Treasurer

# “EXHIBIT A”

## TITLE 5

### MUNICIPAL FINANCE AND TAXATION

#### CHAPTER 7

#### HOTEL/MOTEL TAX

##### SECTION

- 5-701. Definitions.
- 5-702. Rooms to be numbered.
- 5-703. Tax levied.
- 5-704. Collection.
- 5-705. Remission to town.
- 5-706. Collection, development of report, audit, etc.
- 5-707. Operator cannot advertise that he will assume tax.
- 5-708. Delinquent taxes; offenses by operators and/or transients.
- 5-709. Operators to keep records.
- 5-710. Additional powers of Recorder/Treasurer remedies available to tax payer.
- 5-711. Recorder/Treasurer to collect; disposition of proceeds.

**Section 5-701. Definitions.** As used in this chapter:

- (1) “*Consideration*” means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever;
- (2) “*Hotel*” means any structure or space, or any portion thereof, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes privately, publicly, or government-owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds, or any place in which rooms, lodgings, or accommodations are furnished to transients for consideration;;
- (3) “*Occupancy*” means the use or possession, or the right to use or possession, of any room lodgings or accommodations in any hotel;
- (4) “*Operator*” means the person operating the hotel, whether as owner, lessee or otherwise;
- (5) “*Person*” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit;
- (6) “*Tourism*” means attracting nonresidents to visit a particular municipality and encouraging those nonresidents to spend money in the municipality, which includes travel related to both leisure and business activities;
- (7) “*Tourism development*” means the acquisition and construction of, and financing and retirement of debt for, facilities related to tourism; and

- (8) "*Transient*" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, or accommodations in a hotel for a period of less than thirty (30) continuous days.

**Section 5-702. Rooms to be numbered.** Each sleeping room and in every hotel in the town shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number.

**Section 5-703. Tax levied.** There is hereby levied, assessed and imposed, and shall be paid and collected, a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to 4% of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided herein.

**Section 5-704. Collection.** Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the town.

**Section 5-705. Remission to town.** The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the city limits to the City of Covington Recorder/Treasurer, such tax to be remitted to such officer no later than the twentieth (20<sup>th</sup>) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator and if credit is granted by the operator to the transient then the obligation to the town entitled to such tax shall be that of the operator.

**Section 5-706. Collection, development of report, audit, etc.** The City of Covington Recorder/Treasurer shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the City of Covington Recorder/Treasurer by the operator with such number of copies thereof as the City of Covington Recorder/Treasurer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the town recorder and approved by the Board of Mayor and Aldermen prior to use. The City of Covington Recorder/Treasurer shall audit each operator in the town at least once per year and shall report on the audits made on a quarterly basis to the Board of Mayor and Aldermen.

**Section 5-707. Operator cannot advertise that the operator will assume tax.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof, will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**Section 5-708. Delinquent taxes; offenses by operators and/or transients.** Taxes collected by the operator which are not remitted to the City of Covington Recorder/Treasurer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition, for the penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest shall become a part of the tax. Each occurrence of willful refusal of an operator to collect

or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00).

**Section 5-709. Operators to keep records.** It shall be the duty of every operator liable for the collection and payment to the town of the tax imposed by this article to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the town. Every person to whom a permit is issued under this chapter shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms and the number of the room which guest is to occupy, together with the time such room is rented, which records the City of Covington Recorder/Treasurer shall have the right to inspect at all reasonable times.

**Section 5-710. Additional powers of Recorder/Treasurer; remedies available to tax payer.** The City of Covington Recorder/Treasurer or other authorized collector of the tax in administering and enforcing the provisions of this act shall have, as additional powers, those powers and duties with respect to collecting taxes as provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, title 67. The City of Covington Recorder/Treasurer shall have all those powers and duties as provided in Tennessee Code Annotated § 67-1-707(b). Any tax paid under protest shall be paid to the City of Covington Recorder/Treasurer. Any suit filed to recover taxes paid under protest may be brought by filing the same against the City of Covington Recorder/Treasurer of the town.

**Section 5-711. Recorder/Treasurer to collect; disposition of proceeds.** The City of Covington Recorder/Treasurer hereby charged with the duty of collection of the tax herein levied and the proceeds received by the town from the tax shall be used exclusively for tourism and tourism development within the town as required by Tennessee Code Annotated § 67-4-1403.

9-Jul-2024

Vendor Name	Department(s)	Description	Amount
A T & T	POLICE	TELEPHONE SERVICE	2,248.55
A2H	STREET	PROFESSIONAL SERVICES	3,293.56
A2H	CODES	PROFESSIONAL SERVICES	3,052.50
A2H	CODES	PROFESSIONAL SERVICES	2,970.00
A2H	SEWER	PROFESSIONAL SERVICES	17,900.00
AMERICAN EXPRESS	VARIOUS	MISCELLANEOUS PURCHASES	101,102.76
APOLLO MUEX	POLICE	TRAVEL	261.00
BRENNTAG MID SOUTH	WTP	CHEMICALS	3,754.25
BRENNTAG MID SOUTH	WWTP	CHEMICALS	3,845.00
BRENNTAG MID SOUTH	WWTP	CHEMICALS	4,261.00
BROOKS JEFFREY MARKETING	GENERAL	WEB HOSTING PACKAGE	2,995.00
BSN SPORTS	PARKS/REC	ALL STAR UNIFORMS	3,350.00
CABLE TEL SERVICES INC	WATER	COUNTRY CLUB LANE - CIP 70941	7,155.00
CABLE TEL SERVICES INC	WATER	BURNETT LANE - CIP 70941	11,400.00
CENTRAL AL TRAINING SOLUTIONS	FIRE	COMPRESSOR SERVICE TESTS	2,000.00
COMM DEVELOPMENT PARTNERS	SEWER	TDEC ARPA PROJECT	10,000.00
COTTRELL ELECTRIC INC	WWTP	SLUDGE PUMP MOTOR REPLACEMENT	3,235.29
CUMMINS SALES / SERVICE	FIRE	INSPECTION MAINTENANCE	2,407.20
DIRECT FITNESS SOLUTIONS	PARKS/REC	TREADMILL	6,895.00
DIRECT FITNESS SOLUTIONS	PARKS/REC	TREADMILL / INDOOR CYCLE	6,835.00
DUDLEY FIRE CONSULTANTS	FIRE	PUMP TEST	1,000.00
DURAND TESTING SERVICE	ALL	COMPLIANCE TESTING	1,430.00
ESO SOLUTIONS	FIRE	EMERGENCY REPORTING	1,518.40
G & C SUPPLY CO INC	WATER	MISCELLANEOUS MATERIAL / SUPPLIES	2,765.00
G & C SUPPLY CO INC	WATER	MISCELLANEOUS MATERIAL / SUPPLIES	1,020.00
G & C SUPPLY CO INC	WATER	MISCELLANEOUS MATERIAL / SUPPLIES	3,967.20
G & C SUPPLY CO INC	GAS	MISCELLANEOUS MATERIAL / SUPPLIES	6,895.00
HIGHTOWER PAINTING	POLICE	FRONT ENTRANCE RENOVATION (BALANCE)	2,811.42
HOME DEPOT	VARIOUS	MISCELLANEOUS PURCHASES	3,690.89
INTEGRATED COMMUNICATIONS	POLICE	EMERGENCY EQUIPMENT	43,995.52
INTEGRATED COMMUNICATIONS	POLICE	EMERGENCY EQUIPMENT	6,196.00
JAMIESON & FISHER	AIRPORT	INSURANCE RENEWAL	3,925.00
KIDD FENCE AND CONSTRUCTION	PARKS/REC	SOFTBALL COMPLEX - DRAW A	40,000.00
MCKEE CONSTRUCTION	FIRE	WATER HEATER INSTALLATION	2,443.62
MID SOUTH SUPPLIERS LLC	STREET	LIMESTONE	1,560.33
SCOTT TEMPLETON	POLICE	TRAVEL	196.22
SOUTHWEST TN EMC	AP/SWR/ST/GAS	ELECTRIC UTILITIES	1,816.24
TAG TRUCK CENTER WWTP	WWTP	REPAIRS	4,030.10
TIPTON COUNTY	GENERAL	VCIF GRANT REIMBURSEMENT	54,341.78
TN ASSOC OF UTILITY DISTRICTS	GAS	ANNUAL MEMBERSHIP DUES	2,027.50
VECTOR SOLUTIONS	FIRE	MEMBERSHIP RENEWAL	4,030.91
WALKER COMMERCIAL CUT & TRIM	PARKS/REC	TREE REMOVAL - SQUARE	1,800.00
WALMART	VARIOUS	MISCELLANEOUS PURCHASES	4,650.10
WILLIAM WESTBROOK	POLICE	TRAVEL	261.00
WITHERINGTON SERVICES	FIRE	DUCT WORK/CLEARED DRAIN LINE/FILTERS	1,540.00
WITHERINGTON SERVICES	MUSEUM	REPLACED 5 TON UNIT	3,760.00
WOOTEN OIL CO	INV	LOAD OF DIESEL	2,599.92
YARD DOCTOR	GENERAL	LAWN MAINTENANCE	2,870.00
			406,103.26

## **ORDINANCE 1780**

### **AN ORDINANCE TO AMEND THE COVINGTON MUNICIPAL ZONING MAP TO REZONE PROPERTY AT 800 TENNESSEE AVENUE (BASKING REALITY, LLC PROPERTY) FROM M-1 (INDUSTRIAL PARK) DISTRICT AND R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO B-2 (HIGHWAY ORIENTED BUSINESS) DISTRICT.**

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 and 13-7-202 a zoning ordinance and map have been adopted for the City of Covington; and,

WHEREAS, the Covington Municipal-Regional Planning Commission has recommended that the following property be reclassified from its current zoning designation to the proposed zoning designation and,

WHEREAS, a public hearing was held before Covington Board of Mayor and Aldermen pursuant to section 13-7-203, Tennessee Code Annotated, the time and place of which was published with fifteen days advance notice; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON:**

**SECTION 1.** That the following described property be rezoned from M-1 (City/Industrial Park) District and R-2 (City/Medium Density Residential) District to B-2 (City/Highway Oriented Business) District:

**A portion of Parcels 5.02 and 5.28 on Tipton County Tax Map 025**

BEING ALL OF TRACT 1 AND ALL OF TRACT 2 OF THE BASKIN REALTY LLC PROPERTY RECORDED AT RECORD BOOK 1942 PAGE 216 TRACT 1 AND TRACT 2 IN THE REGISTER'S OFFICE OF TIPTON COUNTY, TENNESSEE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN AT THE NORTHEAST CORNER OF GREENPOINT AG HOLDINGS LLC AS RECORDED IN RECORD BOOK 1983 PAGE 715 AND IN THE SOUTH LINE OF WILLIAM C. HARRIS TRUST RECORDED IN RECORD BOOK 1324 PAGE 457 AND LOCATED AT TENNESSEE STATE PLANE COORDINATES OF N=475927.21' E=883346.02' (NAD 83 DATUM US SURVEY FEET)

THENCE WITH SOUTH LINE OF WILLIAM C. HARRIS TRUST, S 73° 53' 22" E FOR A DISTANCE OF 840.53 FEET TO A FOUND IRON POST



THENCE CONTINUING WITH WILLIAM C. HARRIS TRUST, S 16° 51' 21" W FOR A DISTANCE OF 1301.55 FEET TO A POINT 5.72' SOUTH OF A FOUND FENCE CORNER IN THE NORTH MARGIN OF TENNESSEE AVENUE (60' PUBLIC RIGHT OF WAY).

THENCE WITH NORTH MARGIN OF TENNESSEE AVENUE, N 73° 53' 22" W FOR A DISTANCE OF 1294.52 FEET TO A POINT AT THE INTERSECTION OF THE NORTH MARGIN OF TENNESSEE AVENUE WITH THE EAST MARGIN OF SIMONTON STREET (60' PUBLIC RIGHT OF WAY)

THENCE WITH EAST MARGIN OF SIMONTON STREET, N 08° 06' 38" E FOR A DISTANCE OF 706.88 FEET TO A POINT AT THE SOUTHWEST CORNER OF GREENPOINT AG HOLDINGS LLC RECORDED IN RECORD BOOK 1983 PAGE 715

THENCE WITH SOUTH LINE OF GREENPOINT AG HOLDINGS LLC, CROSSING A FOUND TPOST AT 15', S 73° 53' 22" E FOR A TOTAL DISTANCE OF 649.14 FEET TO A FOUND TPOST AT THE SOUTHEAST CORNER OF GREENPOINT AG HOLDINGS LLC

THENCE WITH THE EAST LINE OF GREENPOINT AG HOLDINGS LLC, N 08° 32' 52" E A DISTANCE OF 606.71 FEET TO THE POINT OF BEGINNING CONTAINING 1,422,941 SQUARE FEET OR 32.666 ACRES.

**SECTION 2.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, THE PUBLIC WELFARE REQUIRING IT.

\_\_\_\_\_  
Passed First Reading

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Passed Second Reading

\_\_\_\_\_  
Recorder-Treasurer

\_\_\_\_\_  
Public Hearing

\_\_\_\_\_  
Passed Third Reading

## NOTICE OF PUBLIC HEARING

### **AN ORDINANCE TO AMEND THE COVINGTON MUNICIPAL ZONING MAP TO REZONE PROPERTY AT 800 TENNESSEE AVENUE (BASKING REALITY, LLC PROPERTY) FROM M-1 (INDUSTRIAL PARK) DISTRICT AND R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO B-2 (HIGHWAY ORIENTED BUSINESS) DISTRICT.**

Notice is hereby given that a public hearing will be held before the Covington Board of Mayor and Aldermen on proposed modifications to the Covington Municipal Zoning Map.

Said hearing will be held pursuant to the provisions of Section 13-7-203, Tennessee Code Annotated. Said hearing will be held at the regular meeting of the Covington Board of Mayor and Aldermen on August 13, 2023 **BEGINNING AT 5:30 P.M. AT COVINGTON CITY HALL.**

Any interested party is invited to appear before the Covington Board of Mayor and Aldermen and be heard in objection or in favor of the adoption thereof. Copies of the proposed ordinance will be available for public examination in the Mayor's Office, Covington City Hall.

## MEMORANDUM OF AGREEMENT

This agreement made and entered into by and between Tipton County, Tennessee hereinafter referred to as the “County” and the City of Covington, hereinafter referred to as the “City” is as follows:

WHEREAS, the County is a recipient of Tennessee Department of Environment and Conservation’s (TDEC) American Rescue Plan (ARP) Fiscal Recovery State Strategic Project Funds for the provision of wastewater infrastructure projects to benefit residents of Tipton County; and,

WHEREAS, the TDEC-ARP State Strategic Project funds are designated for and on behalf of the City for specific wastewater projects as approved by TDEC; and

WHEREAS, the County and the City desire to enter into a written agreement specifying the terms and conditions of the relationship of the County and City;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are acknowledged, the County and City agrees as follows:

1. The County’s responsibilities shall be the following:
  - a) The County awards an amount of \$3,453,479.90 from the County’s TDEC-ARP State Strategic Project allocation to the City for the construction of projects specified in the County’s application. These funds will be a pass-through to the City. The City will be responsible for cost overruns exceeding this allocation and the required 5% match.
  - b) The County agrees to prepare and submit applicable Requests for Reimbursement to the State requesting the TDEC-ARP State Strategic Project funding on behalf of the City.
  - c) The County agrees to abide by all rules, regulations, terms, and conditions of the TDEC-ARP State Strategic Project Program, as well as the SLFRF Final Rule.
  - d) The County will maintain files and adequate bookkeeping records related to the project.
2. The City’s responsibilities shall be the following:
  - a) The City will accept the pass through of TDEC-ARP State Strategic Project funds from the County.
  - b) The City shall be responsible for payment of all invoices and submitting proof of payment and invoices for presenting reimbursement requests to TDEC.
  - c) The City shall submit to the County \$6,990.85, to be held in an escrow account by the County, to cover their local match portion of their amount allocated for administration.

- d) The City shall contract for engineering services as necessary for carrying out the proposed projects.
  - e) The City agrees to abide by all rules, regulations, terms, and conditions of the TDEC-ARP State Strategic Project and SLFRF programs.
  - f) The City will maintain files and adequate bookkeeping records related to the project.
  - g) Following the completion of the project activities, the City agrees to operate and maintain the water and wastewater infrastructure systems associated with the project.
3. If for any reason whatsoever, the City does not adhere to the commitments as contemplated in this agreement, the County's sole remedy, and the limit of the County's liability under this agreement, will be for the City to reimburse the County the amount contemplated by this agreement.
4. This agreement is subject to the terms and conditions of Tipton County TDEC State of Tennessee Governmental Contract. The contract Terms and conditions, Tennessee State and local law, and applicable Federal Guidance are binding upon the County and the City.

IN WITNESS THEREOF, the County and the City have executed this Agreement this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Jeff Huffman  
Tipton County Executive

\_\_\_\_\_  
Jan Wade Hensley  
City of Covington

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Attest