

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

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CHAPTER 1**RETAIL PACKAGE INTOXICATING LIQUORS AND RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES****SECTION**

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¹State law reference

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8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the Town of Pleasant View, except as provided by Tennessee Code Annotated, § 57-3-101, et seq. and by the rules and regulations promulgated hereunder, and as provided in this chapter.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every other liquid containing alcohol or spirits, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued by the State of Tennessee Alcoholic Beverage Commission.

(3) "Retail sale" means a sale of alcoholic beverage to a consumer.

(4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provision herein.

(5) "Manufacturer" means and includes a distiller, vintner and rectifier.

(6) "Whole sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provision of Tennessee Code Annotated, § 57-3-101 through 57-3-110.

(8) "Words" importing the masculine gender shall include the feminine and the neutral, and the singular shall include the plural.

(9) "Person" means a private individual, partnership, joint venture, corporation, or any other business entity or association.

(10) "Premises" means the property owned, leased or controlled by the licensee and so connected with the liquor business in which the licensee is engaged as to form a component or integral part of it, including, but not limited to, the building and parking areas surrounding it.

(11) "Curb service" means all sales transacted outside of the building where the business is carried on. The intent of this provision being to insure that the sale and purchase of alcoholic beverages is transacted in a face-to-face meeting between the salesperson and the customer, with the customer outside of a motor vehicle and under such circumstances that the salesperson has a reasonable opportunity to determine if the customer is then in an intoxicated condition or is a minor.

(12) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

(13) "Federal license" shall not mean tax receipt or permit. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-103. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the wholesale or retail liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-104. Restrictions on operators of retail liquor stores.

(1) Government employees prohibited from obtaining permit. No person, member of a firm, corporation, 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 elective, or who is a public employee either national, state, city or county 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.

(2) Residence requirements. No person, member or firm, corporation, partnership or association shall own or operate a retail store for the sale of alcoholic beverages as herein defined if he/she shall not have been a resident of Tennessee for two (2) years prior to making application for a license. This requirement as to residence in the case of a corporation, firm, associations, or a partnership shall apply to all of its officers, stockholders, and partners.

(3) Age limit. No retailer engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years. No employee engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under the age of eighteen (18) in his place of business to engage in the sale of alcoholic beverages.

(4) Criminal record. No retailer shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances within a ten (10) year period.

(5) Employees. No retailer shall employ in the sale, storage, or distribution 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 or controlled substances, and in case an employee should be so convicted after becoming employed he shall immediately be discharged.

(6) 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 the calendar year in which the same was issued and at the location specified in the license.

(7) Undisclosed interest prohibited. It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, director, or officer, 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 purchaser. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-105. Application for certificate of good moral character and city license. Before any character certificate or city license is issued as required by Tennessee Code Annotated, § 57-3-213, the following must be accomplished:

(1) An application in writing shall be filed with the city recorder 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 of residence in Cheatham County.

(c) Occupation or business and length of time engaged in such occupation or business.

(d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.

(e) If employed, the name and address of employer.

(f) If in business, the kind of business and location thereof.

(g) The location of the proposed store for the sale of alcoholic beverages.

(h) The name and address of the owner of the store.

(i) A copy of corporate paperwork as filed with the Tennessee Secretary of State, copy of any partnership agreement, or any other material to show ownership of a partnership or corporation as may be determined by the council.

(j) A copy of any and all paperwork submitted to the alcoholic beverage commission including but not limited to the application filed with the ABC.

(k) 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.

(l) 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.

(m) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the alcoholic beverage commission. The notice shall contain such information as is prescribed in section (16) of chapter 0100-3-09 of the local option liquor rules and regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rules of the commission.

(n) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The city shall require a copy of all applications and information sent to the state.

(2) Each application shall be accompanied by a non-refundable investigation fee of one thousand dollars (\$1,000.00). There is also an additional fee of one hundred dollars (\$100.00) for each additional criminal background checkup in partnerships and corporations for anyone owning a five percent (5%) or greater interest. Each applicant understands that a full background checkup will be done on not only the applicant but if a partnership, then the partner, and if a corporation then on anyone owing an interest of five percent (5%) or more. By applying for a certificate, the applicant and anyone that is required to have a background check hereby releases the Town of Pleasant View from any and all liability that may be associated with the performance of the background check.

(3) The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city

and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages.

(4) An applicant for a certificate of good moral character will be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-106. Certificate of good moral character. Certificate of good moral character issued under this chapter shall expire after two (2) years as set by statute in Tennessee Code Annotated, § 57-3-213 or any time there is a change in ownership of the licenses establishment or any time a license issued by the alcoholic beverage commission is revoked, canceled, or otherwise terminated other than by annual expiration. There shall be a one hundred dollar (\$100.00) fee per person to defray the cost of a new background check. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-107. Certificate of good moral character--issuance. A certificate of compliance shall be authenticated as any other resolution of the board of mayor and aldermen if the board, while in session, shall find that the applicant fulfills all the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.

(2) If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.

(3) 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 regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.

(4) The applicant has not been convicted of a felony within ten (10) years prior to the date of application.

(5) In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.

(6) The applicant or applicants meets all other requirements of this chapter. (as added by Ord. #10-14, Jan. 2011)

8-108. only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #10-14, Jan. 2011)

8-109. Restriction to location. (1) Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the Town of Pleasant View. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the building official has reviewed and recommends the site plan submitted by the applicant to the board of mayor and aldermen.

(2) No retail 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 hereafter provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Said building shall be of a permanent type of construction and no store shall be located in a building that is titled or was titled. Said store shall be of minimum size of one thousand (1,000) square feet.

(3) To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale of alcoholic beverages there sold. All retail sales shall be confined to the premises of the structure and no curb service should be permitted nor shall there be permitted drive-in windows. (as added by Ord. #10-14, Jan. 2011)

8-110. Minimum distance requirement. No liquor store permit shall be issued to an applicant whose location is less than three hundred feet (300') from a church, house of worship, a school or its playground or a park. Distances shall be measured from the center of a public entrance of the school, church or house of worship and by a straight line of travel which may be measured aerial to the center of the main entrance of the potential licensee. In the case of a park, distances shall be measured from the property line of the park and by straight line of travel to the center of the main entrance of the potential licensee. (as added by Ord. #10-14, Jan. 2011)

8-111. Display of license. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (as added by Ord. #10-14, Jan. 2011)

8-112. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages to the same licensee until after the expiration of one (1) year from the date said revocation becomes final and effective. (as added by Ord. #10-14, Jan. 2011)

8-113. Radios, amusement devices and seating facilities--prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #10-14, Jan. 2011)

8-114. Regulations of sale. (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) Sales on Sundays prohibited. No retailer shall sell any alcoholic beverages between 11:00 P.M. on Saturdays and 8:00 A.M. on the following Monday of each week.

(4) Sales to minors prohibited. No retailer shall sell any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(5) Sales on certain holidays prohibited. No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and Fourth of July.

(6) Keeping an unsealed bottle or container prohibited. No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) Sales to person intoxicated prohibited. No retailer shall sell any alcoholic beverages to any person who is intoxicated nor shall any retailer sell any alcoholic beverages to any person accompanied by a person which is intoxicated.

(8) Sales on credit prohibited. No holder of permit for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered any alcoholic beverages on credit.

(9) Unstamped merchandise prohibited. No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(10) Political advertising prohibited. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) Consumption on the premises prohibited. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

(12) Lighted signs. Lighted signs shall not be located on any visible surface where the surface faces a church, school, or public building. Lighted signs shall not be lit except within the hours provided for the sale of alcohol. Non-lighted signs located on interior surfaces or windows where the surface faces a church, school, or public building shall not exceed four (4) square feet in area. (as added by Ord. #10-14, Jan. 2011)

8-115. Inspection fee. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licenses under this chapter. Said fee to be at the maximum amount as provided for in Tennessee Code Annotated, § 57-3-501.

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

(3) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the Town of Pleasant View as hereinafter provided.

(4) Each wholesaler making sales to retailers located within the corporate limits of the Town of Pleasant View shall furnish the Town of Pleasant View a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

(b) The wholesaler price of the alcoholic beverages sold to such retailer;

(c) The amount of tax due under this section; and

(d) Such other information as may be required by the mayor and board of aldermen of the Town of Pleasant View. The monthly report shall be furnished to the city recorder of the town 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 Town of Pleasant View shall be paid to the Town of Pleasant View. The wholesaler shall be entitled to reimbursement for this collection service a sum equal to 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 Town of Pleasant View.

(5) Each wholesaler who fails to collect and/or remit in a timely manner the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent (10%) of the fee due the Town of Pleasant View which shall be payable to the Town of Pleasant View.

(6) The Town of Pleasant View shall have the authority to audit the records of all wholesalers subject to the provision of this section in order to determine the accuracy of said monthly report. (as added by Ord. #10-14, Jan. 2011)

8-116. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction be punishable by a penalty under the general penalty provisions of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #10-14, Jan. 2011)

8-117. Consumption of alcohol beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Pleasant View, Tennessee. It is the intent of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Pleasant View, Tennessee, the same as if said code sections were copies herein verbatim. (as added by Ord. #16-06, June 2016)

8-118. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the Town of Pleasant View general fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Pleasant View on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #16-06, June 2016)

8-119. Annual privilege tax to be paid to the city clerk. Any person, firm, corporation, joint stock company, syndicate, or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Pleasant View shall remit annually to the city clerk the appropriate tax described in § 8-118. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of license. The annual privilege tax shall be equal to the amount paid to the alcoholic beverage commission for the original license. Upon transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #16-06, June 2016)

8-120. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the Town of Pleasant View, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall,

notwithstanding the provisions of § 8-212(3) of the ordinances of the Town of Pleasant View, qualify to receive a beer permit from the city. (as added by Ord. #16-06, June 2016)

8-121. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #16-06, June 2016)

CHAPTER 2**BEER PERMIT BOARD AND ALCOHOLIC BEVERAGES
OF LESS THAN EIGHT PERCENT**

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8-201. Beer business lawful but subject to regulation. It shall be lawful to transport, store, sell, distribute, possess, receive, or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the Town of Pleasant View. However, these activities shall be subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations established by the board of mayor and aldermen and approved by the beer board of the Town of Pleasant View, Tennessee. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Oct. 2018)

8-202. Terms defined. (1) "Beer" shall mean beer, ale, or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101(a)(24) (West 2018).

(2) "Person" shall mean any private individual, partnership, joint venture, corporation, and any other business entity or association.

(3) "Premises" shall mean on the property owned, leased, or controlled by the permittee and so connected with the beer business in which the permittee is engaged as to form a component or integral part of it, including, but not limited to, the building and the parking areas surrounding it. Premises includes all decks, patios, and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business identified in the permit. A permit shall be valid for all decks, patios and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located that are operated by the business and only for a business operating under the name identified in the permit.

(4) "Curb service" shall mean all sales transacted outside the building, patio, or deck where the beer business is carried on. The intent of this provision is to ensure that the sale and purchase of beer takes place with the customer outside of the motor vehicle in a face-to-face meeting with the salesperson. Curb service does not include sales transacted within a designated sidewalk café.

(5) "Applicant" shall mean the person on whose behalf an application for beer permit is filed.

(6) "Adequate public notice" shall consist of publication, where possible, of notice of a meeting, application or hearing scheduled by the beer board, either regular or special, in a newspaper of general circulation within the corporate limits of the Town of Pleasant View; or where newspaper publication is not possible, shall consist of notice aired by one (1) or more radio stations broadcasting in the Town of Pleasant View area.

(7) The pronouns "he, him, and his" shall refer to persons of the female as well as the male gender, as applicable.

(8) "Storage" shall mean the storing or possessing of beer or other alcoholic beverages for the purpose of resale by the permit holder. The practice by a private club of maintaining on its premises beer or other alcoholic beverages that have been brought there by a patron shall not constitute unlawful storing of alcohol in violation of any section of this code chapter.

(9) "Private club" shall mean an association that:

(a) Has members who pay regular dues for the privilege of membership, whether the club is organized or operated for profit or nonprofit purposes;

(b) Owns, hires, or leases a building or space therein for the exclusive use of its members and their invited guests, when accompanied by a member, and not otherwise open to the general public;

(c) Requires that a written application for membership be filed at least one (1) week before the applicant is admitted to membership;

(d) Keeps a current roster of members that shows the date each member filed an application for membership, the date each member was admitted to membership, the dates on which each member has paid membership fees, and the amount of membership fee paid on each date;

(e) Makes the roster of members available for inspection, during the hours the club is open, by members of the Pleasant View Police Department or any city official designated by the board of mayor and aldermen; and

(f) Applies for, receives, and holds a valid beer permit.

(10) Certified clerk shall mean a clerk who has successfully satisfied the training requirements contained in this part, and who has received certification from a responsible vendor training program.

(11) "Clerk" shall mean any person working in a capacity to sell beer directly to consumers for off-premises consumption.

(12) "Commission" shall mean the Tennessee Alcoholic Beverage Commission.

(13) "Responsible vendor" shall mean a vendor that has received certification from the commission pursuant to Tennessee Code Annotated, § 57-5-601 et seq.

(14) "Responsible vendor training program" shall mean a training program related to the responsible sale of beer for off-premises consumption which has met all the statutory and regulatory requirements set forth in Tennessee Code Annotated, § 57-5-601 et seq.

(15) "TABC" shall mean the Tennessee Alcoholic Beverage Commission.

(16) "Manufacturer" shall mean a person, partnership, corporation, or other business entity that produces beer from raw and/or processed ingredients. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-22, Oct. 2018)

8-203. Beer board established; membership; quorum.

(1) Established. A beer permit board is created and designated as the Town of Pleasant View beer board.

(2) Membership. The Town of Pleasant View beer board shall consist of a committee composed of the Town of Pleasant View board of mayor and aldermen. The mayor shall serve as the chairman of the board.

(3) Quorum. 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. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Aug. 2018)

8-204. Meetings of the board. All meetings of the beer board shall be open to the public. The Town of Pleasant View beer board shall convene when called by the mayor. All members shall receive at least seven (7) days notice before a meeting and the meeting shall be advertised in the newspaper of general circulation no less than seven (7) days prior to the meeting date. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Aug. 2018)

8-205. Record of beer board proceedings to be kept. The recorder shall make a separate 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 board. The recorder shall also maintain an up-to-date list of the names and addresses of all beer permit holders. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Aug. 2018)

8-206. Reporting to state authorities. (1) The board shall report to the commissioner of revenue on each new permit issued by it within ten (10) days from the date of issuance of such permit.

(2) The board shall report to the commission the names of the permittee and the name of the employee who are found to be in violation of selling alcohol to a minor within fifteen (15) days from the date of the finding.

(3) Further reporting obligations are set forth in § 8-224(3) of this chapter. (as added by Ord. #18-32, Oct. 2018)

8-207. Inspectors—authority. The Pleasant View City Police and the Cheatham County Sheriff's Department, or their designee, and any beer board member, if accompanied by an officer of the Pleasant View Police Department

or another authorized inspector are empowered to inspect the premises and operations of permittees. (as added by Ord. #18-32, Oct. 2018)

8-208. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to establish regulations governing the selling, storing for sale, distributing for sale, giving away, and manufacturing of beer within this municipality in accordance with the provisions of this chapter, provided such regulations are approved by the board of mayor and aldermen, and to issue permits related thereto. (as added by Ord. #18-32, Oct. 2018)

8-209. Permit required for engaging in beer business and fees assessed; types of permits. (1) Permit required. No person shall engage in the storing, selling, distribution, giving away, wholesaling, or manufacturing of beer, or other beverages of like alcoholic content, within the corporate limits of the Town of Pleasant View until that person receives a permit to do so from the beer board of the Town of Pleasant View. Four (4) types of permits may be issued by the beer board:

(a) Off premises permit. A retailer's "off premises" permit shall be issued to any person engaged in the sale of beer for consumption and not for resale where the beer sold is not to be consumed by the purchaser upon or near the premises of the seller;

(b) On premises permit. A retailer's "on premises" permit shall be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guest upon the premises of the seller; and

(c) Manufacturer's Permit. A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer which product may be consumed upon the premises of the manufacturer to the extent permitted by state law of general application or sold for off premises consumption.

(d) Special event permit. A "special events" permit is required to be issued to any nonprofit organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller. The special events permit will be issued after approval by the Pleasant View Police Department and the Pleasant View beer board. Prior notification must be made in writing ten (10) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or city ordinances. Nonprofit organizations may receive no more than four (4) special events permits during a calendar year.

(e) Caterer permit. A "caterer" permit to any person or legal organization conducting a food and beverage catering business who or which has been previously issued a liquor by the drink certificate from the Tennessee Alcoholic Beverage Commission. The liquor by the drink certificate must be current and not expired or revoked at the time of application for the caterer permit. The caterer permit will be issued after approval by the Pleasant View Police Department and the Pleasant View Beer Board.

(2) Fee. All applications for the issuance of any type of beer permit shall be accompanied by an application fee as specified in appendix A, comprehensive fees and penalties, for use in offsetting the expenses of investigating the applicant and processing the application. No portion of the fee shall be refunded to the applicant notwithstanding whether the application is approved. Applications for a single permit for both on- and off-premises sales shall pay one (1) application fee.

(3) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate, or association.

(4) A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name. (as added by Ord. #18-32, Oct. 2018)

8-210. Applications for retail permits. Each applicant for a beer permit shall be required to complete a formal, written application in a form approved by the beer board. Each application must explicitly and affirmatively state all of the following:

- (1) The name, age, and address of the applicant.
- (2) The location of the premises at which the business shall be conducted.
- (3) The owner or owners of such premises.
- (4) Names and addresses of all persons, as defined in this chapter, with at least a five percent (5%) ownership interest in the applicant.
- (5) (a) If the applicant is a partnership, a joint venture, or a corporation, the private individual who signs the application shall indicate, in words, that the signature is a valid, binding, and legal signature "on behalf of" the business entity. By such signature, the partnership, the joint venture, or the corporation agrees to be bound by all regulations under this chapter and to be liable for any violations thereof. Where it deems it to be appropriate, the beer board may require the applicant to furnish as a condition of approval a certified copy of a resolution approved by the managing body of the business entity

authorizing the individual signing the application on behalf of the business entity to obligate the entity.

(b) If the applicant will operate the business through an agent, the name and the address of the agent will be indicated. Any time the applicant/licensee changes agents, it shall notify the beer board in writing within thirty (30) days of the change and shall supply the name and address of the new agent. If applicant is a corporation, it shall indicate whether it is authorized to do business within the State of Tennessee.

(6) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

(7) That no sale of such beverages will be made except in accordance with the permit granted.

(8) That if the application is for a permit to sell only, not for consumption on the premises, no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof except for samples as regulated by § 8-223 of this chapter.

(9) That no sales will be made to persons under twenty-one (21) years of age.

(10) That the applicant understands it must secure a certificate or a statement from the health department or health officer that the premises which the application covers meet the requirements of § 8-222.

(11) The application shall be submitted to the city recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered. The recorder shall notify each member of the beer board of such application prior to the next regularly scheduled meeting.

(12) Applications shall at all times be kept on file by the city recorder and shall be open to inspection of the general public within the limits of federal, state and local law, and any person, firm, corporation, or association knowingly making any false statement in the application shall forfeit his right to a permit or have his permit revoked and shall not be eligible to receive any permit for a period of at least one (1) year.

(13) No applicant for a beer permit for on-premises consumption shall be issued a permit unless the city recorder has obtained approval of the premises from the building inspector and chief of the fire department, and a background report from the chief of police recommending approval.

(14) The identity of the person, if different from the applicant, to receive tax notices and other communications from the beer board.

(15) Whether the applicant has been convicted of a violation of any state or federal law or of a violation of this code or any city ordinance, and the details of any such conviction.

(16) Any other relevant information as may be required by the beer board. (as added by Ord. #18-32, Oct. 2018)

8-211. Special event permits. (1) The beer board is authorized to issue special event permits to bona fide charitable, nonprofit, or political organizations for special events.

(2) The special event permit shall not be issued for longer than one (1) forty-eight (48) hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event permit shall state whether the applicant is a charitable, nonprofit, or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.

(3) For purposes of this section:

(a) Bona fide charitable or nonprofit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.

(b) 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.

(4) No charitable, nonprofit, or political organization possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

(5) Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Pleasant View will result in a denial of a special event beer permit for the sale of beer for at least one (1) year. (as added by Ord. #18-32, Oct. 2018)

8-212. Consideration of permit application; restrictions upon granting permits; denial. (1) No permit shall be issued to sell any beverage coming within the provisions of this chapter:

(a) In violation of any provision of the state law or of this chapter.

(b) In violation of the zoning ordinance of the Town of Pleasant View.

(c) When any requirement established in this chapter is not fully met.

(d) When any permit application fails to meet guidelines established by the beer board in its regulations for consideration and denial of any beer permit.

(2) The judgment of the beer board on such matters shall be final, except as same is subject to review at law, under Tennessee Code Annotated, § 57-5-108. (as added by Ord. #18-32, Oct. 2018)

8-213. Beer permit shall be restrictive.¹ All beer permits shall be restrictive as to the type of beer business authorized under them. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit. It shall likewise be unlawful not to comply with any and all express restrictions or conditions which may be written into the permit by the beer board. (as added by Ord. #18-32, Oct. 2018)

8-214. Permits not transferable; permitted locations for consumption. (1) A permit shall be valid only for the owner to whom the permit is issued, and under the name identified in the application and cannot be transferred. If the owner is a corporation, a change of ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner.

(2) Except as provided in § 8-212, a permit is valid only for a single location and cannot be transferred to another location. Under an on-premises permit, consumption of beer off or outside the premises is strictly prohibited. A permit is valid for all decks, patios, and other outdoor serving areas contiguous to the exterior of the building in which the business is located and that are operated by and remain under the control of the business. This includes property leased from the Town of Pleasant View for which the applicant also possess a valid sidewalk café permit. (as added by Ord. #18-32, Oct. 2018)

8-215. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law. (as added by Ord. #18-32, Oct. 2018)

¹State Law reference

Tennessee Code Annotated, § 57-5-301(a) provides that neither beer permit holders nor persons employed by them may have been "convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude" within the previous ten years. Under Tennessee Code Annotated, § 57-5-301(b), violations are punishable under state law as a Class A misdemeanor. Under Tennessee Code Annotated, § 16-18-302, city courts may only enforce local ordinances that mirror, substantially duplicate, or incorporate by reference Class C misdemeanors. City courts are thus prohibited from enforcing ordinances making violations of Tennessee Code Annotated, § 57-5-301(a) a local offense.

8-216. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax as specified in appendix A, comprehensive fees and penalties. Any person, firm, corporation, joint stock company, syndicate, or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax annually on or before January 1 to the Town of Pleasant View. The tax shall be remitted to the city recorder of the Town of Pleasant View. Failure to remit the tax by January 1 shall result in automatic revocation of the license. At the time a new permit is issued to any business that is 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 tax payment is due. The tax funds so collected may be used for any valid public purpose. (as added by Ord. #18-32, Oct. 2018)

8-217. Interference with public health or safety prohibited. No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a church, house of worship, a school, a public playground, or public park. Distances shall be measured from the center of a public entrance of the school, church, or house of worship and by a straight line to the center of the main entrance of the potential licensee. In the case of a park, distances shall be measured from the property line of the park and by straight line of travel to the center of the main entrance of the potential licensee.

No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health or safety. (as added by Ord. #18-32, Oct. 2018)

8-218. Issuance of permits to persons convicted of certain crimes prohibited. (1) No beer permit shall be issued to any person, firm, corporation, joint stock company, syndicate, or association, when any person having at least a five percent (5%) interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or of any felony, or of any crime involving moral turpitude, within the past ten (10) years. For purposes of this section, moral turpitude means an act of baseness, vileness, or depravity in private and social duties owed to someone or to society in general, contrary to accepted rule or right and duty between two (2) or more people.

(2) Further, a beer permit may be denied where an owner or manager has been convicted of Driving Under the Influence (DUI). (as added by Ord. #18-32, Oct. 2018)

8-219. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provision of this chapter by hotels, motels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and

regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (as added by Ord. #18-32, Oct. 2018)

8-220. Retail premises; restrictions as to visibility. To the fullest extent, consistent with the structure of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of beer there sold or dispensed. (as added by Ord. #18-32, Oct. 2018)

8-221. Distribution and consumption of samples on premises not permitted. Holders of a retailer's off premises permit only are not permitted to distribute beer samples. (as added by Ord. #18-32, Oct. 2018)

8-222. Sanitation for premises covered by on premises permits. Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition. The city safety officer or any properly authorized person is hereby authorized to enter the premises at all reasonable hours for the making of such inspections as may be necessary. Permittee shall make all changes required by the city safety officer within five (5) days of written notice. Failure to comply will result in a citation that may result in a revocation of the beer permit and/or civil penalties. (as added by Ord. #18-32, Oct. 2018)

8-223. Minors; fraudulent evidence of age, etc. It shall be unlawful for any person under twenty-one (21) years of age to purchase, or to have in his or her possession, beer, for any purpose and it shall be unlawful for any such minor to transport beer for any purpose except the same be in the course of his employment. It shall further be unlawful for any person under twenty-one (21) years of age to present or offer to any permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any person found guilty of violating the provisions of this subsection shall upon conviction be fined as specified in appendix A, comprehensive fees and penalties. Pursuant to Tennessee Code Annotated, § 57-5-301(d)(1)(B)(i), where a person younger than twenty-one (21) years of age but eighteen (18) years of age or older is convicted on the purchase or attempt to purchase or possession of beer, the town court shall prepare and send to the department of safety, driver control division, within five working days of the conviction an order of denial of driving privileges for the offender. (as added by Ord. #18-32, Oct. 2018)

8-224. Responsible vendor certification for off-premises sale.

(1) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under

the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

(2) Civil penalty in lieu of revocation or suspension. The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense. Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

(3) Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606 sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #18-32, Oct. 2018)

8-225. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years.

(2) Allow any person under twenty-one (21) years of age to have in his or her possession beer for any purpose except in the course of his or her employment.

(3) Make or allow any sale of beer between the hours of 11:00 P.M. and 6:00 A.M. on weekdays, or between the hours of 11:00 P.M. and 10:00 A.M. on Sundays for off-premises consumption, make or allow any sale of beer between the hours of 11:00 P.M. and 8:00 A.M. on weekdays, or between the hours of 11:00 P.M. and 10:00 A.M. on Sundays for on-premises consumption or special events.

(4) Allow any loud, unusual or obnoxious noises to emanate from his premises.

(5) Make or allow any sale of beer to a person under twenty-one (21) years of age. The burden of ascertaining the age of customers shall be upon the owner or operator of such place of business.

(6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow intoxicated persons to remain on his premises.

(8) Sell on his premises any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight without the appropriate license from the TABC.

(9) Allow the place of business to become a public nuisance or a nuisance to law enforcing agencies of the Town of Pleasant View, or create a nuisance or materially contribute to creating or maintaining a public nuisance.

(10) Allow beer to be sold through any drive-through or delivery window or by curb service (curb sales) by any retail establishment possessing an on-premises or off-premises beer sale permit. Any sales for consumption on the premises but outside the building from which the business is operated shall be made from within the building.

(11) Allow, if his permit is for off-premises consumption only, any dispensing or sale of beer in any milk jug, milk carton, or in any other container not originally sealed at and shipped from the factory. This provision is specifically intended to prohibit the open dispensing of any beer on draft or from any other open source on the premises of a permit holder who may sell only for off-premises consumption. This provision is further intended to prohibit the transfer of beer out of any container and into any other container, even though the second container may be sealed by capping, stapling, or otherwise. It is the intention of this provision that sales for off-premises consumption only must be sales of the original bottles, cans, or other original manufacturer's packaging methods.

(12) Fail to issue and require employees to wear name badge when certified as a responsible vendor.

(13) The owner and operator (permittee) shall be held strictly accountable for any actions of his employees which violate any of the above provisions. (as added by Ord. #18-32, Oct. 2018)

8-226. Investigation of applicants, agents, and/or employees.

Applicants for a permit under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the beer board, and must submit such information and records as the board may require. (as added by Ord. #18-32, Oct. 2018)

8-227. Suspension and revocation of beer permits. (1) All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the board for the violation of any of the provisions of this chapter or of state law. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. The board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked. Complaints filed against any permit holder by any citizen for the purpose of suspending or revoking his permit shall be made in writing and filed with the board.

(2) When the board shall have reason to believe that any permit holder violated the provisions of the state beer act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee, by written notice, to appear and show cause why the permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee at the address indicated by the permittee either by certified mail, return receipt requested or by a member of the police department of the Town of Pleasant View. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. Adequate public notice under the circumstances shall be given of the hearing.

(3) The chairman of said board is authorized to compel the attendance of witnesses by subpoena issued by the clerk of the city court. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit.

(4) The action of the board in all such hearings shall be final. When a permit has been revoked, no new permit shall be issued for the sale of beer at the same location until the expiration of:

(a) At least one (1) year (three hundred sixty-five (365) days) from the date said revocation becomes final, or

(b) Ninety (90) days from the date ownership in the property where the establishment is located changes hands after the date the revocation becomes final. A change in ownership means outside the immediate family of the original individual owners, and further means that no original owner or his immediate family continues to have any interest in a partnership, corporation, or other business entity involved in successor ownership.

(5) Responsible vendor certification. Should permittee be certified as a responsible vendor, it is the permittee's responsibility to furnish to the beer board a copy of such certification at least five (5) days prior to the hearing. The beer board staff will check the certification. Upon proof of valid certification, the beer board shall only assess a civil penalty as specified in appendix A, comprehensive fees and penalties, on a first offense sale to a minor. The beer board shall not have the option of suspension or revocation on a first offense sale to a minor.

(6) Should the beer board determine that a sale to a minor occurred by an off-premises beer permit holder certified under the responsible vendor act, the beer board shall notify the TABC within fifteen (15) days of such finding of the name of the permit holder and the clerk. (as added by Ord. #18-32, Oct. 2018)

8-228. Guidelines for discipline for violation; civil penalty in lieu of suspension. (1) Responsible vendors.

(a) First offense for sale to a minor: The beer board must offer a permit holder who is qualified as a responsible vendor a civil penalty as specified in appendix A, comprehensive fees and penalties, or the maximum penalty allowed by state law for the first offense in a calendar year of making or permitting to be made any sales to minors.

(b) Second offense for sale to a minor: The beer board may issue an order of suspension of the beer permit for sixty (60) days for the second offense of making or permitting to be made any sales to minors or for any other second offense. The responsible vendor status will be revoked by the TABC.

(c) Third offense for sale to a minor: Upon the third offense in a calendar year of making or permitting to be made any sales to minors, the responsible vendor no longer has responsible vendor status and the beer board may, at its discretion, issue discipline with a permanent revocation and a ban on reapplying for one (1) year.

(d) First offense for other violation: The beer board may offer a civil penalty as specified in appendix A, comprehensive fees and penalties, for any other first time offense.

(e) Second offense for other violation: The beer board may issue an order of suspension of the beer permit for sixty (60) days for the second offense for any offense other than a sale to a minor while qualified as a responsible vendor.

(f) Third offense: The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one (1) year for the third offense for any offense other than the sale to a minor while qualified as a responsible vendor.

(g) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil

penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(2) Non-responsible vendors; all others. The imposition of penalties shall be within the sole discretion of the beer board. The guidelines are meant to insure fairness and consistency among persons charged with the same offense, but the beer board may depart from these guidelines whenever the evidence indicates that particular aggravating or mitigating circumstances exist. The beer board may also add conditions to any penalty including but not limited to probation or additional training of employees.

(a) First offense: The beer board may offer a permit holder who is not qualified as a responsible vendor a civil penalty as specified in appendix A, comprehensive fees and penalties, for the first offense of making or permitting to be made any sales to minors or, a civil penalty as specified in appendix A, comprehensive fees and penalties, for any other first offense.

(b) Second offense: The beer board may issue an order of suspension of the beer permit for sixty (60) days for the second offense of making or permitting to be made any sales to minors or for any other second offense.

(c) Third offense: The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one (1) year for the third offense of making or permitting to be made any sales to minors or for any other third offense.

(d) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (as added by Ord. #18-32, Oct. 2018)

8-229. Beer wholesalers, etc., to deal only with licensed retailers.

It shall be unlawful for any wholesaler, distributor, or manufacturer of beer, or any salesman or representative thereof, to sell or deliver beer in route, or from delivery vehicles, to any persons other than the holders of valid retail beer permits. It shall be the duty of such wholesaler, distributor, or manufacturer, or such salesman or representative, to ascertain whether or not such purchaser is a holder of a valid beer permit. (as added by Ord. #18-32, Oct. 2018)

8-230. Beer manufacturing, wholesale, and distribution.

(1) The manufacturing of beer for human consumption is permitted in the Town of Pleasant View but is subject the limitations and restrictions set forth by the State of Tennessee including, but not limited to, the regulations set forth in Tennessee Code Annotated, § 57-5-101 et. seq.

(2) Further, no manufacturer or wholesaler of beer shall maintain more than one place of business. However, the beer permit board in its discretion may issue a special permit to any distributor to allow the distributor to store beer in a warehouse or building apart from the building from which the business is conducted. In addition, distributors are authorized to store draft beer for refrigeration purposes only in one (1) additional icehouse or refrigeration plant under the following conditions:

(a) For the purpose of this chapter, any employee of the icehouse or refrigeration plant who may be in any manner connected with the sale or distribution of beer stored therein shall be deemed to be an employee of the wholesaler or distributor when beer is stored, and any violation of this chapter or any provisions of the beer law by the employees shall be deemed to be a violation by the wholesaler or distributor.

(b) Except sales from trucks from duly authorized salesmen, or as otherwise provided herein, no beer shall be transferred from, sold in, stored in, brought to rest in, sold from, possessed in, receipted for at, manufactured, wholesaled, or distributed from any other place, building, or location, except from the building, place, or location set out and called for in the wholesaler's, distributor's, or manufacturer's beer permit, or the icehouse or refrigeration plant or both. No beer shall be transferred to a retailer or any other purchaser except from the location called for in the wholesaler's, distributor's, or manufacturer's beer permit, or the ice house or refrigeration plant or both by any wholesaler, distributor, or manufacturer or their salesmen or authorized representatives.

(3) A manufacturer of beer may maintain a manufacturer's tap room for the purpose of selling beer for consumption on or off premises with a manufacturer's permit. (as added by Ord. #18-32, Oct. 2018)

8-231. Sale of draft beer for off-premises consumption authorized for certain permittees. Draft beer may be sold for off-premises consumption only by the holder of an off-premises beer permit or manufacturer's permit. Both off-premises permit holders and manufacturer's permit holders may fill or refill growlers on demand with beer for off-premises consumption provided the label as required by this section is affixed to the growler.

Each growler must be securely sealed and removed from the premises in its original sealed condition. Each growler shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale and/or refilling, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the business filling the growler. The containers or bottles shall be labeled as a craft beer, contain the

name of the beer, and bear the name, address, and telephone number of the business selling the beer. (as added by Ord. #18-32, Oct. 2018)

8-232. Penalty for violation of chapter. Except as provided specifically elsewhere in this chapter, each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties, or by suspension or revocation of the permit issued hereunder, or by such fine and suspension or revocation. (as added by Ord. #18-32, Oct. 2018)

8-233. Employees liable for violations of chapter. Any employee of any permittee who violates the provisions of this chapter or any provision of the State Beer Act while so employed by such permittee shall be guilty of a misdemeanor which shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties. (as added by Ord. #18-32, Oct. 2018)

8-234. Two-for-one drinks prohibited. Establishments licensed within the Town of Pleasant View to sell alcoholic beverages for consumption on the premises, the beverages including, but not limited to, beer, shall not advertise for sale or offer for sale such beverages in a manner which results in the purchaser being simultaneously served two (2) or more drinks or containers for the price of one (1). Any violation of this section, upon conviction, shall be punished by a fine of not less nor more than fifty dollars (\$50.00), the fine to be paid by the owner or person in charge of the establishment at the time of sale. (as added by Ord. #18-32, Oct. 2018)

8-235. Implied consent. The holder of any license issued pursuant to this chapter shall be deemed to have given consent to the chief of police, assistant police chief, building commissioner, or other agents of the Pleasant View Beer Board, for the inspection of any area of the licensed premises and inspection of any and all records maintained by such licensee in connection with the sale of beer for which a license is held in order to determine compliance with the provisions of this chapter. The holder shall be given a reasonable time to produce any such records which are not stored on the premises. Failure to consent to inspection as herein prescribed shall result in the immediate suspension of the permittee's permit. (as added by Ord. #18-32, Oct. 2018)

Appendix A - Pleasant View Beer Code

<i>Beer</i>	
Application fee - beer permit	\$250.00 each
Employee and permit holder violations	\$50.00 per day per offense
Minor purchasing or attempting to purchase alcoholic beverages	First offense: minimum \$100.00
	Maximum \$500.00
	Succeeding offenses: Minimum \$250.00
	Maximum \$1,000.00
Privilege tax	\$100.00 annually (prorated for new permits with application)
Beer board-imposed violations for responsible vendors with certification	Up to \$1,000.00 for first offense for permitting sales to a minor
	Up to \$1,000.00 per any other offense
Beer board-imposed violations for responsible vendors without certification	Up to \$2,500.00 per offense for permitting sales of alcoholic beverages to minors
	Up to \$1,000.00 per any other first offense
<i>Outdoor cafés</i>	
Liability insurance	Minimum \$1,000,000.00
Sidewalk dining permit	Initial \$100.00
	Annual renewal \$100.00
Violations	\$50.00 per day per offense

(as added by Ord. #18-32, Oct. 2018)

CHAPTER 3

DELETED

(as deleted by Ord. #18-32, Oct. 2018)

CHAPTER 4

WINE IN A RETAIL FOOD STORE

SECTION

8-401. Definitions.

8-402. Certificate of compliance by the town.

8-403. Expiration of certificate of compliance.

8-401. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in Tennessee Code Annotated, § 67-6-228(a) and has retail floor space of at least one thousand two hundred (1,200) square feet.

(2) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product shall be called wine unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. Wine does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additions. (as added by Ord. #16-06, June 2016)

8-402. Certificate of compliance by the town. As a condition precedent to the issuance of a license by the alcoholic beverage commission, Tennessee Code Annotated, § 57-3-806 requires that the retail food store obtain a certificate of compliance. In order to obtain a certificate of compliance, an applicant shall first apply on a form furnished by the city recorder. Upon verification that the applicant meets the requirements of Tennessee Code Annotated, § 57-3-806(b), the mayor may issue the certificate without action by the board of mayor and aldermen. Alternatively, members of the council may sign the certificate and the certificate shall be issued when a majority of the members have signed it. The certificate shall be granted or denied within sixty (60) days after the application for the certificate is submitted to the town. (as added by Ord. #16-06, June 2016)

8-403. Expiration of certificate of compliance. A certificate of compliance for the sale of wine at a retail food store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six (6) months of the date

of the certificate, or if the retail food store for which a certificate was granted is not in operation within twelve (12) months following the issuance of the certificate; provided, however, that the mayor or a majority of the board of mayor and aldermen may, upon written request of the applicant, extend the expiration date of a certificate for up to three additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this article are met at the time the new applicant is received. (as added by Ord. #16-06, June 2016)

CHAPTER 5

SIDEWALK CAFÉS

SECTION

- 8-501. Definitions.
- 8-502. Purpose and scope.
- 8-503. Permit and application.
- 8-504. Permit--criteria and conditions of issuance.
- 8-505. Sidewalk café regulations.
- 8-506. Permit revocation or suspension.
- 8-507. Penalties for violations
- 8-508. Compliance with Americans with Disabilities Act.
- 8-509. Conflicts with other code sections.

8-501. Definitions. (1) A "sidewalk café" is any group of tables and/or chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk for use in connection with ordering, purchasing, and consuming food and beverages sold to the public from, or in, an adjoining indoor restaurant. For the purposes of this section, an indoor business selling food for consumption on the premises located within fifty feet (50') in any direction shall be considered an adjoining indoor restaurant.

(2) "Permittee" means the recipient of a sidewalk dining permit under this chapter.

(c) "Removable barrier" or "barrier" means a physical separator that can easily be lifted and moved immediately without the assistance of tools.

(4) "Sidewalk" means that area of public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines reserved for pedestrian traffic, not including street crossings. (as added by Ord. #18-28, Sept. 2018)

8-502. Purpose and scope. The purpose of this chapter is to provide for the authorization and regulation of sidewalk cafés as operated by qualified and licensed businesses on public sidewalks within the town. This chapter shall not apply to any patio or other outdoor seating area located on private property.

Nothing in this chapter requires the town to make property available for a sidewalk café or otherwise provide a business with space for a sidewalk café. (as added by Ord. #18-28, Sept. 2018)

8-503. Permit and application.¹ A business licensed to serve food and/or drinks may apply to the city recorder for an annual permit to utilize certain public areas designated for use as sidewalk cafés located within fifty feet (50') of the business location for outdoor seating and service. The city recorder will consult with the building commissioner prior to granting any permit under this chapter. The building commissioner will provide input on potential safety and welfare concerns. Permits grant a privilege for one (1) calendar year, or the remaining portion thereof, and are subject to annual review and renewal. The applicant must submit a renewal application or notice of non-renewal within thirty (30) days of the permit expiration. The permit application shall include:

- (1) Name of applicant;
- (2) A copy of a valid Cheatham County business license to operate a food and/or beverage service business in front of which the sidewalk café will be located;
- (3) A copy of the current certificate of insurance in the amounts and categories required by this chapter;
- (4) A diagram identifying the perimeter of the proposed sidewalk café area, the dimensions of the area, the distance from perimeter to curb or nearest obstacle, number and placement of tables, and the design and materials of any requested divider; and
- (5) Non-refundable payment of the annual permit fee of one hundred dollars (\$100.00). (as added by Ord. #18-28, Sept. 2018)

8-504. Permits—criteria and conditions of issuance. (1) In reviewing the application for a sidewalk café, the building commissioner or his/her designee will consider the following criteria in determining whether a permit will be issued:

- (a) **Qualifications.** Permits may only be issued incidentally with the operation of a properly licensed business.
- (b) **Location.** In order to ensure safety to patrons and the public, the outdoor seating area of the sidewalk café may only extend directly from the storefront and must be within fifty feet (50') of the storefront.
- (c) **Arrangement.** The permit application shall include a diagram showing the location of the sidewalk café in relation to the surrounding buildings, streets, and sidewalks, along with the location of all furnishings to be placed in the sidewalk café.
- (d) **Barriers.** If approved, applicants may include non-permanent barriers separating the sidewalk café from the remaining sidewalk that can be disassembled and removed if necessary. The design

¹Permits, release/hold harmless agreements, insurance requirement forms, and site drawing guidelines are available in the office of the recorder.

of the barrier if requested must be included in the permit application and shown on the diagram submitted with the permit application. If requested, the barrier should be of a simple post and chain construction, with posts of thirty-three to thirty six inches (33-36") in height above the surface of the sidewalk.

(e) **Lighting.** Sidewalk cafés shall be well lit areas with light density of at least one (1) foot candle throughout the designated café area.

(2) The applicant must acknowledge by signature that compliance with the regulations provided for by this ordinance are a condition of operating a sidewalk café.

(3) The issuance of a permit shall not be construed or interpreted to convey any property rights or any estate in land to any person or business. Sidewalk café permits are a non-transferable privilege that will expire upon change in use of the facility.

(4) **Indemnification.** As a condition of issuance, the approved applicant and any person acting under or pursuant to said approval, agrees to indemnify, hold harmless, release, and defend (even if the allegations are false, fraudulent, or groundless) to the maximum extent allowed by law, the town and its agents, officers, employees, and representatives, from and against all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorneys' fees and costs of litigation) which in whole or in part result from arise out of, or are claimed to result from or arise out of the operation, existence or approval of a sidewalk café or in any matter connected with any acts, operations, privileges authorized, allowed, or undertaken pursuant to the use of city sidewalks pursuant to this chapter, including, without limitation, any condition of property used as a sidewalk café.

(5) **Insurance.** The approved sidewalk café permittee shall be required to have general liability insurance showing limits equal to or greater than those of Tennessee Code Annotated, § 29-20-403, with the town listed as an additional insured.

(6) **Permit nontransferable and right of first refusal.** Permits issued by the city recorder shall not be transferred from one (1) person/business to another. Where the holder of a permit desires to move his place of business from one location to another, he/she shall apply for a new permit for the new location. A valid permit holder shall have the right of first refusal for the sidewalk café currently in use by the permit holder provided the permittee complies with the renewal notice requirements set forth in § 8-503 of this chapter. (as added by Ord. #18-28, Sept. 2018)

8-505. Regulations. (1) **Limitations on location.** No obstruction may be placed within two feet (2') of a curb or within five feet (5') of a fire hydrant, pedestrian crosswalk, or handicapped corner curb cut. No sidewalk café shall be permitted within the right-of-way of any state or federal route or within twenty-five feet (25') of a collector road or arterial road. No sidewalk café shall

be permitted within twenty-five feet (25') of any intersection with a state or federal route, arterial street, or collector street. No sidewalk café shall be permitted if it will limit, obstruct, or encroach upon a sidewalk in such a way that there is not adequate ingress and/or egress as determined by the building commissioner. No sidewalk café will be permitted if its existence would fail to leave a minimum of five feet (5') of ingress/egress on any affected sidewalk. No sidewalk café will be permitted if its establishment would cause a sidewalk to no longer comply with the sidewalk requirements in the Americans with Disabilities Act.

(2) Sanitation. The permittee business shall keep the area covered by the permit clean, neat, and orderly at all times. The business is responsible for removing all debris and trash from the sidewalk café at all times. The permit holder shall keep the sidewalk cafe and the pedestrian corridor surrounding it clean of any solid waste, including, food debris, paper, cups, bottles, cans, and other garbage associated with the operation of the sidewalk café space on a daily basis. The public right-of-way within and adjacent to the sidewalk café must be washed down with water and detergent when needed and cleaned on a daily basis. Any stains from spills must be removed promptly by the permittee. The permittee must properly dispose of all waste and trash.

(3) Furnishings. Furnishings shall not be secured to lamp posts, streetlights, trees, or any public fixtures. All furnishing shall be removed from the sidewalk café from time to time as required by the city. Should a severe storm warning be issued, all outdoor furniture shall be removed from the sidewalk café. Additionally, the following regulations shall apply:

(a) Tables and chairs. Tables and chairs shall match and be made of safe, sturdy, and durable material. All furniture shall be commercial grade and manufactured for outdoor use. Plastic or PVC furniture shall be prohibited. Where the nearest curb abuts on-street parking, tables shall be oriented parallel to the curb so as to allow ingress and egress between the sidewalk and the on-street parking.

(b) Umbrellas. Each table may be equipped with one (1) umbrella which shall be maintained in good, clean, and operable condition. In accordance with state law, table umbrellas shall have no signs or advertisements marketing beer or other alcoholic beverage on them. The lowest dimension of the umbrella shall maintain a minimum of seven foot (7') vertical clearance above the sidewalk, when extended, to allow for patron and server circulation.

(c) Signs. All sidewalk café's shall have conspicuous signs located at all areas of ingress and egress that indicates that "alcohol is not permitted beyond this point."

(d) All kitchen equipment and refuse containers used to service the sidewalk café shall be located inside the primary business, and should not be located in an area to obstruct patrons and waitstaff from traveling to and from the sidewalk café.

(4) Alcohol. Only a properly permitted business which holds a valid alcohol license for consumption on the premises may serve alcohol to customers in the sidewalk café. Such service of alcohol shall be subject to all restrictions set out in chapter 8 of this code, except as outlined below, and the following restrictions:

(a) Alcohol may only be served in the sidewalk café during the hours allowed under the town's ordinance for service.

(b) Patrons may not be in possession of more than one (1) alcoholic beverage.

(c) Patrons may not remove alcohol from the premises of the business or sidewalk café. The area set aside for the sidewalk café shall be considered part of the premises for the purposes of consumption of alcoholic beverages.

(d) Alcohol may only be served in a glass, furnished by the business, with the businesses logo conspicuously displayed on the glass.

(e) Advertisement of alcoholic beverages is permitted within the sidewalk café. Any signs, brochures, menus, or stand up boards must be confined to the sidewalk café table tops only, notwithstanding advertisement printed or installed on umbrellas by the umbrella manufacturer if in compliance with Tennessee Code Annotated, § 57-5-304 and § 8-505(3)(b) of this chapter.

(4) Sound. Music, live or recorded, or other amplified sound shall be allowed within the sidewalk café, provided it does not violate the town's ordinances related to noise.

(5) Hours of operation. No sidewalk café shall operate after 11:00 P.M. on Saturday or Sunday morning. No sidewalk cafe shall operate after 11:00 P.M. on any other day of the week. Permit holders shall ensure that their sidewalk cafés are not available for use after the hours specified in this subsection.

(6) Enforcement power. Any law enforcement agency with jurisdiction within the Town of Pleasant View has the authority to enforce these regulations. (as added by Ord. #18-28, Sept. 2018)

8-506. Permit revocation or suspension. Issuance of a sidewalk café permit is conditional. Any permit issued pursuant to this regulation may be immediately canceled upon existing permit expiration or may be suspended by the building commissioner for any reason and at any time. A permit may also be suspended or revoked by the building commissioner or his/her designee if it is determined that:

(1) Any necessary business or health permit has been suspended, revoked, or cancelled.

(2) The permit holder is not in compliance with any of the regulations with respect to the sidewalk café.

(3) The permit holder has failed to correct violations of this chapter or any other ordinance within forty-eight (48) hours of receipt of the notice of same delivered in writing to the permit holder.

(4) The permit holder has a history of violations of this chapter of three (3) or more within a two (2) year period, or immediately upon any violation depending upon the severity of the violation.

(4) Permits may be suspended for a period up to twelve (12) months depending upon history and severity of the violation. (as added by Ord. #18-28, Sept. 2018)

8-507. Penalties for violations. In addition to possible suspension or revocation of the permit, a fine of fifty dollars (\$50.00) per day shall be imposed for violations of this chapter. (as added by Ord. #18-28, Sept. 2018)

8-508. Compliance with Americans with Disabilities Act. Any person receiving a permit hereunder agrees to fully comply with all requirements of the Americans with Disabilities Act as currently existing or as may be hereafter amended. (as added by Ord. #18-28, Sept. 2018)

8-509. Conflict with other code sections. Where provisions of this chapter conflict with title 8 of this code or those provisions found in title 16, the provisions of this chapter shall prevail. (as added by Ord. #18-28, Sept. 2018)