

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definitions.
- 8-102. Regulations applicable.
- 8-103. Beer regulations unaffected.
- 8-104. State laws to be complied with.
- 8-105. Application fees to be paid by applicant; penalty.
- 8-106. Failure of a licensee to pay inspection fees, etc.
- 8-107. Bonds of licensees.
- 8-108. Effect of conviction of felony involving moral turpitude or of violating laws relating to alcoholic beverages.
- 8-109. New certificate after revocation.
- 8-110. Revocation or refusal of retailer to permit examination of books, records, etc.
- 8-111. Location restrictions.
- 8-112. Restriction on number of stores.
- 8-113. Content of application for certificate.
- 8-114. Certificate execution.
- 8-115. Transfer of license or store.
- 8-116. Inspection fees.
- 8-117. Sales to persons intoxicated, etc.
- 8-118. Public drinking and display prohibited.
- 8-119. Violations.

8-101. Definitions. Whenever used in this chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverages" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, or wine and capable of being consumed by a human being, other than patented medicine,

¹State law reference

Tennessee Code Annotated, title 57.

beer or wine, where the latter two (2) contain an alcoholic content of five (5) percent by weight or less.

(2) "Retail sale" or "sale at retail" means a sale of an alcoholic beverage to a consumer or to any person for any purpose other than for resale by a retailer.

(3) "Retailer" means any person who sells at retail any beverages covered by this chapter.

(4) "Person" means any natural person as well as any corporation, partnership, firm or association.

(5) "Board" refers to the board of mayor and aldermen of the City of Waverly, Tennessee.

(6) "City" means the City of Waverly, Tennessee.

(7) "Domiciled" means a person who is presently and who has had continuous actual physical residence with an established permanent residence within the geographical area of a circle measured by a five mile radius from the front door of the city hall of the city. If a corporation, partnership, firm or association, then it shall mean that each and every stockholder, officer, director, member, partner or beneficiary shall have a residence within such area.

(8) "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 twenty-one per cent (21%) by volume.

(9) "Applicant" means any person who shall file an application or request, in whatever form, with the city for a certificate.

(10) "Application fee" shall mean the fee, payable in current funds, to the city by every person applying for a certificate, to help defray the cost to the city in the investigation of the applicant to determine his or her or its qualification or entitlement to the issuance of a certificate.

(11) "Certificate" means any certificate issued to any applicant pursuant to this chapter and as a pre-requisite to the issuance of a license under Tennessee Code Annotated, title 57, by the State of Tennessee Alcoholic Beverage Commission.

(12) "Licensee" means any person issued a license or permit to be a retailer within the city by the State of Tennessee Alcoholic Beverage Commission.

(13) Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural. (Ord. #1984-19, Jan. 1985, as amended by Ord. #1987-2, Jan. 1987)

8-102. Regulations applicable. (1) Pursuant to Tennessee Code Annotated, title 57, and a referendum held pursuant thereto in the city on the 6th day of November 1984 this chapter is enacted.

(2) It shall be unlawful to engage in the business of selling, storing, transporting, or distributing, or to purchase or possess alcoholic beverages within the corporate limits of the city except in accordance with the provisions of Tennessee Code Annotated, title 57, the rules and regulations promulgated thereunder, and as provided in this chapter. (Ord. #1984-19, Jan. 1985)

8-103. Beer regulations unaffected. No provision of this chapter shall be considered or construed as in any way modifying, changing, or restricting the rules and regulations governing the sale, storage, transportation, or tax upon beer or other liquids with an alcoholic content of five (5) per cent or less. (Ord. #1984-19, Jan. 1985)

8-104. State laws to be complied with. No person shall act as a retailer unless all the necessary state licenses and permits have been obtained. (Ord. #1984-19, Jan. 1985)

8-105. Application fees to be paid by applicant; penalty. The application fee shall be payable by the person making application and no other person shall pay for any such fees. In addition to all other penalties provided for violations of this chapter, a violation of this section shall authorize and require the denial and/or revocation of any certificate issued pursuant to such application and forfeiture of the fee which was paid by another, and also the revocation of the certificate, if any, of the person so paying the application fee of another. (Ord. #1984-19, Jan. 1985)

8-106. Failure of a licensee to pay inspection fees, etc. Whenever any licensee fails to account for or pay over to the city any tax, fine or inspection fee, or defaults in any of the conditions of his bond, the city manager shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such defaults in payments and for the revocation of any certificate issued to such person under this chapter. (Ord. #1984-19, Jan. 1985)

8-107. Bonds of licensees. A licensee shall execute with a surety company duly authorized and qualified to do business in the State of Tennessee a bond to the city in the amount of two thousand five hundred dollars (\$2,500) which shall be conditioned that the principal thereof shall pay any fine, tax, or fee which may be owing or assessed against the principal. (Ord. #1984-19, Jan. 1985)

8-108. Effect of conviction of felony involving moral turpitude or of violating laws relating to alcoholic beverages. (1) No certificate shall be issued to any applicant who, within ten (10) years preceding application for such certificate shall have been convicted of a felony involving moral turpitude or shall have been convicted of any offense under the laws of the State of

Tennessee, or any other state, or the United States, prohibiting or regulating the sale, possession, transportation, storing or otherwise handling of alcoholic beverages, or who has during said period been engaged in business, alone or with others, in violation of any such laws or the rules and regulations promulgated pursuant thereto. In case of any conviction occurring after a certificate has been issued hereunder, the certificate shall immediately be revoked, if such convict shall be an individual, and, if not, the partnership, corporation or association with which he is connected shall immediately discharge him, and failure to do so shall result in the immediate revocation of its certificate.

(2) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who within ten (10) years prior to the date of his employment shall have been convicted of any such violations as provided in subsection (1) of this section and in case an employee should be so convicted, he shall be immediately discharged. Failure of a retailer to immediately discharge such employee shall be cause for revocation of the certificate of such retailer. (Ord. #1984-19, Jan. 1985)

8-109. New certificate after revocation. Where a certificate is revoked, no new certificate shall be issued on the same premises of such retailer before the expiration of one (1) year from the date said revocation becomes final and effective. (Ord. #1984-19, Jan. 1985)

8-110. Revocation or refusal of retailer to permit examination of books, records, etc. The city is authorized to examine the books, papers, and records of any retailer or applicant for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of any certificate issued to such retailer or the refusal to issue a certificate of any applicant. (Ord. #1984-19, Jan. 1985)

8-111. Location restrictions. (1) It shall be unlawful for any person to operate or maintain a retail store for the retail sale of alcoholic beverages in the city unless the physical location thereof shall be in Zones CA, CC, CD or IM, as appears on the official zoning map of the city on the date of his application. Further, in no event will such retail sale be allowed within those zones when in the opinion of the board, expressed by a majority thereof, the carrying on of such business at the premises covered by the application of an applicant would be in too close proximity to any dwelling, church, school, or public institution, or otherwise inimical to the public interest. A licensee shall not be engaged as a retailer except at the premises recited in his application.

(2) Any change of location of the business location of a retailer shall be cause for immediate revocation of the certificate issued by the board unless

the new location is approved in writing prior thereto by the board. (Ord. #1984-19, Jan. 1985)

8-112. Restriction on number of stores. There shall be no more than two (2) stores or locations for the retail sale of alcoholic beverages within the city and the board shall issue no more than two (2) certificates at one time. Provided, however, at such time as the population of the city shall increase by at least 3000 over the population of the city determined at the 1980 Census, then an additional retail store or location shall be allowed and an additional certificate issued to an applicant. (Ord. #1984-19, Jan. 1985)

8-113. Content of application for certificate. Each applicant for a certificate shall file an application for same on the form provided by the city. A copy of each application form, questionnaire, partnership agreement or any other form or document required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with an application by the applicant for a state retailer liquor license shall be attached to the city application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The city attorney shall review the applications and notify the applicants and the board of any errors or insufficiencies noted on the applications. The application form for a certificate shall be signed and verified under oath by all owners, partners, officers, stockholders, directors, members or otherwise and shall reflect the name of all persons having any financial interest, directly or indirectly, in and to the proposed liquor store. (Ord. #1984-19, Jan. 1985)

8-114. Certificate execution. A certificate shall be signed by a majority of the board while in session and conditioned upon the applicant fulfilling the following requirements:

(1) The applicant shall be of good moral character and be personally known to a majority of the board.

(2) If a corporation, partnership, association, or firm, the executive officers and those in control and all owners, partners, stockholders, directors and members shall be of good moral character and personally known to a majority of the board.

(3) The financial condition of the applicant, and in the case of a corporation, partnership, association, or firm, also its executive officers, partners, directors, stockholders and members, is such as in the opinion of a majority of the board shall be solvent so as to likely cause the proposed liquor store to be operated in a commercially reasonable and sound manner.

(4) The applicant has not violated any of the provisions of this chapter and is otherwise entitled to the issuance of a license by the State of Tennessee Alcoholic Beverage Commission.

(5) The disclosure of the location or site that the applicant proposes to do business as a retailer and the owner of such premises and mortgage holder, if any. If the premises are leased a copy of the lease agreement shall be attached. If the premises are owned a copy of the title deed shall be attached. If the premises are mortgaged a copy of the mortgage instrument shall be attached.

(6) The disclosure of the financial interest of any person in the application or in the operation of the retailer upon licensing by the State of Tennessee.

(7) That no applicant shall, either individually or as a member of a partnership, association, firm or as a stockholder, officer or director of a corporation, be on more than one application.

(8) The applicant, if an individual, and each and every partner, member, director, stockholder, or executive officer, if a firm, partnership, corporation, or association, shall have been domiciled for not less than one (1) year next preceding the date of the application.

(9) Each individual applicant or individuals on an application at the time of filing of an application for a certificate shall pay a non-refundable application fee of one hundred dollars (\$100) to partially defray the cost of investigation of each such applicant or individual and processing of said application. (Ord. #1984-19, Jan. 1985)

8-115. Transfer of license or store. No sale, transfer or gift of any interest of any nature, either financial or otherwise, in any store or license of any licensee shall be made without first obtaining the written approval of the board and the issuance of a certificate to a proposed owner, stockholder, member, partner, director or otherwise. (Ord. #1984-19, Jan. 1985)

8-116. Inspection fees. (1) Definitions. For the purposes of this section, the material words and phrases shall have the meanings respectively ascribed to them under Tennessee Code Annotated, § 57-3-101, and by § 8-101 hereof.

(2) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the city there is levied and imposed upon each retailer an inspection fee at the rate of 8% of the wholesale price of the alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesale price of the alcoholic beverage sold by all such wholesalers and paid by all such retailers and shall be 8% of such wholesale price.

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

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

(5) Monthly report and payment. Each wholesaler making sales to retailers located within the city shall furnish to the city a report monthly and which report shall contain the following:

(a) The name and address of the retailer;

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

(c) The amount of tax due under this section.

(6) Due date of wholesalers' reports and payment. The monthly report shall be furnished to the city manager not later than the twentieth (20th) day of the month following which the sales were made and the inspection fees collected by the wholesaler from the retailers shall be paid to the city at the time the monthly report is made.

(7) Wholesalers' fee for collection of inspection fees. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted. Such reimbursement shall be deducted and shown on the monthly report to the city.

(8) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fees imposed hereunder shall be liable for a penalty of ten percent (10%) of the fees due the city.

(9) Audit of wholesalers' records. The city may audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(10) Disposition of fees. The city manager shall turn over to the city recorder any and all monies collected pursuant to this section and the recorder shall deposit said monies in the general fund of the city. (Ord. #1984-19, Jan. 1985)

8-117. Sales to persons intoxicated, etc. No retailer shall sell any alcoholic beverages to any person who is drunk, nor to any person accompanied by a person who is drunk. (Ord. #1984-19, Jan. 1985)

8-118. Public drinking and display prohibited. It shall be unlawful for any person to drink any alcoholic beverages or physically and openly possess, display, exhibit, or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant, shopping center, or parking area of any business premises, or on any public street or sidewalk, or in any public park, playground, theater, stadium, school, or schoolground. (Ord. #1984-19, Jan. 1985)

8-119. Violations. Any person who shall violate any provision of this chapter shall be punishable by a fine of \$50 and in the case of a retailer shall, in the discretion of the board, be cause for revocation of the certificate issued to such retailer. (Ord. #1984-19, Jan. 1985)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer business lawful but subject to regulation.
- 8-202. Beer permit board created.
- 8-203. Beer permit required.
- 8-204. Restrictions upon granting of permits.
- 8-205. Application for permit; requirements as to applicants; regulations to be followed.
- 8-206. Revocation or suspension of permit; hearing; action of beer permit board final.
- 8-207. Issuance of permits to hotels, clubs, etc.
- 8-208. License fee.
- 8-209. Display of permit.
- 8-210. Permits not transferable.
- 8-211. Sales to certain persons prohibited; proper sanitary facilities required.
- 8-212. Retail premises to be on street level and have glass front.
- 8-213. Retail premises: curtains, blinds, etc., prohibited.
- 8-214. Retail premises: all sales to be on ground floor; exceptions.
- 8-215. Wholesalers, etc.: deliveries to holders of retail beer permits.
- 8-216. Bond required of retailers.
- 8-217. Minors: fraudulent evidence of age, etc., a misdemeanor.
- 8-218. Hours of sale.
- 8-219. Violations.
- 8-220. Employees liable for violations.

8-201. Beer business lawful but subject to regulation. It shall hereafter 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 law of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Waverly, subject to all of the regulations, limitations and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials. (1984 Code, § 2-201)

¹State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

8-202. Beer permit board created. There is hereby created a beer permit board which shall consist of the mayor and other members of the board of aldermen who shall hold office for a period coterminous with their respective terms of office. (1984 Code, § 2-202)

8-203. Beer permit required. No person shall engage in the storing, selling, distribution or manufacturing of beer or other beverage of like alcoholic content within the corporate limits of the City of Waverly until he shall receive a permit to do so from the beer permit board of the City of Waverly, which permit shall at all times be subject to all of the limitations and restrictions herein provided. (1984 Code, § 2-203)

8-204. Restrictions upon granting of permits. No beer permit shall be issued to sell beer or any beverage coming within the provisions of this chapter:

(1) In violation of any provisions of the state law; or
(2) In violation of any zoning ordinance of the City of Waverly; or
(3) Except as a pre-applied for and fixed location then available for operation; or

(4) Where such sales will cause congestion of traffic, or interference with schools, churches, or other places of public gathering, or otherwise interfere with the public health, safety and morals, and upon the question of all of which the judgment of the beer permit board, on such matters, shall be final, except as the same is subject to review at law as provided by the laws of the State of Tennessee; or

(5) To any person who shall engage in the sale of such beverages at any place or places other than that for which he shall hold a valid permit; to any person who shall violate any of the terms or conditions as set forth in any permit granted; to any person who shall sell such beverages to minors or who shall permit minors, disorderly, or disruptable persons who shall theretofore have been connected with the violation of liquor laws, to loiter around the place of business; to any person who shall employ minors directly in the sale or distribution of such beverages; to any person who shall allow gambling or gambling devices on or about the premises where such beer shall be sold; to any person who shall allow any liquor with an alcoholic content greater than such weight, volume, or alcoholic content as is allowed for beer by the laws of the State of Tennessee to be consumed on or about the premises; to any person who shall have himself or who shall employ persons in the distribution or sale of such beverages who shall have been convicted for violating such law regulating or prohibiting the sale, manufacture or transportation of intoxicating liquor, or for any crime involving moral turpitude, within the past ten (10) years; or to any person who shall not conduct the business in person, for himself, or if acting as an agent, who shall not disclose the person, firm or corporation, syndicate, association, or joint stock company for whom and only for whom, such person

shall intend to act or to any person who shall violate any of the provisions hereof after any such permit shall have been issued. (1984 Code, § 2-204)

8-205. Application for permit; requirements as to applicants; regulations to be followed. (a) Before any permit is issued by the beer permit board, the applicant therefor shall file with the beer permit board a sworn petition in writing on forms prescribed by and furnished by the board, and shall establish the following:

(1) The location of the premises at which the business shall be conducted.

(2) The owner or owners of such premises.

(3) That no person will be employed in the storage, sale or manufacture of such beverages except those who are citizens of the United States.

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

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

(6) That if the application is for a permit to sell "not for consumption on the premises" that no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof.

(7) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business. That no minors will be employed directly in the sale or distribution of such beverages.

(8) That the applicant will not allow any liquor with an alcoholic content greater than such weight, volume or alcoholic content as is allowed for beer by the laws of the State of Tennessee, to be consumed on applicant's premises, except in those instances when at the time of such consumption such applicant holds a license lawfully issued and in effect permitting such consumption by the Alcoholic Beverage Commission of the State of Tennessee or such other licensing agency of the State of Tennessee as may be provided for from time to time by the laws of the State of Tennessee. It being the intent herein that beer permits may be granted to premises which hold liquor by the drink licenses as granted by the State of Tennessee.

(9) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale of such beverage has ever been convicted for violating any law regulating or prohibiting the sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(10) That the applicant will conduct the business in person, for himself, or if he is acting as agent, the applicant shall state the person, firm or

corporation, syndicate, association or joint stock companies for whom and only for whom, the applicant intends to act.

(b) The beer permit board may act only upon a sworn application by an applicant in writing. The application may be heard without the necessity of the personal appearance of the applicant or any supporting witnesses before the board. However, the board in its discretion, may require that the applicant or any representative thereof appear in person before the board upon consideration of the application and establish to the satisfaction of the board that all matters set forth in the application are true and that the applicant is otherwise qualified and the premises for which the application is sought are qualified under the terms of these regulations. Before the beer permit board issues a permit for the sale of beer it shall cause to be published in a newspaper of general circulation within the city a notice of the application to include name of the applicant, the address of the location where such permit is requested, and whether the application is for the sale for on-premises or off-premises consumption. The notice shall give the date, time and place of a public hearing by the board on the application. Such notice shall be published at least once not less than ten (10) days prior to such hearing. Prior to final action on the application such public hearing shall be held for the purpose of receiving the statements of any person on an application. The cost of the publication of all required public notices shall be paid for by the applicant at the time of the filing of the application. (1984 Code, § 2-205, as amended by Ord. #1997-7, July 1997)

8-206. Revocation or suspension of permit; hearing; action of beer permit board final. All permits issued by the beer permit board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

The board created by this chapter 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 for the violation of the provisions of this chapter or the provisions of the state beer act.

Complaints filed against any permit holder for the purpose of suspending or revoking his permit shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his 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 either by registered mail or by a member of the police department of the City of Waverly. The notice shall be served upon the permittee at least ten (10) days before the date of the hearing. 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. The action of the board in all such hearings shall be final, subject only to review by the court as provided in the state beer act. (1984 Code, § 2-206)

8-207. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer permit board to issue a permit for the sale of any beverage coming within the provisions of this chapter, to hotels, 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 required by this chapter and any ordinance amendatory hereof. (1984 Code, § 2-207)

8-208. License fee. (1) There is hereby imposed upon every applicant for a permit to sell beer in the City of Waverly, Tennessee, an application fee of two hundred fifty dollars (\$250.00) to be paid at the time of the filing of the application with the city, for use in offsetting the expense necessary and attendant to the investigation of any applicant and the application. A separate application fee shall be paid for each premises for which a permit is sought, regardless of whether or not the applicant holds licenses or permits for other premises.

(2) Regardless of whether or not the application is approved or denied, no portion of any application fee collected shall be refunded to the applicant.

(3) All such application fees shall be deposited into and become a part of the General Fund of the city. (1984 Code, § 2-208)¹

8-209. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1984 Code, § 2-209)

8-210. Permits not transferable. Permits issued under the provisions of this chapter are not transferable either as to location or to successor by purchase, or otherwise, of the business for which the permit was issued. In either case, a new permit is required in the manner provided herein. (1984 Code, § 2-210)

8-211. Sales to certain persons prohibited; proper sanitary facilities required. Hereafter it shall be unlawful and it is hereby declared to be a misdemeanor for any person, firm, corporation or association engaged in the

¹See Tennessee Code Annotated, § 57-5-108(c).

business regulated hereunder, to make, or to permit to be made, any sale or distribution of beer to persons who are intoxicated, feeble minded, insane or other wise mentally incapacitated or to fail to provide proper sanitary facilities for the consumers of said beverages. (1984 Code, § 2-211)

8-212. Retail premises to be on street level and have glass front. No license to permit the retail sale or distribution of beverages coming within the provisions of this chapter, shall be issued for the operation of any place except one on street level and with so much of the front enclosed in glass and of such design that the interior can be easily seen from the sidewalk or street in front of such place. Chartered clubs may be exempt from the provisions of this section, at the discretion of the beer permit board. (1984 Code, § 2-212)

8-213. Retail premises: curtains, blinds, etc., prohibited. No curtains, drapes, shades, blinds, screens or other things shall be used in any place where the sale of beverages, coming within the provisions of this chapter, is permitted, that in any way hinders a clear and unobstructed view of the whole interior of such place from any point on the sidewalk or street in front of such place. Chartered clubs may be exempted from the provisions of this section at the discretion of the beer permit board. (1984 Code, § 2-213)

8-214. Retail premises: all sales to be on ground floor; exceptions. In any building or on any premises where the retail sale of beverages coming within the provisions of this chapter is permitted, no alcoholic beverage shall be sold, served, or consumed in any basement room or rooms other than on the ground floor, excepting hotel bedrooms. Chartered clubs may be exempt from the provisions of this section at the discretion of the beer permit board. (1984 Code, § 2-214)

8-215. Wholesalers, etc.: deliveries to holders of retail beer permits. It shall be unlawful for any wholesaler, distributor or manufacturer of beer, or any of their salesmen or representatives, to sell or deliver beer enroute, or from delivery vehicles, to any person other than the holders of valid retail beer permits and it shall be the duty of such wholesaler, distributor or manufacturer, their salesmen or representatives, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (1984 Code, § 2-215)

8-216. Bond required of retailers. Every person, firm, corporation or association, before being issued any license or permit to sell at retail within the corporate limits of the City of Waverly, Tennessee, any such beverages as permitted to be sold under this chapter, shall make and deliver to the city recorder, along with and at the time of the making of application for the permit as required by § 8-205, a joint and several bond in the penalty of twenty five hundred dollars (\$2,500.00), payable to the City of Waverly, Tennessee, said

bond to be signed by or on behalf of the applicant, and by some solvent surety company authorized to carry on a general surety business within the State of Tennessee or by two solvent personal sureties, any such surety company or personal sureties to be subject to the approval of the beer permit board, and which bond shall be conditioned that the principal thereof will pay any fine which may be assessed against such principal by any court of competent jurisdiction for any violation of the provisions of this chapter or shall pay and satisfy any and all expenses, attorneys' fees, court costs or other costs incurred by the City of Waverly, Tennessee in connection with the enforcement of this chapter brought about as a result of any violation of the provisions of this chapter by such permit holder or licensee and wherein such permit holder or licensee shall have been found to have violated any provision hereof. Such bond shall be in the form as shall be required by and shall be subject to, the prior approval of the city attorney. Any permit holder as a condition for the issuance or continuation of holding of any license or permit granted pursuant to this chapter shall at all times have on file and deposited with the city such bond as herein required and should any surety thereon at any time withdraw as surety therefrom then the permit or license as granted to such licensee or permit holder shall automatically terminate. Such bond as herein required shall by its terms provide that no surety thereon may withdraw suretyship without giving to the City of Waverly at least thirty (30) days prior written notice thereof. (1984 Code, § 2-216)

8-217. Minors: fraudulent evidence of age, etc., a misdemeanor. (1) It shall be unlawful for any minor to purchase or attempt to purchase any beverage regulated hereunder, and it shall be unlawful for any minor to possess any such beverage upon the premises of an "on-premises" permittee.

(2) It shall be unlawful for any minor 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 or otherwise procuring or attempting to procure such beverage.

(3) Any minor who acts in violation of one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine; if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition. (1984 Code, § 2-217)

8-218. Hours of sale. It shall hereafter be unlawful and it is hereby declared to be a misdemeanor for any person, firm, corporation or association to sell or distribute any of such beverages regulated hereunder, within the corporate limits of the City of Waverly between the hours of 12 midnight and 4:00 A.M. daily or at any time on Sunday. No such beverage shall be consumed or opened for consumption on or about the premises of a permittee, in either bottle, glass, or other container, after 12:15 A.M. (1984 Code, § 2-218)

8-219. Violations. Each day's violation of any provision of this chapter or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine and/or by suspension or revocation of the permit issued hereunder. (1984 Code, § 2-219)

8-220. Employees liable for violations. Any employee of any permittee, either retailer or wholesaler, 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. (1984 Code, § 2-220)