

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. RETAIL PACKAGE LIQUOR STORES.
2. BEER.

CHAPTER 1

RETAIL PACKAGE LIQUOR STORES

SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Application for certificate.
- 8-103. Applicant to agree to comply with laws.
- 8-104. Applicant to appear before board of mayor and aldermen; duty to give information.
- 8-105. Action on application.
- 8-106. Applicants for certificate who have criminal record.
- 8-107. Where establishments may be located.
- 8-108. Retail stores to be on ground floor; entrances.
- 8-109. Consumption on premises.
- 8-110. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-111. Inspection fee.
- 8-112. Distance requirements.
- 8-113. Violations.

8-101. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages, as that term is defined in Tennessee Code Annotated, title 57, chapter 3, within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57, chapter 3. (Ord. #70, Aug. 1993, as replaced by Ord. #08-04, Nov. 2008, as replaced by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-102. Application for certificate. Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by Tennessee

¹State law reference

Tennessee Code Annotated, title 57.

Code Annotated, § 57-3-213 shall be signed by the mayor, or by any aldermen, an application in writing shall be filed with the city recorder. If an application is for a business entity other than a sole proprietorship, the application shall be accompanied by an application completed by each owner of the retail package store business, including each and every partner, shareholder, member or any other person or entity, however described, who has any ownership interest in the retail package store business on a form to be provided by the city, giving the following information:

(1) Name, date of birth, address, telephone number and Social Security number of the applicant.

(2) The name of the business entity that owns or will own the retail package store business and the names, dates of birth, addresses, telephone numbers and Social Security numbers of each person who has or will have an ownership interest in the business entity.

(3) Whether the applicant or applicants who are to be in actual charge of the business have been convicted of a felony within a ten (10) year period immediately preceding the date of application and, if a corporation, whether the executive officers or those in control have been convicted of a felony within a ten (10) year period immediately preceding the date of the application.

(4) The location of the proposed retail package liquor store.

(5) The name, address and telephone number of the owner(s) of the proposed location for the retail package store.

(6) The ownership interest of each applicant in the retail package store business.

(7) A true, complete and accurate Tennessee Bureau of Investigation criminal history report.

The information in the application shall be verified by the oath of the applicant. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-103. Applicant to agree to comply with laws. The applicant for a certificate shall agree in writing to comply with all applicable state and federal laws, the Milan Municipal Code and the rules and regulations of the alcoholic beverage commission. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-104. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate may 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. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-105. Action on application. Every application for a certificate shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed. The

board of mayor and aldermen may issue a certificate to any applicant, which shall be signed by the mayor or by a majority of those members of the board of mayor and aldermen present and voting. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-106. Applicants for certificate who have criminal record. No certificate shall be issued to an applicant or applicants who are to be in actual charge of the business if such applicant(s) have been convicted of a felony within a ten (10) year period immediately preceding the date of application and, if a corporation, no certificate shall be issued if the executive officers or those in control have been convicted of a felony within a ten (10) year period immediately preceding the date of the application. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-107. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-108. Retail stores to be on ground floor; entrances. No retail package liquor store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

In addition, all retail package liquor stores shall be a permanent type of construction. No retail package liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All retail package liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the interior of the liquor store shall be one thousand (1,000) square feet. Full, free and unobstructed vision of the interior of any such store shall be afforded to and from the public or private thoroughfare adjacent to the real property upon which any such store is situated by way of large windows in the front, and to the extent practicable, to the sides of the building containing the liquor store; provided, however, where, due to distance or the nature of the real property upon which any such store is situated, such vision is not feasible, full, free and unobstructed vision shall nevertheless be provided to and from the parking lot of any such store. Regardless, no fence, landscaping or other impediments are allowed, other than vehicles temporarily parked on the premises on which the liquor store is located by customers or deliverymen for the purpose of conducting business therein, that obstruct the full and free vision of the interior of any such store to and from any public or private thoroughfare

adjacent to the real property upon which any such store is situated. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations adopted by the city, unless specifically provided otherwise. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*), and amended by Ord. #2016-8, June 2016 *Ch7_6-20-19*)

8-109. Consumption on premises. No alcoholic beverages shall be sold for consumption, or shall be consumed, on the premises of a retail package liquor store. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-110. Radios, amusement devices and seating facilities prohibited in retail package liquor stores. No radios, televisions, pinball machines, slot machines or other devices which tend to cause persons to congregate shall be permitted in any retail . package liquor store. No seating facilities shall be provided for persons other than employees. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-111. Inspection fee. The City of Milan hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retail package liquor stores located within the corporate limits of the city. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

8-112. Distance requirements. Except retail package liquor stores located in the B-4 zone (Commercial Services District) pursuant to the City of Milan Zoning Ordinance, no retail package liquor store shall be allowed within three hundred feet (300') of any hospital, school, church, day care facility, or other place of public gathering in existence on the date of the applicant's application for a certificate. The distance described herein shall be measured in a straight line from building to building, or in the case of a public playground or public park, from the closest point in the nearest property line of the public playground or public park. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*), and replaced by Ord. #2017-8, Oct. 2017 *Ch7_6-20-19*)

8-113. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision 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. However, nothing herein shall be construed to prevent the city from exercising any criminal or civil remedies that it may have with respect to violations of this chapter. (as added by Ord. #2016-1, Feb. 2016 *Ch7_6-20-19*)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Powers and duties of the beer board.
- 8-205. "Beer" defined.
- 8-206. Permits required for engaging in beer business.
- 8-207. Privilege tax.
- 8-208. Limitation on number of permits.
- 8-209. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to person convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Suspension and revocation of beer permits.
- 8-213. Unobstructed view into licensed premises required.
- 8-214. Limitation upon issuance of beer permits.
- 8-215. Permit to be displayed.
- 8-216. Beer permit not transferable.
- 8-217. Sale, consumption must be on ground floor; exceptions.
- 8-218. Contents of application for permit; qualifications of applicant; application fee.
- 8-219. Hours for furnishing and/or consumption on permitted premises.
- 8-220. Violation of chapter as grounds for civil penalties, suspension or revocation of permit.
- 8-221. Prospective application of ordinance.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The beer board shall conduct business during the regular meetings of the mayor and board of aldermen. When there is business that requires a special meeting, a special meeting may be called by the chairman

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).

provided he gives a reasonable notice to each member. The board may adjourn a meeting at any time, to another time and place. Any applicant seeking a beer permit must be present when the board considers the application. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-203. Record of beer board proceedings to be kept. The city recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be public 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., 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. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-204. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-205. "Beer" defined. The term "beer" as used in this chapter shall have the same meaning as "beer" is defined in Tennessee Code Annotated, § 57-5-101. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, Ord. #08-04, Nov. 2008, and Ord. #2017-2, March 2017 *Ch7_6-20-19*)

8-206. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the beer board shall prescribe and/or furnish, shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Milan. Each applicant must be a person of good moral character and must certify that he or she will become familiar with the provisions of this chapter. All new permit holders must meet with the city recorder for a review of the beer ordinance prior to issuance of the permit. Each new permit holder will receive a copy of this ordinance. Once this permit is issued, the permit holder must activate the permit by opening the business within ninety (90) days of approval of the permit. Failure to open within the ninety (90) days will result in revocation of the permit. If an individual other than the named applicant is to operate the business, such operator must meet the same qualification as the applicant. Applicant must be duly registered for sales tax purposes. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-207. Privilege tax. Effective January 1, 1994 there is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distributing, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Milan, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-208. Limitation on number of permits. The beer board shall limit the number of permits in four (4) various classes as follows:

(1) On-premise consumption permits are limited to twelve (12) permits. Current holders of permits are grandfathered and will continue to be so until the total number is reduced to twelve (12) through attrition.

(2) Bona fide restaurant beer permits shall be determined as follows:
 (a) Sixty percent (60%) of the gross income of such restaurants is derived from the sale of food.

(b) The seating capacity is at least seventy-five (75).

(c) The restaurant has commercial cooking equipment.

(d) Each location shall keep and maintain the premises in a safe, clean and sanitary condition as required for a rating of class "B" or better as established by the Tennessee State Department of Conservation, Division of Hotels and Restaurant Inspections.

(e) Restaurant has a minimum of one thousand fifty (1,050) square feet of dining area.

(f) The front or main door shall face the adjacent street.

(3) Convenience store permits shall be determined as follows:

(a) Sell an array of products.

(b) Open a minimum of six (6) days.

(c) Open a minimum of sixteen (16) hours per day.

(d) Located in permitted zone.

(e) Glass store front requirements:

(i) Street level glass store fronts.

(ii) Be designed whereas the interior can be easily viewed from the sidewalk, parking area, or street in front of the premises.

(iii) The front of the building shall be a minimum of eighty-five percent (85%) glass. Tinted glass is prohibited.

(iv) Front or main door shall be made of a glass or/and transparent material that allows viewing into the building. The door shall be a minimum of thirty-six inches (36") wide and/or double doors shall be a minimum of seventy-two inches (72") wide.

(f) Required lighting layout:

- (i) Maintain proper lighting.
- (ii) Open parking facilities shall not be less than 6 lux (minimum on pavement) or 0.6 footcandles (minimum on pavement) of a uniformity ratio (average minimum) of 4:1. These are the recommended, maintained, horizontal illuminance for parking facilities.
- (g) Parking area: Shall be paved and maintained in clean, sanitary manner on a timely basis.
- (h) The front or main door shall face the adjacent street.
- (4) Grocery stores, drug stores and super stores may qualify for a beer permit based on the following definition.
 - (a) A grocery store must be located in a zone authorized by the zoning and planning board and must generally sell food items destined for home preparation and consumption, as well as health and beauty aids and household items. Beer sales cannot exceed forty percent (40%) of gross income.
 - (b) A drug store must be located in a zone authorized by the zoning and planning board and must sell prescription drugs, medicine, health and beauty aids and household items. Beer sales cannot exceed forty percent (40%) of gross income.
 - (c) A super store must be located in a zone authorized by the zoning and planning board and must sell a combination of the items sold by grocery and drug stores, plus electronics, clothing, or appliances. Beer sales cannot exceed forty percent (40%) of gross income. (Ord. #70, Aug. 1993, as amended by Ord. #1998-06, Aug. 1998, and replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-209. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, child care facilities, or other places of public gathering, or would otherwise interfere with public health, safety or morals. Except permits issued to individuals to operate businesses located in the B-4 zone (Commercial Services District) pursuant to the City of Milan Zoning Ordinance, the city shall not issue a permit authorizing on-premises consumption of beer within eight hundred feet (800'), or a permit authorizing the sale of beer for off-premises consumption within three hundred feet (300'), of any hospital, school, church, day care facility, or other place of public gathering. The distances described herein shall be measured in a straight line from building to building, or in the case of a public playground or public park, from the closest point in the nearest property line of the public playground or public park. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, Ord. #08-04, Nov. 2008, and Ord. #2017-8, Oct. 2017 *Ch7_6-20-19*)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years immediately preceding the application for a beer permit. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-211. 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 during such employment or within ten (10) years immediately preceding such employment;

(2) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday;

(3) Allow any loud, unusual, or obnoxious noises to emanate from the premises;

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age;

(5) Allow any person under the age of twenty-one (21) years to loiter in or about the 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 drunken persons to loiter about the premises;

(8) Serve, sell, or allow the consumption on the premises of any alcoholic beverage with an alcoholic content of more than six percent (6%) by weight;

(9) Fail to provide and maintain separate sanitary toilet facilities for men and women;

(10) Fail to have the place of business, by holders of on-premise consumption permits, cleared of all customers by 3:00 A.M.;

(11) Allow assaults, fighting, damaging of property and breaches of the peace occurring on or in the premises where beer is sold;

(12) Allow any person to consume beer while in a motor vehicle parked on the premises;

(13) Sale of beer without registering with the State of Tennessee for sales tax;

(14) Have the area of business activity inaccessible by locked front doors of any establishment, public or private, during the hours of selling and or serving beer as established in this chapter;

(15) Not allow law enforcement to enter the establishment at any time during, before and after the hours of selling and or serving beer as established in this chapter;

(16) Allow any person to sell or serve beer while consuming beer, alcohol and/or indulge in the consumption of illegal drugs and/or be intoxicated;

(17) For any permit holder whose business is solely for the on premise consumption of beer, to employ any person under the age of eighteen (18) on the premises in any capacity whatsoever; or

(18) Advertise any alcoholic beverage on a sign other than a sign on the windows of the permitted establishment. Such signs shall not substantially restrict the view from the outside into the premises. (Ord. #70, Aug. 1993, modified, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008, and amended by Ord. #2017-2, March 2017 *Ch 7_6-20-19*)

8-212. Suspension and revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in the application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until the board holds a public hearing after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-213. Unobstructed view into licensed premises required. It shall be unlawful for any person to, in any way, manner, form, or attempt, obstruct the vision through any windows. No public building, within the corporate limits of the City of Milan, which sells beer or other related alcoholic beverages may stack merchandise higher than thirty-six inches (36") from the floor in front of windows. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-214. Limitation upon issuance of beer permits. No permit shall be issued by the beer permit board:

(1) In violation of any provision of the State of Tennessee law;

(2) In violation of the Zoning Ordinance of the City of Milan;

(3) If the person named in the application is not present when the board considers the application;

(4) For any location that does not offer restrooms for both sexes complete with commode and washbasin. (Ord. #70, Aug. 1993, as replaced by Ord. #2000-01, May 2000, and Ord. #08-04, Nov. 2008)

8-215. Permit to be displayed. The permit required by this section shall be posted in a conspicuous place on the premises of the permit holder at all times. (as added by Ord. #2000-01, May 2000, and replaced by Ord. #08-04, Nov. 2008)

8-216. Beer permit not transferable. Any permit issued under the provisions of this chapter is not transferable, as to location or person, or as to successor, by purchase or otherwise, of the business for which the permit was issued, and in any such case a new permit is required in the manner provided herein. (as added by Ord. #2000-01, May 2000, and replaced by Ord. #08-04, Nov. 2008)

8-217. Sale, consumption must 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 and under licenses hereafter issued, no alcoholic beverage shall be sold, served or consumed in any basement room or room other than on the ground floor. Chartered clubs may be exempt from the provisions of this section at the discretion of the beer permit board. (as added by Ord. #2000-01, May 2000, and replaced by Ord. #08-04, Nov. 2008)

8-218. Contents of application for permit; qualifications of applicant; application fee. Prior to any beer permit issuance by the beer board, the applicant shall file with the beer board a sworn petition in writing on forms prescribed and furnished by the City of Milan and shall establish the following:

- (1) The location of the premises at which the business shall be located;
- (2) The owner or owners of the premises;
- (3) 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;
- (4) That any permit for off-premise consumption, including convenience store permit and grocery, drug and super store permits, shall not allow on-premise consumption.
- (5) 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 or beer laws or ordinances to loiter around the place of business.
- (6) The beer board may require the applicant to secure a certificate or a statement from the Tennessee State Department of Conservation, Division of Hotels and Restaurant Inspections, for the location that is the subject of the application.
- (7) The applicant will not allow any gambling or gambling devices on premises.
- (8) The applicant will not allow any beer with alcoholic content greater than such weight, volume or alcoholic content as is allowed by the laws of the State of Tennessee, to be consumed on his/her premises.
- (9) That neither the applicant nor any persons employed or to be employed in such distribution or sale of such beverage have been convicted of any violation of the law against prohibition, sale, manufacture or transportation

of intoxicating liquor, or of any crime involving moral turpitude within ten (10) years immediately preceding the application.

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

(11) That no beer shall be sold from coin-operated dispensers.

(12) No wholesaler, or retailer, or any employee thereof, engaged in the physical storage, sale, or distribution of alcoholic beverages, shall be a person under the age of eighteen (18) years. It shall be unlawful for any wholesaler or retailer to employ any person under eighteen (18) years of age, for the physical storage, sale, distribution of alcoholic beverages, or to permit any such person under eighteen (18) years of age in the place of business, to engage in the manufacture, storage, sale or distribution of alcoholic beverages.

(13) Each permit shall be issued to an individual to conduct the business at the location set forth and specified in said application. (as added by Ord. #2000-01, May 2000, and replaced by Ord. #08-04, Nov. 2008)

8-219. Hours for furnishing and/or consumption on permitted premises. It shall be unlawful for any person, business entity, or any agent thereof, to sell or distribute any of the beverages regulated hereunder within the City of Milan between the hours of 3:00 A.M. and 8:00 A.M. Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. (as added by Ord. #2000-01, May 2000, and replaced by Ord. #08-04, Nov. 2008, and Ord. #2017-2, March 2017 *Ch7_6-20-19*)

8-220. Violation of chapter as grounds for civil penalties, suspension or revocation of permit. Each day's violation of each or any provision of this chapter by any permit holder or such permit holder's employee(s) or agent(s), or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor for which the permit issued hereunder may be suspended or revoked at the discretion of the beer board. Any offense other than selling to a person under twenty-one (21) years of age may carry a civil penalty of up to one thousand dollars (\$1,000.00) as an alternative to revocation or suspension of the beer permit.

The first offense of selling and/or serving beer to a person under twenty-one (21) years of age will result in a civil penalty up to one thousand dollars (\$1,000.00). The second offense of selling and/or serving beer to a person under twenty-one (21) years of age will carry a suspension of the beer permit up to thirty (30) days and a civil penalty not to exceed one thousand dollars (\$1,000.00). The third offense of selling and/or serving beer to a person under twenty-one (21) years of age will result in permanent revocation of the beer permit. Any combination of offenses totaling three (3) or more will result in revocation of the beer permit.

The permit holder shall have seven (7) days within which to pay a civil penalty before the revocation or suspension of the beer permit is imposed.

When a permit is revoked, no new permit shall be issued for the sale of beer at the same location for one (1) year after the revocation. The beer board may, at its discretion, determine that a permit may be issued prior to the expiration of the one (1) year revocation period, if the individual applying for the permit is not the original holder or any family member of such individual. (as added by Ord. #2000-01, May 2000, and replaced by Ord. #08-04, Nov. 2008)

8-221. Prospective application of ordinance. Any holder of a valid permit issued prior to the effective date of the ordinance comprising this chapter shall not be affected by the provisions of this chapter, but such permit holder shall continue to be regulated by the ordinances in existence prior to the effective date of the ordinance comprising this chapter. Any permit for a business operated by a holder of a valid permit prior to the effective date of the ordinance comprising this chapter shall be revoked if such business is discontinued or abandoned for a period of one hundred eighty (180) consecutive days. Any such permit holder who seeks to sell or distribute beer shall make application for a new permit and shall be subject to the provisions of this chapter. (as added by Ord. #2000-01, May 2000, and replaced by Ord. #08-04, Nov. 2008)