TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
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8-101. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise: Alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (1978 Code, § 2-101, as replaced by Ord. #11-855, Jan. 2011)

8-102. Consumption of alcoholic 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 Sparta, 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 Sparta, Tennessee, the same

1State law reference
Tennessee Code Annotated, title 57.

2State law reference
as if said code sections were copied herein verbatim. (as added by Ord. #11-855, Jan. 2011)

8-103. 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 City of Sparta 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 City of Sparta alcoholic beverages for consumption on the premises where sold. (as added by Ord. #11-855, Jan. 2011)

8-104. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Sparta shall remit annually to the city recorder the appropriate tax described in § 8-103. 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 the license. Upon the 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. #11-855, Jan. 2011)

8-105. 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. #11-855, Jan. 2011)
CHAPTER 2

BEER¹

SECTION
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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).
8-201. **Sale of beer lawful; privilege.** It shall hereafter be lawful and is hereby declared to be a privilege to sell, store for resale, or distribute beer of alcoholic content of not more than five percent (5%) by weight, or other beverage of like alcoholic content, within the corporate limits of the City of Sparta, Tennessee, subject to all of the regulations, limitations and restrictions hereinafter provided. (1978 Code, § 2-201, as replaced by Ord. #11-857, May 2011)

8-202. **Beer board created; duties and powers.** There is hereby created a board, which shall be known and designated as the "beer board," hereinafter referred to in this chapter as the "board." Such board shall be composed of the members of the Board of Mayor and Aldermen of the City of Sparta, Tennessee, who shall vote with other members thereof. It shall be the duty of the board to regulate and supervise the issuance of permits to store more than one (1) case, distribute and sell beer and other beverages of an alcoholic content of not in excess of five percent (5%) by weight to the persons and in the manner provided herein.

It is hereby declared that the sale of beer in the city is a privilege, and such board is hereby empowered, with complete discretion, to issue, revoke and suspend all licenses to sell beer in the city, and to perform such other duties and to have such other powers and authority as provided in this chapter. (1978 Code, § 2-202, as replaced by Ord. #11-857, May 2011)

8-203. **Mayor to preside; right to vote.** The mayor shall preside over all meetings of the beer board and shall have one (1) vote. (1978 Code, § 2-203, as replaced by Ord. #11-857, May 2011)

8-204. **Oath of board members.** The members of the beer board will be required to subscribe to a written oath of office to carry out and enforce
Tennessee Code Annotated, title 57, ch. 5, as well as the terms and conditions of this chapter. (1978 Code, § 2-204, as replaced by Ord. #11-857, May 2011)

8-205. **Quorum for board.** A majority of the members of the beer board shall constitute a quorum for any purpose. (1978 Code, § 2-205, as replaced by Ord. #11-857, May 2011)

8-206. **Recorder to be secretary of board.** The recorder of the municipality shall be ex-officio secretary of the beer board, but shall have no vote in its proceedings. (1978 Code, § 2-206, as replaced by Ord. #11-857, May 2011)

8-207. **Records of secretary.** It shall be the duty of the secretary to keep a record of all the proceedings of the board and to keep on file all original applications, as well as a duplicate of each permit issued by the board. (1978 Code, § 2-207, as replaced by Ord. #11-857, May 2011)

8-208. **Inspectors; enforcement.** The beer board, acting for the city, may fix the compensation of inspectors for the purpose of enforcing this chapter and other laws, ordinances and rules regulating the distribution, possession, storage and sale of beer, or other beverages of like alcoholic content at wholesale or retail. Such inspector, if appointed, shall hold office by and in the discretion of the board. Members of the police department are fully authorized to enforce all provisions of this chapter at the option of the board in lieu of inspectors as hereinabove provided. (1978 Code, § 2-208, as replaced by Ord. #11-857, May 2011)

8-209. **Permit required for engaging in beer business – privilege tax.** (1) It shall be unlawful for any person, firm or corporation, joint stock company, syndicate, or association (all of which shall hereinafter in this chapter be designated as "person") to sell beer or to store beer for sale, possess more than one (1) case of beer, or distribute beer by weight or otherwise, without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of two hundred fifty dollars ($250.00). Said fee shall be in the form of a cashier's check payable to the City of Sparta. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter.

   (2) Permits shall be issued for an indefinite period of time except that the Sparta Beer Board may issue a permit for a shorter or probationary period if, in its discretion, it deems such action proper and reasonable under the circumstances.
(3) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars ($100.00). Any person, firm, corporation, joint stock company, syndicate, or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 2011, and on each successive January 1, to the City of Sparta, 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, all as provided in Tennessee Code Annotated, § 57-5-104.

(4) No permit now in force or hereafter issued shall be good or valid except at the location described in the application upon which it is based; nor shall any such permit be transferrable. If the permit holder is a corporation or limited liability company, a change in ownership requiring the issue of a new permit shall occur when control of at least fifty percent (50%) of the stock of the corporation or limited liability company is transferred to a new owner.

(5) The applicant or a representative may be required to appear in person before the board for questioning about any and all questions related to the qualifications required under this chapter and amendments thereto.

(6) No permit may be granted hereunder to any establishment when any person, firm or corporation having at least a five percent (5%) ownership in the establishment has been convicted within ten (10) years prior to the application for a permit hereunder of a violation of the laws governing the possession, sale or manufacture of alcoholic beverages or of any felony or crime involving moral turpitude or has had a beer permit revoked or suspended within the past ten (10) years. No person employed by any beer business shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of alcoholic beverages or any felony or crime involving moral turpitude within the last ten (10) years.

(7) Every permit and license issued pursuant to this chapter shall be displayed in a conspicuous place in the place of business named and described in the permit. A permit shall be valid only for a single location and cannot be transferred to another location except where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in the owner's discretion operate some or all of such businesses pursuant to the same permit. A permit shall be valid for all decks, patios and other 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.

(8) No permit or license shall be issued pursuant to this chapter unless the applicant establishes to the satisfaction of the board that he has obtained all permits and paid all required fees and privilege taxes and has met all of the requirements of the laws of the State of Tennessee and the United States.

(9) The holder of a permit issued pursuant to this chapter desiring to voluntarily surrender the permit shall tender said permit to the beer board. The beer board shall take such action upon the offer to surrender as it may
determine necessary and advisable under the circumstances, and it shall have
the absolute authority to refuse to accept the surrender of any permit.

(10) Upon notice by the Sparta Chief of Police or agent thereof that the
city has reasonable cause to conclude that a permit holder is ineligible to hold
a permit and/or falsified information in order to obtain a permit, the permit will
be immediately temporarily suspended. The permit holder may request a
hearing before the board within seven (7) working days of the suspension.

(11) If any false or misleading information is found in any material
submitted to the board by or on behalf of an applicant for a beer permit, the
application shall be cancelled and the applicant and any person who submitted
false or misleading information shall not be permitted to apply for a beer permit
for a period of ten (10) years from the date of the cancellation of the application.

(12) If any false or misleading information is found in any material
submitted to the beer board by or on behalf of a holder of a beer permit, the
permit shall be revoked immediately by the beer board and the permit holder
and any person who submitted false or misleading information shall not be
permitted to apply for a beer permit for a period of ten (10) years from the date
of the revocation of the permit.

(13) A permit holder must return to the beer board all permits issued
to the permit holder by the beer board within fifteen (15) days of termination of
the business, change in ownership, relocation of the business or change of the
business's name; provided, that notwithstanding the failure to return a beer
permit, the permit shall expire on the termination of the business, change in
ownership, relocation of the business or change in the business's name. (1978
Code, § 2-209, as replaced by Ord. #11-857, May 2011)

8-210. Permits for retail sale; types designated. Permits for the
retail sale of beer shall be of two (2) types:

(1) On-premise permits. On-premise permits shall be issued for the
consumption of beer on the premises in accordance with the provisions of this
chapter.

(2) Off-premise permits. Off-premise permits shall be issued for the
sale of beer only for consumption off the business premises in accordance with
the provisions of this chapter.

A business can sell beer for both on-premises and off-premises
consumption at the same location pursuant to one (1) permit if otherwise
permitted by law and this chapter. (1978 Code, § 2-210, as repealed by
Ord. #11-856, Jan. 2011, and replaced by Ord. #11-857, May 2011)

8-210 (a). Restrictions upon issuance of on-premises beer permits.
Permits for the on-premise sale of beer shall be issued according to the following
classes and limitations, except that this provision shall not be applicable to the
renewal of any permit existing and outstanding as of May 5, 2011.
(1) **On-premise where beer is sold for consumption at a restaurant.** Restaurant shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premises. A restaurant as so defined to be a public place where meals are actually and regularly served, and such place being provided with adequate and sanitary kitchen and dining room equipment, serving at least two (2) meals per day, five (5) days a week, and the serving of such meals shall be the principal business conducted. There shall be no limitation on the number of beer permits issued to restaurants.

(2) **On-premise where beer is sold for consumption at a tavern.** Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of twelve (12) taverns located within the corporate limits of the City of Sparta.

(3) **On-premise where beer is sold in the rooms of regularly conducted hotels and motels as the same are defined under Tennessee state law regulating beer permits.** Beer sold under such permit shall be dispensed to adult guests only through locked, in-room units. No person under the age of twenty-one (21) shall be issued or supplied with a key by any hotel or motel for such units. (as added by Ord. #11-857, May 2011)

8-210 (b). **Restrictions upon issuance of off-premises beer permits.** Permits for the off-premise sale of beer shall be issued according to the following classes and limitations, except that this provision shall not be applicable to the renewal of any permit existing and outstanding as of May 5, 2011.

(1) **Off-premise where beer is sold at a grocery (food store).** Grocery shall mean a business establishment whose primary business is the retail sale of food merchandise and household items. Beer shall not be sold for consumption on the premises of grocery stores. There shall be no limitation on the number of beer permits issued to grocery stores.

(2) **Off-premise where beer is sold at a convenience store or market.** Convenience store or market shall mean a business establishment whose business is the retail sale of gasoline and petroleum products and food merchandise, household supplies and sundries. Beer shall not be sold for consumption on the premises of convenient stores or markets. There shall be no limitation on the number of beer permits issued to convenient stores or markets.

(3) **Off-premise where beer is sold at a drug store.** Drug store shall mean a business establishment whose primary business is the retail sale of pharmaceuticals, food merchandise, household items, and sundries. Beer shall not be sold for consumption on the premises of drug stores. There shall be no limitation on the number of beer permits issued to drug stores. (as added by Ord. #11-857, May 2011)
8-210 (c). **Public consumption of beer prohibited.** (1) None of the beverages regulated by this chapter shall be consumed on any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school, nor upon any park or public grounds nor upon any vacant lot within two hundred feet (200') of any public street, highway, avenue, or other public place.

(2) **Selling or otherwise dispensing beer to persons in motor vehicles.** The beverages regulated by this chapter shall not be sold, given away, served, or otherwise dispensed to persons in automobiles or other motor vehicles except where the beverages are sold in package form. (as added by Ord. #11-857, May 2011)

8-210 (d). **Restrictions pertaining to intoxicated persons.** None of the beverages regulated by this chapter shall be sold or given away or otherwise dispensed or served to any person in a drunken condition; nor shall any person in such condition be permitted or allowed to consume any such beverages upon or in any premises or place of business where such beverages are sold, dispensed, served or distributed. No person holding a permit under and dealing in or handling the beverages regulated by this chapter shall permit or allow upon his premises or in his place of business any person who is under the influence of any intoxicant whatsoever. It shall be the duty of any person holding a permit under and dealing in and handling the beverages regulated by this chapter to promptly notify the police officers when any person under the influence of any intoxicant whatsoever enters the premises or place of business of the person holding such permit. No owner, co-owner, operator, proprietor, employee or servant of a place of business holding and/or exercising a permit issued pursuant to this chapter shall drink or be under the influence of any of the beverages regulated by this chapter or any other intoxicant while in or working at any such place of business or while upon any such premises. (as added by Ord. #11-857, May 2011)

8-211. **Privilege tax.** There is hereby imposed on the business of selling, distributing or storing beer a privilege tax of one hundred dollars ($100.00). Any person engaged in the sale, distribution, or storage of beer shall remit the tax on January 1 to the City of Sparta, 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. (1978 Code, § 2-211, modified, as replaced by Ord. #11-857, May 2011)

8-212. **Verification of application; effect of false statement.** This application shall be verified by the affidavit of the applicant, made before a notary public or the city recorder, and if any false statement is made in any part of such application the permit or license granted or issued to the applicant shall be revoked by the beer board. The board shall appoint a committee consisting
of the police chief, city administrator and codes enforcement officer to
investigate permit applications and within the second meeting of the board after
the application is filed, to make a report of its investigation with its
recommendations to the board. (1978 Code, § 2-212, as replaced by
Ord. #11-857, May 2011)

8-213. Suspension or revocation. (1) The beer board may suspend a
permit when a permit holder has a charge filed and/or a warrant issued in a
court of competent jurisdiction naming the permit holder where the charge
concerns the violation of any law related to the prohibition, sale, manufacture,
or transportation of intoxicating liquors, gambling, drugs, including synthetic
drugs or any crime of moral turpitude.

(2) 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.

(3) Civil penalty in lieu of revocation or suspension. (a) Definition.
"Responsible vendor" means a person, corporation or other entity that has
been issued a permit to sell beer for off-premises consumption and has
received certification by the Tennessee Alcoholic Beverage Commission
under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code
Annotated, § 57-5-601, et seq.

(b) 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. 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. 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.

(4) **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. (1978 Code, § 2-213, as replaced by Ord. #11-857, May 2011, and amended by Ord. #12-866, Feb. 2012)

8-214. **Civil penalty in lieu of suspension.** (1) The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a city 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.

(2) 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. (Tennessee Code Annotated, § 57-5-602, et seq.)

(3) Payment of the civil penalty in lieu of 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. (1978 Code, § 2-213(A), modified, as replaced by Ord. #11-857, May 2011)

8-215. **Investigative powers.** The board created by this chapter is vested with full and complete power to investigate charges against any permit holder to appear and show cause why their permit should not be suspended or revoked for the violations of the provisions of this chapter or the provisions of the state beer act. The city recorder and the beer board are hereby authorized to subpoena persons and records, and to administer oaths and hear testimony in the enforcement of this chapter. (1978 Code, § 2-214, as replaced by Ord. #11-857, May 2011)
8-216. **Show cause hearing; effect of revocation.** Complaints filed against any permit holder for the purpose of suspending or revoking such permits 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 permittee either by registered mail or by a member of the police department of the City of Sparta. 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 charge 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. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. (1978 Code, § 2-215, as replaced by Ord. #11-857, May 2011)

8-217. **Posting of permit.** The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1978 Code, § 2-216, as replaced by Ord. #11-857, May 2011)

8-218. **Permits not transferrable.** Permits issued under the provisions of this chapter are not transferrable, either as to location or to successor by purchase, or otherwise of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein. (1978 Code, § 2-217, as replaced by Ord. #11-857, May 2011)

8-219. **Unlawful for manufacturer or distributor to sell to the unlicensed.** No manufacturer or distributor of beer or other beverages of like alcoholic content shall sell to anyone except a licensed dealer holding a currently valid permit issued by the board. (1978 Code, § 2-218, as replaced by Ord. #11-857, May 2011)

8-220. **Sale to minors unlawful; employers regulated.** (1) No person engaging in the business regulated under this chapter shall make or permit to be made any sales or gifts to minors, or employ any person in the storage, sale, or distribution of any of such beverages except citizens of the United States. Neither the person engaging in such business nor any person employed by him shall be a person who has 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 last ten (10) years. For purposes of this chapter, the term "minor" is defined as any person not legally entitled to purchase intoxicating liquors as defined by the applicable sections of the Tennessee Code.

(2) No sales, gifts, or distribution of beer shall be made or permitted to be made to persons under twenty-one (21) years of age. No person under the age of eighteen (18) years shall be permitted to serve beer for on-premises consumption. No person under the age of eighteen (18) years shall be permitted to sell, handle, key in to a cash register, or scan into a cash register beer for off-premises consumption. No person under the age of eighteen (18) years of age shall check identification of those attempting to purchase beer for off-premise consumption. Persons under twenty-one (21) years of age shall not be permitted to loaf or loiter in taverns or package stores. The burden of ascertaining the age of customers shall be upon the holder of the permit. (1978 Code, § 2-219, as amended by Ord. #03-765, Feb. 2003, as replaced by Ord. #11-857, May 2011)

8-221. Procurement of alcoholic beverages for minor a misdemeanor. It is hereby declared to be a misdemeanor, punishable as any other misdemeanor, for any adult person to buy or procure beer or other alcoholic beverage for or on behalf of any minor, and to deliver the same to said minor or any other minor. (1978 Code, § 2-220, as replaced by Ord. #11-857, May 2011)

8-222. Misrepresentation of age by minor. It shall be unlawful, and a misdemeanor, for any person under eighteen (18) years of age knowingly to misrepresent his age in order to obtain or purchase beer or remain in a location where minors are not allowed. (1978 Code, § 2-221, as replaced by Ord. #11-857, May 2011)

8-223. Days and hours of operation. Hours and days of sale, etc., regulated. It shall be unlawful for any person, firm, corporation, joint stock company, syndicate or association to offer for sale or sell beer or other alcoholic beverage with an alcoholic content not exceeding five percent (5%) by weight within the corporate limits of Sparta, Tennessee between the hours of 3:00 A.M. and 6:00 A.M. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. No such beverages shall be consumed or opened for consumption on or about any premises where beer or other alcoholic beverages with an alcoholic content not exceeding five percent (5%) of weight are sold within the corporate limits of Sparta, Tennessee in either bottle, glass, or other container after 3:15 A.M. (1978 Code, § 2-222, as repealed by Ord. #11-854, Jan. 2011, and replaced by Ord. #11-857, May 2011)
8-224. Sale of beer on premises in direct connection with sleeping quarters prohibited. Except as hereinafter provided, no beer shall be sold on premises in direct connection with which sleeping quarters are provided. Within the meaning of this section, sleeping quarters shall be considered as being in direct connection with the premises upon which the sale is made when the sleeping quarters are in the same room, or when any interior passageway, door, hall, stairway or other interior connection or a combination thereof, is available and is used in going to or from the place where such sale is made to such sleeping quarters. (1978 Code, § 2-223, as replaced by Ord. #11-857, May 2011)

8-225. Employment or interest of city employees in beer places prohibited. It is hereby declared to be unlawful for any member of the police or fire departments of the City of Sparta, without a special permit from the board, to work at any place where beer is dispensed under this chapter, or for any such city employee to have any interest, direct or indirect, in such business. (1978 Code, § 2-224, as replaced by Ord. #11-857, May 2011)

8-226. Advertising signs and displays on premises. No person authorized to sell beer at retail may erect or maintain any outside signs, advertising or displays located upon or attached to such buildings or premises for the purpose of advertising beer or beverages of like alcoholic content; provided, however, that each retail permittee is hereby allowed and permitted to erect and maintain one (1) sign on the outside of such building or premises, such sign bearing only the word "beer" and not exceeding the maximum dimension of thirty-six inches by eight inches (36" x 8"); provided further, however, that this provision shall not be construed to prohibit the erection and maintenance of advertising signs and displays placed or located within or inside the building and premises on which such beverages are sold at retail. (1978 Code, § 2-225, as replaced by Ord. #11-857, May 2011)

8-227. Outside advertising. It shall be unlawful for any person, firm, or corporation to place or maintain any outdoor advertisement of beer upon any sign, billboard, post, building, or other place within the corporate limits of the City of Sparta. (1978 Code, § 2-226, as replaced by Ord. #11-857, May 2011)

8-228. Inspection and investigation; effect of refusal. The place of business and premises of the holder of any license for the distribution or sale of beverages regulated in this chapter shall be open to inspection and investigation by inspectors or police officers designated under § 8-208 hereof, at any time such place is open for business, and any refusal by the holder of such license, or by his agents, servants or employees to permit any such officer to enter upon, inspect and investigate any house, building or room wherein business authorized by any permit issued by the beer board created in § 8-202 is conducted, within the hours that such house, building or room is open for
business, shall be unlawful and a misdemeanor. The conviction of such holder, or of any agent, servant or employee of such holder, of a violation of the provisions of this section shall also be a sufficient ground, reason and cause for the revocation of the permit and license of such holder. (1978 Code, § 2-227, as replaced by Ord. #11-857, May 2011)

8-229. **Applicant must agree to comply with all applicable laws.** Every applicant for a beer permit and license must agree in the application for a permit to comply with all laws of the State of Tennessee, the United States, and all ordinances of the City of Sparta regulating the handling of beer. (1978 Code, § 2-228, as replaced by Ord. #11-857, May 2011)

8-230. **Application to contain revocation agreement.** All applications for a beer permit and license shall contain an agreement that the beer board may revoke or suspend the permit and license issued under the provisions of this chapter. (1978 Code, § 2-229, as replaced by Ord. #11-857, May 2011)

8-231. **Zoning.** No beer permit or license shall be issued for the conduct of business at any point or place in the corporate limits of the City of Sparta unless such place is zoned for, or authorized to be used for, commercial or other purposes, corresponding to the character of the business contemplated herein. (1978 Code, § 2-230, as replaced by Ord. #11-857, May 2011)

8-232. **Beer board to approve or disapprove permits; recorder to issue license.** Beer permits shall be approved or disapproved by the beer board created in § 8-202, and if approved, a license shall be issued by the city recorder in a manner similar to the issuance of other licenses. (1978 Code, § 2-231, as replaced by Ord. #11-857, May 2011)

8-233. **Separate permit and license required for each location.** A separate permit and license shall be obtained for each location at which and from which any applicant is to distribute or sell legalized beer. (1978 Code, § 2-232, as replaced by Ord. #11-857, May 2011)

8-234. **Penalties.** In addition to other penalties provided in this chapter, any person violating the provisions of this chapter shall be guilty of a misdemeanor, and may be tried in city court and cited to the beer board and may have his permit suspended or revoked. A citation before the beer board and suspension or revocation of permit in addition to trial and conviction of the misdemeanor shall not constitute double jeopardy. (1978 Code, § 2-235, as replaced by Ord. #11-857, May 2011)
8-235. Possession of opened containers. In order that there may be no public consumption of beverages regulated hereby, and that such may not be consumed in automobiles or other conveyances, either public or private, it is hereby declared to be unlawful and a misdemeanor for any person to possess in any public place, or in any automobile or other conveyance upon the streets and alleys of the City of Sparta, any opened container of any such beverage. (1978 Code, § 2-236, as replaced by Ord. #11-857, May 2011)

8-236. Littering with alcoholic beverage containers unlawful. It shall be unlawful for any person to place or abandon, upon the public streets, parks or ways within the City of Sparta, or upon private properties immediately adjacent to and in clear view of any public park, street or way, any carton, can, bottle, cup or other container used for dispensing beverages regulated hereby. (1978 Code, § 2-237, as replaced by Ord. #11-857, May 2011)

8-237. Issuance and retention of permits. In order to protect the general welfare and morals of the citizens of the City of Sparta, Tennessee, permits issued hereunder shall only be issued to grocery stores, convenience markets, supermarkets, pharmacies, taverns and restaurants legitimately operated and properly licensed in accordance with any and all ordinances, statutes, laws and regulations of the City of Sparta, White County, the State of Tennessee, or the United States of America. In order to qualify for and to retain a license or permit for the sale of beer, grocery stores, convenience markets, supermarkets, and pharmacies must further meet the following criteria:

(1) Have and maintain an inventory in the minimum amount of three thousand five hundred dollars ($3,500.00) at wholesale value, exclusive of tobacco, gasoline, and beer.

(2) Be operated at all times in a lawful manner, with no loitering, breaches of the peace, lewd or indecent behavior, altercations, carrying of weapons, other violations of any ordinance or statute, or public nuisances of any kind permitted on or about the premises.

(3) Meet at the time of the application and at all times thereafter all of the criteria set out in the application and the other ordinances of this section. (1978 Code, § 2-238, as replaced by Ord. #11-857, May 2011)

8-238. Confiscation and sale of unlicensed beer. Whenever any person shall be found in possession of more than one (1) case of beer without a license, the law enforcement officers of the city are hereby empowered to confiscate all of such beer in possession of such party except one (1) case, and within a reasonable time shall advertise such beer for sale by posted notice for a period of ten (10) days at the city hall. Such notice shall contain the amount of beer sold, the terms of the sale, the day and hour of the sale and the place of the sale. At the time so advertised in the posted notice, the city recorder shall auction such beer at the place and time set out in the notice, to be sold to the
highest and best bidder. In no event shall such beer be sold to any party who does not possess the necessary permit and license. All money derived from such sale shall be placed in the general fund of the city, to be used as such moneys are used in the budget. (1978 Code, § 2-239, as replaced by Ord. #11-857, May 2011)

8-239. **Allowing disorderly conduct.** It shall be unlawful for the permittee hereunder, his agent or employee, to cause or allow on the premises any disorderly conduct. (1978 Code, § 2-240, as replaced by Ord. #11-857, May 2011)

8-240. **Exception; on-premises consumption permit holders.** Any holder of a permit allowing on-premises consumption of beer in the city limits shall be permitted to serve beer to a person without seeing identification provided in this chapter if in the discretion of a manager on the premises a person wishing to purchase such beverages beyond a reasonable doubt is twenty-one (21) years of age or older. (as added by Ord. #11-857, May 2011)

8-241. **Exception; persons sixty (60) years of age or greater.** Any person showing state issued identification proving that their age is sixty (60) years of age or greater shall not be required to show a photo identification but instead shall be allowed to purchase beer based on the state issued identification which does not include a photograph. (as added by Ord. #11-857, May 2011)

8-242. **Violation and penalty.** Violation of any part of this chapter alone shall not subject a permit holder to revocation of his or her beer permit as issued by the City of Sparta. Penalties for violation of this chapter shall be as follows:

First offense: Written warning to permit holder and person who failed to require presentation of identification as set forth herein, if appropriate.

Second offense: Up to two thousand five hundred dollars ($2,500.00) fine by beer board to permit holder and up to fifty dollar ($50.00) fine in city court for person who failed to require presentation of identification as set forth herein, as appropriate.

Third offense: Discretion of beer board and city court as appropriate. (as added by Ord. #11-857, May 2011)