

TITLE 8**ALCOHOLIC BEVERAGES¹****CHAPTER**

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2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

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8-101. Subject to regulation. The manufacture, sale, receipt, possession, storage, transportation, distribution, or in any manner dealing in alcoholic beverages within the corporate limits of the City of Dyersburg, Tennessee, shall be regulated in accordance with the provisions of Tennessee Code Annotated, title 57, the rules and regulations adopted by the Tennessee Alcoholic Beverage Commission, and in accordance with the provisions of this chapter. (1978 Code, § 2-101)

8-102. License fee and special school tax. There is levied and imposed license fees in the amounts and in accordance with the terms and conditions hereinafter stated, upon each person, firm, corporation, or general or

¹State law reference

Tennessee Code Annotated, title 57.

limited partnership which may be authorized to engage in the manufacture, distribution or sale at wholesale or retail, of alcoholic beverages, within the City of Dyersburg. The amount of the license fees levied and imposed shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current licensing fees consult the schedule of fees on file with the city recorder.

As authorized by the city charter there is hereby levied a special school tax, which shall be five-eighths of each of the above amounts and which shall be paid with the privilege licenses herein levied. (1978 Code, § 2-102, modified)

8-103. Term of, renewal of, and prerequisites for license. The license fees hereinabove set forth shall be for the period of one year, commencing January 1st of each year and expiring on December 31st of each year. Said licenses may be renewed each year by compliance with applicable state laws and payment of the above stated fees. All license fees shall be paid to the city recorder for the City of Dyersburg. The city recorder shall not be authorized to issue such license until the applicant has qualified, as required by applicable state laws, to engage in such business and has exhibited to said city recorder the license issued to said applicant by the Tennessee Alcoholic Beverage Commission. (1978 Code, § 2-103)

8-104. Display of license. Any person, firm, corporation, or limited or general partnership granted a license to carry on any business or undertaking contemplated by this chapter shall, before being qualified to do business, display and post such license and keep it displayed and posted conspicuously on the premises of such licensee. (1978 Code, § 2-104)

8-105. Issuance of a duplicate license. When satisfactory evidence shall be furnished to the city recorder that a license has been lost or destroyed without fault of the licensee, a duplicate thereof shall be issued by the city recorder. The licensee shall pay one dollar for such duplicate license. (1978 Code, § 2-105)

8-106. Applications for certificates of good moral character. All applicants for certificates of good moral character as required by Tennessee Code Annotated, title 57, shall be required to make application to the board of mayor and aldermen, on forms furnished by the board. Said applications, after being executed, shall be filed with the board of mayor and aldermen for its approval or disapproval. (1978 Code, § 2-106)

8-107. Restrictions on location and number of licensed premises. No alcoholic beverage shall be manufactured, distilled or rectified, sold, or stored on any premises except in what is designated and known in the City of

Dyersburg as the fire zone. Within the fire zone no alcoholic beverage shall be manufactured, distilled or rectified, sold, distributed, or stored on any premises that shall be located in close proximity to any church, school, or other public institution when in the discretion of the board of mayor and aldermen such location would be inimical to the public welfare. The location of such businesses shall be in the discretion of the board of mayor and aldermen.

The number of retail liquor stores that may be operated within the corporate limits is hereby limited to four (4).¹ (1978 Code, § 2-107, as amended by Ord. #BB-459, July 1997)

8-108. Furnishing alcoholic beverage to certain people prohibited. It shall be unlawful for any licensee, his employee or representative to sell, furnish, or give any alcoholic beverage to any person visibly intoxicated, or to any insane person, or to any minor, or to any habitual drunkard, or to any person of known intemperate habits. (1978 Code, § 2-108)

8-109. Advertising restricted. Wholesalers, retailers, and other persons, corporations, partnerships, or dealers in alcoholic beverages are hereby prohibited from advertising on signs and billboards located within the corporate limits of the City of Dyersburg. However, signs may be installed by licensees at their places of business when such signs are suspended eight (8) feet or more above the sidewalk. (1978 Code, § 2-109)

8-110. Inducements to purchase prohibited. No licensee shall give away, sell, or in any manner whatsoever deal in premiums, tokens, or other articles by means of which inducements are held out to trade to purchase any alcoholic beverages. (1978 Code, § 2-110)

8-111. Hours and days of operation restricted. Except as hereafter provided, retailers may remain open for business between the hours of 8:00 A.M. and 11:00 P.M. each day. However, no retailer shall sell, give away, or otherwise dispose of any alcoholic beverages between 11:00 P.M. and 8:00 A.M. on any day nor between 11:00 P.M. on Saturday and 8:00 A.M. on the following Monday. (1978 Code, § 2-112)

8-112. Violations. Any person, firm, corporation, or general or limited partnership engaging in any business regulated by this chapter without first having paid the license fees levied and imposed or otherwise violating or failing

¹This last provision was upheld by the Tennessee Supreme Court in the 1946 case of State ex rel. Veal v. Mayor and Aldermen of Dyersburg, 184 Tenn. 1, 195 SW2nd 11.

to comply with any provision of this chapter, shall upon conviction be fined under the general penalty clause for this code. (1978 Code, § 2-113)

8-113. Inspection fee. (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.

(2) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the City of Dyersburg, there is hereby levied and imposed upon each licensed retailer of alcoholic beverages as defined by Tennessee Code Annotated, § 57-3-101, located within the corporate limits of the City of Dyersburg an inspection fee at the rate of 3% of the wholesale price of alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesale price of the alcoholic beverage or wine sold by all such wholesalers and paid by all such retailers and shall be 3% of such wholesale price.

(3) Collection by wholesaler from retailer. The inspection fee shall be collected by the wholesaler from the retailer from and after the 1st day of April, 1978, pursuant to notice by the recorder of the City of Dyersburg. The inspection fee shall be collected by the wholesaler 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 of Dyersburg as hereinafter provided.

(5) Monthly report - payment. Each wholesaler making sales to retailers located within the corporate limits of the City of Dyersburg shall furnish the City of Dyersburg a report monthly, which report shall contain the following:

- (a) The name and address of the retailer;
- (b) The wholesale price of the alcoholic beverages sold to such retailer;
- (c) The amount of tax due under this section; and
- (d) Such other information as may be required by the recorder of the City of Dyersburg.

The monthly report shall be furnished to the recorder of the City of Dyersburg not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Dyersburg shall be paid to the City of Dyersburg at the time the monthly report is made. Wholesalers collecting and remitting the inspection fee to the City of Dyersburg shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City of Dyersburg.

(6) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fee imposed hereunder shall be liable for a

penalty of ten percent (10%) of the fee due the City of Dyersburg which shall be payable to the City of Dyersburg.

The City of Dyersburg shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(7) Disposition of fees. The recorder shall turn over to the treasurer of the City of Dyersburg any and all monies collected pursuant to this section and the treasurer shall deposit and hold said monies in a separate, special account. (1978 Code, § 2-114)

8-114. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. (1) A privilege tax is levied by the City of Dyersburg upon each and every person, firm and corporation engaging in the retail sale of alcoholic beverages in the City of Dyersburg for consumption on the premises where such beverages are sold. The tax shall be collected annually in an amount determined on the basis of the type of establishment operated by the seller in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current tax amount consult the schedule of fees on file with the city recorder.

(2) All persons, firms or corporations upon which the privilege tax is levied shall file an accounting of their respective retail sales of alcoholic beverages which are subject to the tax with the city recorder on or before January 30 of each year. The accounting shall reflect all the seller's sales made during the preceding twelve month calendar year. The accounting shall be certified as accurate by the seller, if an individual, or the chief executive, if a partnership or corporation. The seller's annual privilege tax shall be paid and remitted to the city recorder together with seller's accounting at the time of its filing.

(3) In the event of the sale, transfer or discontinuance of any business or enterprise which engages or has engaged in sales which are subject to the tax, the sellers, transferors or owners of such business shall file, with the city recorder, an accounting of their respective sales which are subject to the tax for the period from January 1 of the then current calendar year through the date of such sale, transfer or discontinuation of business. Such accounting shall be filed within thirty (30) days of the occurrence of such event and shall be certified as accurate by the seller. At the time of filing of such accounting, the seller shall remit payment in full of the sellers' annual privilege tax prorated through the date of the occurrence of such event.

(4) Notwithstanding anything to the contrary stated hereinabove in this section, the privilege tax on the retail sale of alcoholic beverages for consumption on the premises shall not be levied upon or against charitable, non-profit or political organizations selling alcoholic beverages at retail pursuant to a special occasion license. (1978 Code, § 2-115, modified)

CHAPTER 2

BEER¹

SECTION

- 8-201. "Beer" defined.
- 8-202. Permit required for engaging in beer business.
- 8-203. Beer permits shall be restrictive.
- 8-204. Issuance of permits to certain persons prohibited.
- 8-205. Interference with public health, safety, and morals prohibited.
- 8-206. Prohibited conduct and activities for which beer permit holders are responsible.
- 8-207. Suspension and revocation of beer permits.
- 8-208. Persons under twenty one (21) years of age; fraudulent evidence of age, etc.
- 8-209. Penalty.

8-201. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-202. Permit required for engaging in beer business. It shall be unlawful for any person or other entity to engage in the retail sale, or otherwise dispense, of beer within the City of Dyersburg without first making application to and obtaining a permit from the board of mayor and aldermen.

Each such application shall state whether the applicant is a natural person or other entity such as a partnership, corporation, syndicate or other type business organization. Each application shall also contain the name(s) and business address(es) of the natural person(s) who are performing the act of application and executing the application on behalf of the applicant, if other than a natural person. The natural person(s) executing each application shall certify therein they, he or she, has read the provisions of this chapter and agrees to conform to the same in the operation of the applicant's business subsequent to the issuance of a permit. The application shall contain such other information as the city shall require from time to time.

Upon the filing of an application, the applicant shall also file with the board a survey bearing the stamp and signature of a land surveyor licensed by

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).

the State of Tennessee depicting the applicant's business premises for which the permit is sought and the relevant distances required to exist pursuant to the § 8-205 hereof. Such survey shall also include the surveyor's certification that the applicant's business premise is without any of the prohibited distances set forth in § 8-205.

Upon the filing of an application, the applicant shall also tender to the city an application fee of \$250.00. On or before January 1 of each year the permittee shall pay the city an annual renewal fee of \$100.00.

It shall be the duty of the chief of police or his representative to perform a background inquiry of the applicant to ensure that said applicant is not disqualified by any licensing requirements herein codified or by those imposed by state law and to inspect the proposed business location of the applicant; and it shall be the duty of the city building inspector and the city fire marshal to inspect the applicant's business premises for which the permit is sought to determine whether or not said premises complies with all the provisions of the building codes and the fire codes of the City of Dyersburg. No permit shall be issued until violations are corrected and the chief of police, city fire marshal, and city building inspectors all so approve.

Prior to the issuance of any permit, the board of mayor and aldermen shall publish in a newspaper of general circulation within the city a notice which includes the applicant's name, the address of applicant's business location for which a permit is sought, and the date and time of the board's meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to said meeting. At the meeting, the board shall hear and consider the statement of any person or his lawful representative desiring to be heard in connection with the permit application. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999, and Ord. #BB-552, May 2004)

8-203. Beer permits shall be restrictive. All beer permits shall be restricted as to the type of beer sale authorized by such permit and shall impose, without limitation, reasonable restrictions pertaining to the sales of beer for consumption on a permitted premises, off a permitted premises or in a permitted restaurant as defined in § 8-205. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-204. Issuance of permits to certain persons prohibited. No beer permit shall be granted to any person less than twenty-one (21) years of age or to any person who has been convicted of the possession, sale, manufacture, or transportation of intoxicating liquor or drugs or any crime involving moral turpitude within the past ten (10) years. Likewise, no beer permit shall be issued to any applicant who makes any false statement in his or her permit application for a period of ten (10) years following the making of such false statement. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-205. Interference with public health, safety and morals prohibited. No permit authorizing the retail sale of beer shall be issued for any business premises at which such sale of beer will reasonably result in congestion of traffic or will unreasonably interfere with the general public's use of or access to any school, church, park, playground, ball park, hospital, nursery or nursing home or place of public gathering.

Subject to the exception for restaurants hereinafter provided, no permit shall be issued authorizing the retail sale of beer for consumption on the premises of the permit holder if such premises are located within five hundred (500) feet of any private residence, school, church, park, playground, ball park, hospital, nursery, nursing home or other place of public gathering.

No permit shall be issued for the retail sale of beer to be removed from the premise of the permit holder if such premises are located within three hundred (300) feet of any private residence, school, church, park, playground, ball park, hospital, nursery, nursing home, or other place of public gathering.

The distance hereinabove established shall be measured along straight lines from building to building nearest corner to nearest corner.

Further, the distance restrictions hereinabove established shall apply only to applications for permits to sell beer submitted after the effective date of this chapter¹ and shall have no effect on the holders of permits issued before that date.

A restaurant within the municipal limits of the city may be issued a permit authorizing the sale and storage of beer for consumption on the premises if either of the following two conditions are met:

(1) The restaurant is the holder in good standing of a license issued by the State of Tennessee Alcoholic Beverage Commission authorizing the sale of spirits and liquor by the drink. And such restaurant shall be classified as a Category I Restaurant; or

(2) The restaurant is primarily an eating place, derives a minimum of 50% of its gross receipts from the sale of food, is located more than one hundred fifty (150) feet from any private residence, park, playground, ballpark, hospital, nursery, nursing home, or other place of public gathering, and is located more than five hundred (500) feet from any school or church. Any such restaurant shall be classified as a Category II Restaurant.

All restaurants holding beer permits shall submit annually, prior to January 15 for the year ending December 31, a certified statement that they are in full compliance with this section and that a minimum of 50% of its gross receipts are derived from the sale of food. The certified statement shall be accompanied by proof of gross receipts and purchases for food and beer for the year in question. The City of Dyersburg may make a reasonable inquiry to

¹These provisions were taken from Ord. #BB-503 which passed September 7, 1999.

verify the information on the certified statement and accompanying documentation within six (6) months of filing of the certified statement. Failure to submit a certified statement in compliance with this section may result in the revocation of the non-complying restaurant's permit. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-206. Prohibited conduct and activities for which beer permit holders are responsible. (1) It shall be unlawful for any beer permit holder to engage in any retail sale of beer or activity relating thereto which is prohibited by this chapter or not expressly authorized by such holders permit.

(2) A holder of any beer permit obtained pursuant to this chapter shall be responsible and liable for the following prohibited and unlawful acts committed by such permit holder or by any employee, agent or servant of such permit holder:

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

(b) Allow any loud, unusual, or obnoxious noise to emanate from his premise.

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

(d) Allow any intoxicated person to loiter about his premises.

(e) Serve, sell, or give away, on the premises or in adjacent building any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight, unless the permit holder is also qualified by state law to do so.

(f) Allow any open beer to be carried from the premises of the permit holder.

(g) Fail to pay all lawfully imposed business taxes and/or fees.

(h) Allow the sale of beer to any person at any establishment licensed for the sale of beer without said person having proof of age on their person available to be shown on request of the older of the beer permit or his agents and employees or upon request of law enforcement personnel of the City of Dyersburg, Tennessee.

(i) To organize, promote, or allow the customers of the beer permit holder to organize or promote, for profit, advertisement or for the entertainment of the permit holder's customers at the holder's business premises licensed for the sale of beer, any intentional display by any person of such person's naked buttocks, genitalia or, in the case of a female, such female's naked breasts.

(3) A holder of a beer permit authorizing the sale of beer for consumption on the premises of the permit holder shall be responsible and liable

for the following prohibited and unlawful acts committed by such permit holder or by an employee, agent, or servant of such permit holder:

(a) Employ any minor under eighteen (18) years of age in connection with the sale, storage, distribution, manufacture of beer or for any entertainment purposes, except, however this restriction shall not apply to restaurants.

(b) Be open for business and/or sale or give away beer or beverage of like alcoholic content to any person or persons within the City of Dyersburg between the hours of 3:00 A.M. Sunday and 12 Noon Sunday, or on any other day between the hours of 3:00 A.M. and 8:00 A.M. The premises of any license shall be promptly cleared of all visitors, customers, guests, and patrons at 3:00 A.M. at the end of any business day. No such beverage shall be consumed or open for consumption on or about any premise licensed hereunder, in either bottle, glass, can or other containers after the hour of 3:00 A.M.

(c) Make or allow the sale or gift of beer to any person who does not meet the age requirement as set forth by Tennessee State Law. The burden of ascertaining the age of any customer shall be upon the owner and/or operator or employee of such place of business.

(d) Allow any beer or beverage of like alcoholic content to be consumed or drank by any minor on the premises.

(e) Allow any minor to loiter about the premises.

(f) Fail to report immediately any breach of peace or other violation of the law of the police department.

(g) Allow the entry of any customer into the permit holder's business premises, with the exception, however, of any Category I or Category II restaurant as defined in § 8-205, without such customer having proof of age on their person available to be shown on request of the permit holder or his agents or employees or upon request of law enforcement personnel of the City of Dyersburg, Tennessee.

(4) A holder of a beer permit authorizing the retail sale of beer to be removed from the premises of the permit holder shall be responsible and liable for the following prohibited and unlawful acts committed by the permit holder or by any employee, agent or servant of such permit holder:

(a) Allow any minor to buy, sell, possess, or consume beer on the premises; provided, however, it shall not be unlawful for such off premises permit holder to employ minors to package, and/or carry out beer for customers.

(b) To sell or give away beer or beverage of like alcoholic content to any person within the City of Dyersburg between the hours of 3:00 A.M. on Sunday and 12:00 Noon on Sunday or on any other day between the hours of 3:00 A.M. or 8:00 A.M. No such beverage shall be consumed or open for consumption on or about any premises; licensed hereunder in either bottle, glass, can or other containers at any time.

(c) Make or allow the sale or gift of beer to any person who does not meet the age requirement as set forth by Tennessee State Law. The burden of ascertaining the age of any customer shall be upon the owner and/or operator or employee of such place of business.

(d) Allow beer or intoxicating liquor to be consumed or drank on the premise.

(e) Fail to sack, bag, or place in a like container beer that has been purchased.

(f) Fail to report immediately any breach of peace or other violation of the law to the police department.

(g) In the event the business of the beer permit holder is a grocery or convenience store, gas station, or service station, or any other related type business, to fail to stock and maintain at the location of the permitted premises a full line of grocery or tobacco products of not less than two thousand and no/100 (\$2,000.00) dollars in value.

(5) If, after issuance of any beer permit pursuant to this chapter, the police chief, fire chief, state fire marshall, building inspector, or any of their agents or employees, inspect the premises of the permit holder and find any violation of any applicable code or regulation or provision of this chapter, the permit holder shall be notified in writing of such violation. The permit holder shall thereafter have thirty (30) days after the receipt of such notification to correct such violation. (Ord. #BB-418, Nov. 1994, modified, as amended by Ord. #BB-503, Sept. 1999)

8-207. Suspension and revocation of beer permits. The board of mayor and aldermen is hereby authorized and empowered to temporarily suspend or permanently revoke any beer permit issued under the provisions of this chapter when the holder thereof has made any false statement or misrepresentation in the application made pursuant to § 8-202 above, or has committed or allowed to be committed by such holder's agent or employee any act prohibited by this chapter, or, in the case of a Category I Restaurant permit, when the holder thereof suffers the loss or suspension of its license issued by the State of Tennessee Alcoholic Beverage Commission authorizing the sale of liquor by the drink, or whenever it shall satisfactorily appear that the premises of any beer permit holder are being maintained and operated in such manner as to be detrimental to the public health, safety and welfare.

In addition, the board of mayor and aldermen is authorized and empowered to suspend or revoke such permit holder's beer permit (or offer a civil penalty in accordance with Tennessee Code Annotated, § 57-5-108) in accordance with the following:

(1) If the permit holder, personally, is determined to have sold or otherwise dispensed beer to any person under the age of twenty-one (21) years the board of mayor and aldermen shall permanently revoke all of the permit holder's permit(s) to sell beer within the city limits of Dyersburg.

(2) If the permit holder's agent or employee is determined to have sold or otherwise dispensed beer to any person under the age of twenty-one (21) years, the board of mayor and aldermen, shall invoke the following suspensions and fines:

- 1st violation: Suspension of the beer permit for thirty (30) days. The board of mayor and aldermen shall be empowered, but not required, to offer the imposition of a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) in lieu of a suspension.
- 2nd violation: Mandatory suspension of the beer permit for a period of thirty (30) days. The board of mayor and aldermen hereby denies itself the power and/or authority to offer the imposition of any civil penalty in lieu of a suspension, the discretionary authority of Tennessee Code Annotated, § 57-5-108 notwithstanding.
- 3rd violation: Mandatory suspension of the beer permit for a period of ninety (90) days. The board of mayor and aldermen hereby denies the power and/or authority to offer the imposition of any civil penalty, in lieu of a suspension, the discretionary authority of Tennessee Code Annotated, § 57-5-108 notwithstanding.
- 4th violation: Revocation of the beer permit.

In order to be considered a subsequent violation under this chapter, the violation must occur within three (3) years of the latest violation.

Any civil penalty imposed in lieu of a suspension of the holder's permit, must be paid in full within seven (7) days. If any civil penalty that remains unpaid for seven (7) days shall result in the automatic suspension of the beer permit unless or until the fine is paid in full.

The suspension, revocations and civil penalties herein created shall be decided by the board of mayor and aldermen after a public hearing. The permit holder shall be notified of said proceedings in writing by the chief of police at least fourteen (14) days prior to the meeting of the board of mayor and aldermen at which that public hearing shall be conducted. Notice of the public hearing shall be by publication in a newspaper of general circulation within the City of Dyersburg not less than ten (10) days prior to said hearing. Notice of the public hearing shall include the name of the permit holder, the address of the permit holder's business, the nature of the alleged offense and the date, time and location of the hearing.

At the hearing, the board shall consider evidence of the violation and the circumstances surrounding the alleged violation. The board shall also hear and consider the statements of the permit holder and any relevant evidence concerning the alleged violation, statements and arguments of his or her legal

counsel, and any other person desiring to be heard on the matter. The board of mayor and aldermen shall then determine:

- (a) Whether a violation of this chapter has occurred; and
- (b) The appropriate sanction considering all of the facts and circumstances, and in strict accordance with this chapter, if a violation is found to have occurred.

Any resulting decision of the board of mayor and aldermen may be appealed to the Chancery Court of Dyer County in accordance with the standards set forth in Tennessee Code Annotated, § 57-5-108.

A reinstatement fee of two hundred fifty dollars (\$250.00) shall be required following any suspension imposed hereunder, regardless of any fine that may be imposed under this section.

In addition to the regulatory scheme set forth above, it is hereby declared to be unlawful for a permit holder to allow the sale of beer to a minor, each and every instance being punishable under the general penalty clause of the City of Dyersburg. Additionally it is unlawful for any minor to unlawfully purchase beer within the city limits of the City of Dyersburg, each and every instance being punishable under the general law of the State of Tennessee. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999, and Ord. #BB-552, May 2004)

8-208. Persons under twenty one (21) years of age; fraudulent evidence of age, etc. (1) It shall be unlawful for any person under twenty one (21) years of age to purchase beer or similar beverages.

(2) It shall be unlawful for any person to purchase beer or similar beverages for a person under twenty-one (21) years of age.

(3) It shall be unlawful for any person to provide or give beer or similar beverages to a person under twenty one (21) years of age.

(4) It shall be unlawful for any person under twenty one (21) year so age to possess beer or similar beverages upon the premises of a holder of a permit authorizing the retail sale of beer for consumption on such premises.

(5) It shall be unlawful for any person under twenty one (21) years of age to present or offer to a holder of a beer permit for on or off premises consumption or to his or her agent or employee, any written evidence of his or her age which is false, fraudulent or not actually his or her own, for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure beer or similar beverages.

(6) It shall be unlawful for any person to allow his or her identification to be used by any other person for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure beer or similar beverages.

(7) It shall be the duty of the Dyersburg Police Department to enforce all provisions of this section, state laws and other rules or regulations set forth for permit holders. Officers may enter upon the premises of a permit holder any

time during the normal operating hours for the purpose of enforcement. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-209. Penalty. Any beer permit holder or his or agent or employee violating any provision of this chapter shall, upon conviction, be subject to a civil fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) and the revocation or suspension of their beer permit in accordance with the provisions of this chapter. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)