

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

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

8-101. Prohibited generally.

**8-101. Prohibited generally.** Except as authorized by applicable laws<sup>2</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight.

---

<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference  
Tennessee Code Annotated, § 39-17-701, et seq.

**CHAPTER 2****BEER**<sup>1</sup>**SECTION**

- 8-201. Definitions.
- 8-202. Possession or consumption of alcoholic beverages or beer on certain property prohibited or restricted.
- 8-203. Unregulated and unlicensed possession and consumption of beer and alcoholic beverages.
- 8-204. Beer board.
- 8-205. Meetings of the beer board.
- 8-206. Record of board proceedings to be kept.
- 8-207. Requirements for board quorum and action.
- 8-208. Permit required for engaging in beer business.
- 8-209. Privilege tax.
- 8-210. Beer permits shall be restrictive.
- 8-211. Right of inspection.
- 8-212. Days and hours of retail sale.
- 8-213. Confiscation and disposition of beer illegally possessed.
- 8-214. Sale by manufacturer or distributor to persons without permit prohibited.
- 8-215. Sale to underage persons.
- 8-216. Purchase or possession by underage person prohibited; misrepresentation of age.
- 8-217. Parental knowledge of purchase or possession by underage person.
- 8-218. Qualifications of permittee and employee; employment of minors.
- 8-219. Advertising signs or displays.
- 8-220. Application; payment of business taxes.
- 8-221. Permit to be issued for specific person and premises; required disclosures.
- 8-222. Application form.
- 8-223. Classification of permits.
- 8-224. Posting of premises; advertisement of application.
- 8-225. Inspection of premises.
- 8-226. Issuance of permit.

---

<sup>1</sup>Municipal code references

Minors in beer places, etc.: title 11, chapter 2.

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).

- 8-227. Refund to posting and notice fees.
- 8-228. Location of premises.
- 8-229. Display of permit.
- 8-230. Transfer of permit.
- 8-231. Beer permit information and applicant checklist.
- 8-232. Civil penalty in lieu of revocation or suspension.
- 8-233. Prohibited conduct or activities by permit holders.
- 8-234. Loss of clerk's certification for sale to minor.
- 8-235. Severability.

**8-201. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits or wine and capable of being consumed by a human being, other than patent medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight or less. Notwithstanding any provision to the contrary in this chapter, "alcoholic beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, irrespective of alcoholic content. Notwithstanding this definition, products or beverages containing less than one-half of one percent (1/2 of 1%) alcohol by volume shall not be considered to be an alcoholic beverage.

(2) "Beer" means and includes all beers, ales or other malt beverages, or any other beverages having an alcohol content of not more than five percent (5%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101(a)(29), provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(3) "Board" means the beer board described in § 8-204.

(4) "City" means the City of Maynardville.

(5) "City manager" means the city manager of the city or his duly authorized agent or representative.

(6) "Hotel" is as defined in Tennessee Code Annotated, § 67-4-1401 and means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for consideration.

(7) "Open container" means a container which has any opening through which its contents may pass in order to be consumed by any person.

(8) "Permittee" or "permit holder" means the holder of a beer permit issued pursuant to the provisions of this chapter.

(9) "Person" means any individual, firm, partnership, corporation, company, syndicate, association, joint stock association, society, organization or league, and shall include any trustee, receiver, assignee, agent or similar representative thereof.

(10) "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.

(11) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

(12) "School" means any primary school, secondary school, nursery school or kindergarten, and shall not be interpreted to include any industrial technical or trade school, any building or facility of any institution of higher learning.

(13) "Wholesale" or "sale at wholesale" shall mean a sale to any person for purposes of resale. (Ord. #2007-15, Aug. 2007, modified)

**8-202. Possession or consumption of alcoholic beverages or beer on certain property prohibited or restricted.** (1) For the purpose of this section, an open container is one which has any opening through which its contents may pass in order to be consumed by any person.

(2) It shall be unlawful for any person to:

(a) Possess an open container containing beer or alcoholic beverages or to consume beer or alcoholic beverages on the premises of any retail beer sales outlet which does not have an on-premises permit;

(b) Possess an open container containing beer or alcoholic beverages, or consume beer or alcoholic beverages on any public street, sidewalk, playground, school property, public park or recreational facility or public or private parking lot within the corporate limits of the city. (Ord. #2007-15, Aug. 2007, modified)

**8-203. Unregulated and unlicensed possession and consumption of beer and alcoholic beverages.** This section makes the unregulated and unlicensed possession of beer and alcoholic beverages in a business in the city between the hours of 12:00 midnight and 6:00 A.M. on any weekday or at any time on Sunday unlawful.

(1) It is unlawful for any person to consume beer or an alcoholic beverage not lawfully sold by the business on the premises of any business open for business between the hours of 12:00 midnight and 6:00 A.M. on any weekday or at any time on Sunday in the city.

(2) It is unlawful for any person to possess an open container of beer or an alcoholic beverage not lawfully sold by the business on the premises of any

business open for business between the hours of 12:00 midnight and 6:00 A.M. on any weekday or at any time on Sunday in the city.

(3) It is unlawful for any owner of a business open for business between the hours of 12:00 midnight and 6:00 A.M. on any weekday or at any time on Sunday in the city to knowingly or intentionally permit any person to possess an open container of beer or an alcoholic beverage not lawfully sold by the business or to consume beer or an alcoholic beverage not lawfully sold by the business on the premises of the business. For the purpose of this section, notice to an agent or employee of a business shall constitute notice to the owner of the business.

(4) The open display by any person on the premises of a business open for business between the hours of 12:00 midnight and 6:00 A.M. on any weekday or at any time on Sunday of any open container of beer or an alcoholic beverage marked as if for resale and not lawfully sold by the business shall be evidence of a violation of subsection (3) above.

(5) Any owner of a business open between the hours of 12:00 midnight and 6:00 A.M. on any weekday or at any time on Sunday, having notice, either actual or constructive, prior to 12:00 midnight that beer or alcoholic beverages not lawfully sold by the business are being consumed on the premises shall at 12:00 midnight or within a reasonable time thereafter give notice reasonably calculated to inform all persons on the premises that the consumption of beer or alcoholic beverages or the possession of an open container of beer or an alcoholic beverage on the premises is prohibited. Failure of the owner of a business to give notice pursuant to this subsection, personally or through an agent or employee, shall be unlawful and shall constitute a separate violation of this section. However, such failure shall not provide a defense for prosecution of any person under subsections (2) or (3) for the unlawful possession or consumption of beer or alcoholic beverages.

(6) This section does not prohibit the sale of beer or alcoholic beverages by any business that possess a valid beer permit or alcoholic beverage license during such hours authorized by the laws of the state and the ordinances of the city. Nor does this section prohibit any other conduct permitted under the laws of the state or the ordinances of the city. This section does not prohibit the owner of a business who resides on the premises of the business from consuming beer or alcoholic beverages at any time on the premises or from possessing an open container of beer or alcoholic beverages at any time on the premises. This section does not prohibit that consumption of beer or alcoholic beverages or the possession of an of an open container of beer or any alcoholic beverage by any person within the confines of a person's individual room in any hotel within the city. (Ord. #2007-15, Aug. 2007)

**8-204. Beer board.** (1) There is hereby created a board which shall be known and designated as the beer board, referred to in this section as the "board." The board shall be composed of five (5) members and each member

must and shall be appointed by the majority vote of the board of commissioners of the city. The makeup of the board can consist of any combination of members of the board of commissioners of the city and individual residents of the city, within the required number of five (5) members, provided, however, there shall be a chairman of the board and said chairman must and shall be a member of the board of commissioners of the city and said chairman shall be elected annually by the majority vote of the board. All members of the board shall be compensated in the amount of fifty dollars (\$50.00) for each meeting that is actually attended by such member.

(2) It shall be the duty of the board to regulate and supervise the manufacture, storage, distribution and sale of beer to the persons and in the manner thereof within the city as provided in this section.

(3) The sale of beer in the city is a privilege, and the board is hereby empowered, with complete discretion, subject to the standards and procedures set forth in this section, to issue, revoke and suspend all permits to sell beer in the city, and to perform such other duties and have such other powers and authority as provided in this section and as provided by state law.

(4) The chairman of the board, upon recommendation of any member of the city police department and with the approval of the city attorney, is authorized to suspend until the next meeting of the board any permit issued under authority of this section upon the receipt of information, which he considers to be credible, that a permittee has violated any provision of any law or ordinance regulating the manufacture, sale, receipt, storage, possession or transportation of intoxicating liquor. The suspension of any permit by the chairman shall be without prejudice to any action which may be taken by the board. (Ord. #2009-1A, Aug. 2008)

**8-205. Meetings of the beer board.** All meetings of the board shall be open to the public. The board shall hold meetings in the city hall at such times as it shall prescribe. Where there is business to come before the board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #2007-15, Aug. 2007, modified)

**8-206. Record of board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the board. The record shall be a public record and shall contain at least the following:

- (1) The date of each meeting;
- (2) The names of the board members present and absent;
- (3) The names of the members introducing and seconding motions and resolutions and other actions taken before the board;
- (4) A copy of each such motion or resolution presented;
- (5) The vote of each member thereon; and

(6) The provisions of each beer permit issued by the board. (Ord. #2007-15, Aug. 2007)

**8-207. Requirements for the board quorum and action.** The attendance of at least a majority of the members of the board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. #2007-15, Aug. 2007, modified)

**8-208. 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 for sale without first making application to and obtaining a permit for such purposes from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish and, pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a nonrefundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's or certified check payable to the City of Maynardville. Each applicant shall be a person of good moral character and must certify that the applicant has read and is familiar with the provisions of this chapter.<sup>1</sup> (Ord. #2007-15, Aug. 2007)

**8-209. Privilege tax.** (1) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer, privilege tax of one hundred dollars (\$100.00).

(2) Any person, firm, corporation, joint stock company, limited liability company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of Maynardville, Tennessee.

(3) The city recorder shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on its permit application.

(4) If the permit holder does not pay the tax by January 31 or within thirty (30) days after the written notice of the tax was mailed, whichever is later, the recorder shall notify the permit holder by certified mail that the tax is past due.

(5) If a permit holder fails to pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the board may suspend or revoke the permit or impose a civil penalty pursuant to Tennessee Code Annotated, § 57-5-108.

---

<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-5-103.

(6) At any time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay a privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #2007-15, Aug. 2007)

**8-210. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off-premises consumption. A single permit may be issued for on-premise and off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit holder's permit. It shall likewise be unlawful for any permit holder not to comply with any and all express restrictions or conditions in the permit holder's permit. (Ord. #2007-15, Aug. 2007)

**8-211. Right of inspection.** (1) The place of business and premises of the holder of any permit for the manufacture, distribution or sale of beer shall be open to inspection and investigation by members of the city police department at any time that such place is open for business, and any refusal by the holder of such permit or by his agents, servants or employees to permit any officer to enter upon, inspect and investigate any house, building or room wherein business authorized by any permit issued by the board is conducted, within the hours that such house, building or room is open for business authorized by any permit issued by the board is conducted, within the hours that such house, building or room is open for business, shall be unlawful and a misdemeanor.

(2) 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. (Ord. #2007-15, Aug. 2007)

**8-212. Days and hours of retail sale.** (1) No permittee or any person employed by a permittee shall sell, furnish gratuitously or otherwise distribute beer to any person on Sundays, and between midnight and 6:00 A.M. on all other days of the week.

(2) No permittee or any person employed by a permittee shall sell beer, furnish beer gratuitously, distribute beer or allow beer to be consumed or opened for consumption in either a bottle, glass or other container on or about any licensed premises after midnight. (Ord. #2010-7A, Oct. 2010)



**8-213. Confiscation and disposition of beer illegally possessed.**

Whenever any person shall be found in possession of beer for the purpose of sale or distribution without first having obtained a permit for the sale or distribution of beer, police officers of the city are hereby empowered to confiscate all of such beer in the possession of such person and, upon conviction of such person of the offense of selling or distributing beer without a permit, the city shall within a reasonable time advertise such beer for sale by posted notice for a period of ten (10) days at city hall and at the front of the Union County Courthouse. Such notice shall contain the amount of beer to be sold, the terms of the sale, the day and the hour of the sale, and the place of the sale. At the time so advertised in the posted notice, the chief of police or an agent designated by him 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 person who does not possess the necessary permit issued by the city. All money derived from such sale shall be placed in the budget of the police department to be used as such monies are used in the budget. (Ord. #2007-15, Aug. 2007)

**8-214. Sale by manufacturer or distributor in persons without permit prohibited.** No manufacturer or distributor of beer shall sell beer to anyone except a holder of a beer permit. (Ord. #2007-15, Aug. 2007)

**8-215. Sale to underage persons.** No permittee or any person employed by a permittee shall make or permit to be made any sales, gifts or other distribution of beer to any person under the age of twenty-one (21) years. (Ord. #2007-15, Aug. 2007)

**8-216. Purchase or possession by underage person prohibited; misrepresentation of age.** (1) Any person under the age of twenty-one (21) years who purchases, receives or has beer in his possession shall be guilty of a misdemeanor.

(2) Any person under the age of twenty-one (21) years who knowingly misrepresents or makes a false statement to the effect that he is twenty-one (21) years old or older to any person engaged in the sale of beer, for the purpose of obtaining the beer, shall be guilty of a misdemeanor. (Ord. #2007-15, Aug. 2007)

**8-217. Parental knowledge of purchase or possession by underage person.** It is unlawful for any person who is the parent or guardian of a child under the age of twenty-one (21) years knowingly to allow the child to buy or possess beer. (Ord. #2007-15, Aug. 2007)

**8-218. Qualifications of permittee and employee; employment of minors.** (1) No permittee nor any person employed by any permittee shall be a person who has been convicted of any violation of the laws concerning

possession, sale, manufacture and transportation of alcoholic beverages or any crime involving moral turpitude within the last ten (10) years.

(2) A permittee may allow persons eighteen (18) years of age or older to sell or dispense beer in the course of their employment.

(3) A permittee may allow persons aged eighteen (18) years or younger to engage in the stocking, bagging or packaging of beer at establishments which hold a permit for the sale of beer for consumption off-premises. (Ord. #2007-15, Aug. 2007)

**8-219. Advertising signs or displays.** (1) No retail permittee may erect or maintain any on-premises signs, advertising or displays for the purpose of advertising beer, except as provided in this section.

One (1) advertising or display sign which makes reference to the fact that the establishment sells beer may be erected on the outside of the building or on the premises. The sign or display may only show the single word "beer" with the size of the letters not to exceed eight inches (8") in height and twenty-four inches (24") in length and shall not use brand names, pictures, numbers, prices or diagrams relating to beer. Further, no accompanying words or phrases which relate to, describe or in any sense modify or explain the word "beer" shall be permitted.

(2) Retail sellers of beer may erect or maintain any quantity, size or style of signs or other advertising displays on the inside of the premises, as long as such signs or displays are not window signs and are not readily visible from the outside of the premises. (Ord. #2007-15, Aug. 2007, modified)

**8-220. Application; payment of business taxes.** Before any person shall be authorized to sell, possess for the purpose of sale or distribution, distribute or manufacture beer, such person shall make application to the board upon a form prescribed by it, for a permit to do so, and shall pay to the city such fees or charges as are provided in this chapter. No application for a beer permit shall be approved by the board and no permit shall be issued by the city except upon the terms and conditions provided in this chapter and only to persons who possess the qualifications provided in this chapter. (Ord. #2007-15, Aug. 2007, modified)

**8-221. Permit to be issued for specific person and premises; required disclosures.** Beer permits shall be issued by the city to and in the name of persons for a particular premises or location. If the application is made in the name of a corporation or other such legal entity, the name of the manager or operator of the premises shall also be disclosed. Where application is made in the name of a foreign or large, publicly held corporation, then the name of any district manager and, where applicable, the local franchise owner of the particular establishment must be disclosed upon the application. (Ord. #2007-15, Aug. 2007)

**8-222. Application form.** The board shall adopt by resolution the application form for a beer permit. The application shall contain information about the applicant, employees and business, and shall require certain warranties and assurances from the applicant. The applicant shall fully complete the form and submit it at the office of the city manager. The applicant shall immediately notify the city of any change in the information contained in the application. (Ord. #2007-15, Aug. 2007)

**8-223. Classifications of permits.** (1) Beer permits issued by the city shall be of the following classifications:

(a) Manufacturer's permit. This permit shall be issued to all industrial operators upon whose premises beer is brewed or otherwise manufactured.

(b) Distributor's permit. This permit shall be issued to operators who have a beer franchise in the city and sell or otherwise distribute beer at wholesale.

(c) Retailer's off-premises permit. This permit shall be issued for the retail sale of beer for consumption off the premises of the permittee.

(d) Retailer's on- and off-premises permit. The permit shall be issued for the retail sale of beer for consumption on and off the premises of the permittee.

(2) The application for the beer permit shall state the kind or classification of permit which is being applied for. The permit itself shall contain a notation indicating the kind or classification of the permit. (Ord. #2007-15, Aug. 2007, modified)

**8-224. Posting of premises; advertisement of application.** Upon the filing of an application for a beer permit at the office of the city manager, the board shall cause the premises for which a beer permit is sought to be posted by a conspicuous sign stating the name of the applicant and the kind or classification of permit desired, for a period of not less than ten (10) days next preceding the hearing upon the application, and, in addition, the board shall cause there to be placed in a newspaper of general circulation in the county a notice or advertisement stating the name of the applicant, the kind or classification of permit desired, and the address of the premises for which the permit is desired. (Ord. #2007-15, Aug. 2007)

**8-225. Inspection of premises.** The premises for which an applicant desires a beer permit shall be inspected by all necessary inspection officers of the city. (Ord. #2007-15, Aug. 2007, modified)

**8-226. Issuance of permit.** After all inspections have been made and the applicant for a beer permit has met all requirements of this chapter, after

all necessary fees and charges have been paid by the applicant, and after the board has determined the applicant has complied with all other requirements contained in this chapter, the board shall approve the application. The permittee shall retain such beer permit for as long as he shall wish to do business at the premises for which it was issued; provided that such permit is not revoked or suspended by the board, and provided that use of the permit by the sale of beer is commenced on a regular basis within ninety (90) days following the issuance of the permit unless a longer period is approved by the board. (Ord. #2007-15, Aug. 2007, modified)

**8-227. Refund to posting and notice fees.** No claim shall be granted for a refund of any part of the posting and newspaper notice fees paid by any applicant for or holder of a permit issued for the manufacture, distribution or sale of beer as provided in this chapter, nor shall any right to a refund of any part of the posting and newspaper notice fees paid by the holder of a beer permit accrue to such holder upon the revocation, suspension or termination of such permit. (Ord. #2007-15, Aug. 2007)

**8-228. Location of premises.** (1) No beer permit shall be issued to any person for the conduct of any business at any point or place in the corporate limits of the city unless such place is zoned for or authorized to be used for commercial or other purposes corresponding to the character of the business contemplated in this chapter, and no retailer's permit shall be issued for consumption of beer on the premises where the premises are within three hundred feet (300') of any school building, any hospital, any church building or any place of public gathering as measured from building line to building line by the shortest distance. The provisions of this subsection shall not be applicable to any premises on which beer is sold for consumption on the premises if the establishment located upon such premises has been in continuous operation since January 1993, but the provisions of this subsection shall apply to all new places where beer is sold for consumption on the premises which may receive a beer permit and otherwise open for business after such date.

(2) No retailer's off-premises permit shall be issued by the board where the premises are within fifty feet (50') of any school building, any hospital, any church building or any place of public gathering as measured from building line to building line by the shortest distance. The provisions of this subsection shall not be applicable to any premises on which beer is sold for consumption off the premises, if the establishment located upon such premises has been in continuous operation since January 1993, but the provisions of this subsection shall apply to all new places where beer is sold for consumption off the premises which may receive a beer permit and otherwise open for business after such date. (Ord. #2007-15, Aug. 2007, modified)

**8-229. Display of permit.** Each holder of a beer permit issued pursuant to the provisions of this chapter shall display and keep displayed such permit in a conspicuous place on the premises where he is authorized by that permit to conduct business. (Ord. #2007-15, Aug. 2007)

**8-230. Transfer of permit.** Beer permits and receipts for the payment of posting and notice fees issued pursuant to the provisions of this chapter shall not be transferable, in the sense that no beer permit may be sold, given away, traded or otherwise negotiated by the permittee. When any permittee shall cease to engage in the beer business, the permit shall terminate or expire and such permit shall be surrendered at the office of the city manager within fifteen (15) days. Any successor in interest to a previous permittee's business or business premises shall make application to the beer board for issuance of new permit; however, the successor in interest shall be allowed to engage in the beer business, complying with all rules and regulations of this chapter, from the date the successor files the beer application fee until the beer board acts upon such person's application for a beer permit. (Ord. #2007-15, Aug. 2007, modified)

**8-231. Beer permit information and applicant checklist.** The City of Maynardville requires that all beer permit applicants fill out an "information and applicant checklist," to be turned in with permit application fees.<sup>1</sup>

**8-232. Civil penalty in lieu of revocation or suspension.**

(1) 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.

(2) 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.

(3) 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.

(4) 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

---

<sup>1</sup>The beer permit information and applicant checklist is available in the office of the recorder.

is paid within that time, the revocation or suspension shall be deemed withdrawn.

(5) 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.

**8-233. Prohibited conduct or activities by permit holders.** (1) It shall be unlawful for any beer permit holder to:

(a) Employ any person convicted for the unlawful possession, sale, manufacture, or transportation of alcoholic beverages, or any crime involving moral turpitude within the past ten (10) years.

(b) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(c) Make or allow any sale of beer between the hours of 12:00 midnight and 6:00 A.M. during any weekday; at any time on Sunday; or on election days before or while the polls are open.

(d) Make or allow any sale of beer to any person under twenty-one (21) years of age.

(e) Allow any person under twenty-one (21) years of age to loiter in or about the permit holder's place of business.

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

(g) Allow visibly intoxicated persons to loiter about the permit holder's premises.

(h) Serve, sell, or allow the consumption on the permit holder's premises any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(i) Store or allow to be stored on the permit holder's premises any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(j) Allow gambling on the permit holder's premises.

(k) Fail to provide and maintain separate sanitary toilet facilities for men and women.

(l) Engage in any activities prohibited by this chapter or any other provision of any law or ordinance.

(2) Any permit holder's permit may be suspended or revoked of civil penalty imposed for any violation of any of the provisions of subsection (1) above or any other provision of this chapter or other law. (Ord. #2007-15, Aug. 2007, as amended by Ord. #2010-7A, Oct. 2010)

**8-234. 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.

**8-235. Severability.** Each of the sections and provisions of this chapter are hereby declared to be independent divisions and subdivisions and, not withstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which are held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so found to be invalid. (Ord. #2007-15, Aug. 2007)