

**ORDINANCE NO. 21-22**

**AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, BEER,  
OF THE CITY OF SPRING HILL CODE OF ORDINANCES**

**WHEREAS**, the Board of Mayor and Aldermen desire for the regulations contained in Title 8, Chapter 2, Beer, of the City of Spring Hill Code of Ordinances to be consistent with the regulations contained in Tennessee Code Annotated; and

**WHEREAS**, the Board of Mayor and Aldermen have identified necessary amendments to Title 8, Chapter 2, Beer, of the City of Spring Hill Code of Ordinances that are contained in Exhibit "A" attached hereto; and

**WHEREAS**, the amendments contained in Exhibit "A" attached hereto are deemed by the Board of Mayor and Aldermen to be in the best interest of the health, safety and welfare of the citizens of the City of Spring Hill, Tennessee.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, that:

Section 1. Title 8, Chapter 2, Beer, Sections 8-203, 8-210, 8-212, 8-222, 8-223, 8-225, 8-226, and 8-230, are hereby amended as more fully described in Exhibit "A" attached hereto.

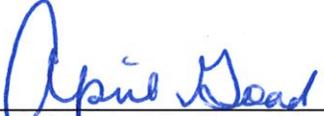
**NOW, THEREFORE, BE IT FUTHER ORDAINED**, that all ordinances or partial ordinances in conflict herewith be, and the same hereby are, repealed or modified as the case may be.

**BE IT FURTHER ENACTED**, that this Ordinance shall take effect from and after its final passage by the Board of Mayor and Aldermen.

**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20<sup>th</sup> day of December, 2021.**

  
Jim Hagaman, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick M. Carter, City Attorney

Passed on First Reading: December 6, 2021  
Passed on Second Reading: December 20, 2021



DATE: September 7, 2021

Memo To: Board of Mayor and Alderman

From: Trent Linville, Alderman

RE: Ordinance Amending Title 8, Chapter 2 of the City of Spring Hill Code of Ordinances.

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The need for this ordinance arose out of an inquiry from a potential beer board applicant leading staff to discover that our city ordinance and practice regarding the regulation of beer has been out of step with the enabling legislation in Tennessee code. After reviewing with our City Attorney and MTAS, the following changes were recommended to bring our city ordinance in alignment with current state law:

- §8-203: Updates the language to incorporate TCA §57-5-101 so that this provision does not have to be amended each time the General Assembly amends the definition.
- §8-210: Removes subsection (A)(3) because the language in the statute only references hours of beer sales for municipalities, not prescription on times that establishments serving beer may be open.
- §8-212: Removes subsection (B)(3) for the same reason as §8-210 above.
- §8-222: Removes the final clause in subsection (C) for the same reason as §8-210 above.
- §8-222: Removes subsection (L) for the same reason as §8-210 above.
- §8-223: Modifies subsections (B) and (C) and adds a new subsection (D) defining a "responsible vendor" to align with the standards outlined in TCA §57-5-606 and 608.
- §8-225: Removed this section and reserved for future use because the Tennessee Code does not provide authority to require a bond.
- §8-226: Heavily amends this section to insert language that is consistent with Tennessee Code §57-5-108
- §8-230: Reduces our current privilege tax to \$100, which is in line with the enabling legislation found in TCA §57-5-104 (b)(1).

## CHAPTER 2: BEER

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Section

- 8-201 Purpose of chapter
- 8-202 Beer business subject to regulation
- 8-203 "Beer" defined
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- 8-221 Investigation of applicants, agents and/or employees
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- 8-225 ~~Bond required~~ Reserved
- 8-226 ~~Penalties for violations~~ Civil penalty in lieu of revocation or suspension
- 8-227 Employees liable for violations
- 8-228 Notice to be given of permit suspension or revocation
- 8-229 Application fee for sale of beer
- 8-230 Privilege tax

**Statutory 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 PURPOSE OF CHAPTER.**

This chapter is adopted to regulate the sale of beer or other beverages of like content, as herein defined, within the corporate limits of the city.  
(2011 Code, § 8-201)

**§ 8-202 BEER BUSINESS SUBJECT TO REGULATION.**

It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than such weight, volume or alcoholic content as provided by the laws of the state, or any other beverages of like alcoholic content, within the corporate limits of the city, subject to all of the regulations, limitations and restrictions hereinafter provided and subject to the rules and regulations promulgated by authorized public officials or boards.  
(2011 Code, § 8-202)

**§ 8-203 “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 5% by weight.~~  
(2011 Code, § 8-203) The term “Beer”, as used in this chapter, shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101.

**§ 8-204 BEER BOARD ESTABLISHED.**

(A) There is hereby established a Beer Board to be composed of three residents of the city over the age of 21 years who shall be appointed by the Mayor and approved by the Board of Mayor and Aldermen. The members of said Board shall hold office for one year or until their successors are appointed and qualified.

(B) Until such time as members are appointed to the Beer Board as herein provided, the Board of Mayor and Aldermen shall serve as the Beer Board.  
(2011 Code, § 8-204)

**§ 8-205 MEETINGS OF THE BEER BOARD.**

All meetings of the Beer Board shall be open to the public. The Board shall hold meetings as set by the Beer Board or its Chairperson (or Mayor until members are appointed to the Board). A special meeting of the Beer Board may be called by its Chairperson; provided, he or she gives reasonable notice thereof to each Board member, and the Board may adjourn a meeting at any time to another time and place.  
(2011 Code, § 8-205)

**§ 8-206 RECORD OF BEER BOARD PROCEEDINGS TO BE KEPT.**

The Recorder shall act as Secretary and shall attend all meetings of the Beer Board. This Secretary shall make a record of the proceedings of the Beer Board which shall be a public record and shall contain the dates of meetings; the names of the members present and absent; in cases of hearings before the Beer Board, a record of evidence introduced and testimony heard before the Board; the provision of each permit issued by the Board as to whether it is a permit for sale for off-premises consumption or for sale for on-premises consumption. The Secretary shall also maintain a current list of the names and addresses of all holders of beer permits.

(2011 Code, § 8-206)

**§ 8-207 REQUIREMENTS FOR BEER 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. Any member present, but not voting, shall be deemed to have cast a “nay” vote.

(2011 Code, § 8-207)

**§ 8-208 POWERS AND DUTIES OF THE BEER BOARD.**

(A) The Beer Board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

(B) The Beer Board is hereby given broad powers of investigation, and it shall have the authority to inspect the premises of any applicant and, at all reasonable hours, may investigate the premises of all permit holders.

(2011 Code, § 8-208)

**§ 8-209 PERMIT REQUIRED FOR ENGAGING IN THE BEER BUSINESS; TERM OF PERMIT.**

(A) (1) No person shall engage in the storing, selling, distributing or manufacturing of beer or other beverages of like alcoholic content within the corporate limits of the city until he or she shall receive a permit to do so from the Beer Board of the city. The permit shall, at all times, be subject to all of the limitations and restriction herein provided.

(2) Also, the applicant shall certify that he or she has read and is familiar with the provisions of this chapter.

(B) No permit shall be issued for a longer period than one year, but the Board may issue a permit for a shorter period if, in its discretion, it deems proper. In no event shall a permit be issued without its approval by a majority of the Beer Board.

(C) All permits in existence on 1-1-1992 shall expire on the next anniversary date of their issuance.

(D) Each new applicant for a permit to sell beer within the city limits shall be required to pay an application fee of \$250 to the Recorder. No portion of this fee shall be refunded to the applicant whether the application is approved or denied.  
(2011 Code, § 8-209)

#### **§ 8-210 RESTRICTIONS ON GRANTING PERMITS.**

(A) No permit shall be issued to sell any beverage coming within the provisions of this chapter:

(1) In violation of any provisions of the state law or of this chapter, or any amendments thereto; and/or

(2) In violation of the Zoning Ordinance of the city; ~~and/or~~

~~(3) To any applicant whose place of business remains open between 1:00 a.m. and 6:00 a.m., except those as may be specifically authorized by the Board. Any such authorization will be noted on the permit. The Board may also authorize other permit holders' exceptions to this restriction on specific dates.~~

(B) The judgment of the Beer Board on such matters shall be final, except as same is subject to review under Tenn. Code Ann. § 57-5-105.  
(2011 Code, § 8-210) (Ord. 03-28, passed 10- -2003)

#### **§ 8-211 APPLICATION FORMS; EFFECT OF FALSE STATEMENTS OR MISREPRESENTATION THEREIN.**

(A) No permit shall be issued, except upon an application in writing submitted to the Board.

(B) The application shall be on proper forms furnished by the Recorder, shall be sworn to by the applicant and, for applications of natural persons, verified by the affidavit of two respectable citizens who are acquainted with the applicant. Any misrepresentation or false statement contained in the application upon which a permit is issued shall subject said permit to immediate revocation upon a hearing after notice as provided below issued upon a proper complaint charging that there has been a misrepresentation or false statement in said application.

(C) At such hearing, the burden of proof shall be upon the holder of the permit to establish the truth of each statement and representation made in his or her application.

(2011 Code, § 8-211)

#### **§ 8-212 APPLICATION REQUIREMENTS.**

(A) Each application must explicitly and affirmatively state:

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

## Spring Hill, TN Code of Ordinances

- (2) The owner or owners of such premises and the terms of any lease or agreement pertaining thereto;
- (3) The names and addresses of all other persons or firms who have any financial interests whatsoever in the beer business proposed to be established;
- (4) Whether the applicant will operate the business in person or by agent and, if by agent, the name and address of such agent;
- (5) No person will be employed in the storage, sale or manufacture of such beverages who has been convicted within the past ten years of any law against possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude;
- (6) The applicant will not engage in the sale of such beverages, except at the place or places for which the Beer Board has issued a permit or permits to such applicant;
- (7) No sale of such beverages will be made, except in accordance with the permit granted;
- (8) If the application is for a permit to sell for consumption off the premises, that no sale shall be made for consumption on the premises and that no consumption will be allowed on the premises thereof;
- (9) No sale will be made to minors, and that the applicant will not permit minors or disorderly, intoxicated or disreputable persons to loiter around the place of business;
- (10) The applicant will be responsible for any gambling on its premises and its permit subject to revocation by reason of the same. The applicant will not allow, nor has allowed, its place of business to become a public nuisance or a nuisance to law enforcing agencies of the city, nor that it has, or will, create a nuisance;
- (11) The applicant has secured a certificate or statement from the Chief of Police or other officially designated official that the premises which the application covers meets the requirements of this chapter. Such certificate or statement must be attached to the original application; and
- (12) The applicant has not had his or her license revoked in the past year.

(B) No application shall be acted upon by the Board unless:

- (1) The application is submitted to the City Recorder at least 20 days prior to the Beer Board meeting at which it is to be considered unless said period is waived by the Beer Board. The Recorder shall, within 20 days after receipt of an application, notify each member of the Beer Board of such application; and
  - (2) The application shall be reviewed by the City Attorney or City Administrator to assure compliance with all questions required by a city ordinance or state law governing the issuance of permits or the applications therefore; and
  - ~~(3) The applicant will not conduct business or serve customers between 1:00 a.m. and 6:00 a.m., except as authorized by the Board pursuant to § 8-210(A)(3) of this chapter.~~
- (2011 Code, § 8-212) (Ord. 03-28, passed 10- -2003)

**§ 8-213 BEER PERMITS TO BE RESTRICTIVE.**

(A) All beer permits shall be restrictive as to the type of beer business authorized under them and separate permits shall be required for:

- (1) Selling at retail;
- (2) Selling at retail where dancing is allowed;
- (3) Storing;
- (4) Distributing; and
- (5) Manufacturing.

(B) Beer permits for the retail sale of beer may be further restricted by the Beer Board so as to authorize sales only for:

- (1) On-premises consumption; or
- (2) Off-premises consumption.

(C) It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his or her permit or application therefor.

(2011 Code, § 8-213)

**§ 8-214 PERMITS NOT TRANSFERABLE.**

(A) Beer permits shall not be transferable from one person to another or from one location to another.

(B) A new permit is required in the manner provided herein when a holder disposes of his or her business or transfers to another location.

(2011 Code, § 8-214)

**§ 8-215 DISPLAY OF PERMIT.**

The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses and stamps as required by law.

(2011 Code, § 8-215)

**§ 8-216 RESTRICTIONS ON PERMITS THAT WOULD CAUSE CONGESTION OR INTERFERE WITH PUBLIC HEALTH, SAFETY AND MORALS.**

(A) No permit authorizing the sale of beer will be issued when such business is within 200 feet, measured from the nearest building corner of the premises to the nearest building corner of any schools.

(B) No permit shall be issued which would interfere with the public health, safety and morals, or would cause congestion of traffic.

(2011 Code, § 8-216) (Ord. 09-21, passed 6- -2009; Ord. 12-17, passed 8-20-2012)

**§ 8-217 FURTHER RESTRICTIONS ON THE ISSUANCE OF PERMITS.**

(A) No permit shall be issued to any person who has been convicted of violating laws against possession, sale, manufacture or transportation of intoxicating liquors or any crime involving moral turpitude within the past ten years.

(B) The Board, in its discretion, may refuse to issue a permit for any place of business which in the period immediately preceding the application for a permit, was operated in such a manner as to create a public nuisance or which was operated in such a manner as to materially contribute with places of like character in its vicinity in the creation or maintaining of a public nuisance.

(C) In determining whether a permit shall be issued, the Board shall consider the character of the neighborhood, the space available for building, space available for off-street parking and the effect of the business on neighboring users.

(2011 Code, § 8-217)

**§ 8-218 ISSUANCE OF PERMITS TO HOTELS, CLUBS AND THE LIKE.**

It shall be lawful for the Beer Board to issue a permit, for the sale of any beverage coming within the provisions of this chapter, to bona fide restaurants, hotels, motels, clubs or lodges, subject to the limitations and restrictions contained in state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided for by this chapter.

(2011 Code, § 8-218)

**§ 8-219 SANITATION FOR THE PREMISES OF THE PERMIT HOLDER.**

The premises of the permit holder shall be defined as the lot or property under control of the permit holder, both inside the building and outside the building. The permit holder shall be responsible for the sanitation of the premises including refuse storage, both inside and outside the building, lavatory facilities and general cleanliness of the grounds and structure. The Chief of Police, the Mayor, the City Administrator or any properly authorized person is hereby authorized to enter the premises at all reasonable hours for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the city.

(2011 Code, § 8-219)

**§ 8-220 MINORS, FRAUDULENT EVIDENCE OF PURCHASE IN BEHALF OF A MINOR BY THIRD PERSON AND THE LIKE.**

(A) It shall be unlawful for any minor to purchase, attempt to purchase or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a minor. It shall be unlawful for any minor to present or offer to the holder of a permit, 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 such beverages.

(B) Any person who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if 18 years of age or more shall, upon conviction, be subject to a penalty under the general penalty clause for this code; if 17 years of age or less, he or she shall be taken before the juvenile judge for appropriate proceedings.

(2011 Code, § 8-220)

#### **§ 8-221 INVESTIGATION OF APPLICANTS, AGENTS AND/OR EMPLOYEES.**

Applicants for, and holders of, retail permits under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the Beer Board, and must submit such information and records as the Beer Board may require.

(2011 Code, § 8-221)

#### **§ 8-222 PROHIBITED CONDUCT OR ACTIVITIES BY BEER PERMIT HOLDERS.**

It shall be unlawful for any beer permit holder to:

(A) Employ any person who, within the previous ten years, has been convicted of any law against possession, sale, manufacture or transportation of intoxicating liquors or any crime involving moral turpitude;

(B) Employ any minor in the sale or dispensing of beer at retail for consumption on the premises. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any minor shall be upon the holder and operator of such place of business;

(C) Make or allow any sale of beer, or make, cause or allow to be made any gift thereof, between the hours of 3:00 a.m. and 6:00 a.m. during any night of the week and the hours of 3:01 a.m. and 12:00 on Sunday; ~~nor shall any person holding a permit allow beer to be consumed on the premises after 3:15 a.m., and the presence of open beer bottles or glasses containing beer after 3:15 a.m. shall be prima facie evidence of a violation of this chapter;~~

(D) Allow any loud, unusual or obnoxious noises to emanate from his or her premises;

(E) Make or allow any sale of beer, or make, cause or allow to be made any gift thereof to a minor, or permit such sale by any employee or any person in any way connected with his or her place of business. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any customer shall be upon the owner or operator of such place of business and he or she shall be held strictly accountable for all acts of his or her employees;

(F) Allow any minor to loiter in his or her place of business. The burden of ascertaining the age of any person shall be upon the owner or operator of such place of business and he or she shall be held strictly accountable for any actions of his or her employees for the violation of this provision;

- (G) Make or allow any sale of beer, or make, cause or allow to be made any gift thereof, to any intoxicated person;
  - (H) Allow drunk or intoxicated persons to loiter on his or her premises;
  - (I) Allow dancing on his or her premises unless specified in his or her license application;
  - (J) Fail to provide and maintain adequate separate sanitary toilet facilities for men and women;
  - (K) Allow any sale or delivery of beer for consumption on the premises outside of the building occupied by the holder of the permit. Any sales for consumption on the premises, but outside of the building from which the business is operated, shall be made from within the building, it being the intention of this provision to prohibit the sale of beer by what are commonly called "curb sales"; and/or
  - ~~(L) — Allow its business to be open to the public between 1:00 a.m. and 6:00 a.m., except with permission of the Board. Each owner and each operator of a business where beer is sold shall be held strictly accountable for any actions of his or her employees which violate any of the above provisions; and/or~~
  - (M) Allow its business to operate in such a way as to create any of the conditions described in §§ 8-216 or 8-217 of this chapter or to violate any of the prohibitions set forth therein.
- (2011 Code, § 8-222) (Ord. 03-28, passed --2003; Ord. 07-26, passed 8- -2007; Ord. 11-08, passed 6-20-2011)

### **§ 8-223 SUSPENSION AND REVOCATION OF BEER PERMITS.**

(A) (1) All permits issued by the Beer Board under the provisions of this chapter shall be subject to suspension or revocation by the Beer Board when the holder thereof is guilty of making false statement or misrepresentation in his application or for the violation of any provision of the state beer laws, or any provision of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the Beer Board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by any interested person, by the Chief of Police or any member of the police force of the city, the City Administrator or by any member of the Beer Board of the city.

(2) The Board is vested with full and complete power to investigate any charges against any permit holder and to cite any permit holder to appear and show cause why his or her permit should not be suspended or revoked.

(B) Complaints filed against any permit holder for the purpose of suspending or revoking his or her permit shall be made in writing and filed with the Secretary to the Board. When the Chairperson of the Beer Board shall have reason to believe that any permit holder shall have violated the provisions of the state's Beer Act or any of the provisions of this chapter, the Chairperson of the Beer Board is authorized to notify the permit holder of said violations, and to cite said permit holder by written notice to appear and show cause why his or her permit should not be suspended or revoked for such violations at a special or regular meeting of the Beer Board. The notice to appear and show cause shall state the alleged violations charged and shall be served upon the permit holder either by registered letter or by a member of the Police Department of the

city. The notice shall be served upon the permit holder at least five days before the date of the hearing. The permit holder is required to be present in person to answer the charges and the failure of the permit holder to appear in person will result in the immediate suspension of the beer permit until such time as the permit holder does appear before the Beer Board in person. At the hearing, the Board shall publicly hear the evidence both in support of the charges and on behalf of the permit holder. After such hearing, the Board may, in its discretion, suspend or revoke said permit. The action of the Board in all such hearings shall be final, subject to review by the courts as provided in the state's Beer Law. ~~When a permit is revoked, no new permit shall be issued hereunder for the sale of beer to the permit holder until the expiration of one year from the date such revocation becomes final.~~

(C) At any hearing held pursuant to this chapter for the suspension or revocation of a beer permit, the hearing shall be broad in character and evidence may be heard upon any facts or circumstances pertinent to or applicable to the charges made in the complaint. ~~The reputation and character of the place in question and of the operator and the employees thereof or the holder of the permit complained of shall be material and competent evidence for the consideration of the Board at such hearing.~~ (2011 Code, § 8-223) (Ord. 04-10, passed 5- -2004)

(D) 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-month period. The revocation shall be for three (3) years.

#### **§ 8-224 CITY BUSINESS LICENSE.**

Each applicant granted a permit to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, secure from the City Recorder a city business license as provided in the Tennessee Code Annotated. (2011 Code, § 8-224)

#### **§ 8-225 ~~BOND REQUIRED~~RESERVE.**

~~Every person to whom a permit is issued shall, before selling at retail any beverage permitted to be sold under this chapter, execute and file with the Recorder of~~

~~the city a bond in the sum of \$250. The bond shall be conditioned that the principal thereof will pay any fine arising from any violation of this chapter which may be assessed against such principal or any agent or employee thereof by the City Court or any court of competent jurisdiction to which any suit from the City Court is appealed. The bond shall be executed by some solvent surety company authorized to do business in the state or by solvent personal sureties approved by the City Attorney. (2011 Code, § 8-225)~~

**§ 8-226 ~~PENALTIES FOR VIOLATIONS~~ CIVIL PENALTY IN LIEU OF REVOCATION OR SUSPENSION.**

(A) ~~Each day of violation of any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter, shall constitute a separate misdemeanor which shall be punishable under the general penalty clause for this code. If appropriate, action may also be taken for suspension or revocation of the permit issued hereunder or by both a fine and suspension or revocation. Upon the determination by the Beer Board that any violation has occurred under any provision of this chapter or the beer laws of the state, the Beer Board shall have the authority to suspend the beer permit for a period of time as determined by the nature of the offense. Upon the determination by the Beer Board of a first violation, the permit holder shall be fined not less than \$500 and have its permit suspended for three days. The maximum punishment for a first offense shall be a \$500 fine with the permit being suspended for a period of time not to exceed one week. 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.~~

(B) ~~For a second violation, the permit holder shall be fined no less than \$1,000 and have its permit suspended for 15 days. The maximum punishment for a second offense shall be a \$1,000 fine with a permit being suspended for a period of time not to exceed 30 days. 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.~~

(C) ~~For a third or subsequent violation, the permit holder shall be fined in the amount of \$2,500 and have the permit suspended for a period of one year (365 days). (2011 Code, § 8-226) (Ord. 02-34, passed 10-2002; Ord. 06-37, passed 5-2006) 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 suspension or revocation 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.~~

**§ 8-227 EMPLOYEES LIABLE FOR VIOLATIONS.**

Any employee of any permit holder who violates the provisions of this chapter or any provision of the state's Beer Act while so employed by such permit holder shall be guilty of a misdemeanor which shall be punishable under the general penalty clause for this code.

(2011 Code, § 8-227)

**§ 8-228 NOTICE TO BE GIVEN OF PERMIT SUSPENSION OR REVOCATION.**

The Board shall cause the Secretary to notify the Chief of Police and all interested wholesalers of the suspension or revocation of any permit.

(2011 Code, § 8-228)

**§ 8-229 APPLICATION FEE FOR SALE OF BEER.**

All new applicants for a beer permit issued pursuant to this chapter shall pay to the city the sum of \$250 for use in offsetting the expenses of investigating the applicant to determine whether a permit shall be issued. Regardless of whether the permit is approved or denied, any portion of the fee collected in excess of that actually used in the investigation shall become the property of the city at the end of each calendar year and shall be used at the discretion of the Board of Mayor and Aldermen of the city. Any applicant for a renewal of an existing permit shall not be required to pay this fee. Any application for a change in location shall be required to pay this fee.

(2011 Code, § 8-229)

**§ 8-230 PRIVILEGE TAX.**

(A) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer within the city an annual privilege tax of ~~\$200~~ 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, ~~notwithstanding the provisions of Tenn. Code Ann. § 57-6-112. Each holder of a beer permit~~ shall remit ~~this fee~~ the tax on 1-1-1994, and each successive January 1 thereafter, to the Recorder of the city. 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.

(B) The privilege tax hereby imposed shall be addition to any and all other privilege taxes to which the holder of beer permits are subject.

(2011 Code, § 8-230)