

CHAPTER 2

BEER¹

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¹State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

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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 of Mount Pleasant. (Ord. #)

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 of Tennessee or any other beverages of like alcoholic content, within the corporate limits of the City of Mount Pleasant, 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.

8-203. "Beer" and "intoxicating liquors" defined. The term "beer" as used in this chapter shall mean and include all intoxicating beverages such as beers, ales and other fermented liquors having an alcoholic content of not more than eight percent (8%) in weight. The term "intoxicating liquor" as used in this chapter shall mean any beverage containing more than eight percent (8%) alcoholic strength in weight as set forth in Tennessee Code Annotated, § 52-2-101.

8-204. Beer board established. There is hereby established a beer board to be composed of three (3) residents of the City of Mount Pleasant, over the age of twenty-one (21) years, who shall be appointed by the mayor and approved by the board of commissioners. The members of said board shall hold office for one (1) year or until their successors are appointed and qualified. (Ord. #2007-880, Jan. 2008)

8-205. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall meet as necessary. The time for the meeting shall be set by the unanimous vote of members of the beer board. A special meeting of the beer board may be called by its chairman provided he gives reasonable notice thereof to each board member, and the board may adjourn a meeting at any time to another time and place. (Ord. #2007-880, Jan. 2008)

8-206. Record of beer board proceedings to be kept. The city manager of the City of Mount Pleasant shall furnish a secretary who shall attend all meetings of the beer board. The secretary shall make a separate record of the proceedings of all meetings of the beer board. This record shall be a public record and shall contain at least the following: The day of each meeting; the names of the board 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 the

sale for off-premises consumption or for sale for on-premises consumption. The secretary shall also obtain a list of the names and

addresses of all holders of beer permits, which list shall be kept on current basis. (Ord. #2007-880, Jan. 2008)

8-207. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer 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. (Ord. #2007-880, Jan. 2008)

8-208. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale and manufacturing of beer within this city in accordance with the provisions of this chapter.

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. (Ord. #2007-880, Jan. 2008)

8-209. Permit required for engaging in the beer business; term of permit; annual inspections of premises; filing and publication requirements. 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 of Mount Pleasant until he shall receive a permit to do so from the beer board of the City of Mount Pleasant. The permit shall at all times be subject to all of the limitations and restrictions herein provided. Also, the applicant shall certify that he or she has read and is familiar with the provisions of this chapter and applicable state law.

Permits so issued shall continue in effect so long as the owner and operator of the premises remains the same and the establishment continues to do business; the location of the premises remains the same; the business continues to be operated under the name identified in the permit application; and all inspections required under this chapter are passed and the annual privilege tax is paid. For the purposes of this chapter, if the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. A permit holder must return the beer permit to the beer board of the City of Mount Pleasant within fifteen (15) days of termination of business, change in ownership, relocation of the business or change of the business name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business name. The premises shall be inspected annually by all authorities that inspect for the initial issuance of the permit and the failure to comply with all the terms of such inspections may result in the revocation of the permit; provided, however, nothing contained herein shall be construed to require the periodic renewal of beer permits.

Public notice of said application shall be published in the local newspaper at least on

one occasion prior to the special called meeting of said beer board before any action shall be taken thereon.

8-210. Restrictions on granting permits. 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 amendment thereto.

(2) In violation of the Zoning Ordinance of the City of Mount Pleasant.

The judgment of the beer board on such matters shall be final, except as same is subject to review under Tennessee Code Annotated.

8-211. Application forms; effect of false statements or misrepresentations therein. No permit shall be issued except upon an application in writing submitted to the beer board. The application shall be on proper forms furnished by the city recorder. Any misrepresentation or false statement contained in the application upon which a permit is used 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. 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. Any applicant making a false statement in the application shall forfeit the permit and shall not be eligible to receive any permit for a period of ten (10) years.

8-212. Application requirements. (1) Each application must explicitly and affirmatively state:

- (a) The name of the applicant;
- (b) The name of the applicant's business;
- (c) The location of the business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this chapter;
- (d) If beer will be sold at two (2) or more restaurants or other businesses in the same building, pursuant to the same permit, a description of all such businesses;
- (e) The names of persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a five percent (5%) ownership interest in the applicant;
- (f) The identity and address of a representative to receive annual tax notices and any other communication from the city;
- (g) That no person, firm, corporation, joint-stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant nor any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude within the past ten (10) years.
- (h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premise consumption. If a

holder of a beer permit for either on-premises consumption or for off-premises consumption desires to change the method of sale, such permit holder shall apply to the beer board for a new permit;

(i) That the applicant will not engage in the sale of beer except at the place or places for which the beer board has issued a permit;

(j) That no sale of beer will be made except in accordance with the permit granted;

(k) That no sale will be made to persons under twenty-one (21) years of age, and that the applicant will not allow disorderly persons to loiter around the place of business;

(l) That the applicant will be responsible for any gambling on the premises and the permit will be subject to revocation by reason of the same. That the applicant will not allow nor has allowed the place of business to become a public nuisance or a nuisance to law enforcing agencies of the City of Mount Pleasant, nor that it has or will create a nuisance;

(m) That the applicant has secured a certificate or statement from the chief of police or other designated official that the premises which the application covers meets the requirements of this chapter and applicable state law. Such certificate or statement must be attached to the original application; and

(n) That the applicant has not had his or her permit revoked within one (1) year.

(o) N permit shall be issues unless the applicant is a lawful resident or citizen of the United States for one year prior to application. Tenn. Code Ann. § 57-5-103 (2016).

(2) No application shall be acted upon by the beer board unless:

(a) The application along with the nonrefundable application fee of two hundred fifty dollars (\$250.00) is submitted to the city recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered unless said period is waived by the beer board.

8-213. Beer permits shall be restrictive; special event permits.

(1) 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 the 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-premise 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 his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions in his permit.

(2) A special occasion beer permit may be issued by the beer board and is a permit which may be issued to a bona fide charitable, nonprofit or political organization. Such permit shall be issued for no longer than one (1) twenty-four-hour period, subject to the hours of sale which may be imposed by law or regulation, and such permit may be issued in advance of its effective date. Such permit shall not be issued unless and until there shall have been paid to the City of Mount Pleasant for each such permit a permit fee of one hundred fifty dollars (\$150.00), and there shall have been submitted to the beer board an application which

designates the premises upon which beer shall be served. No such charitable, nonprofit or political organization shall be eligible to receive more than two (2) special occasion licenses in any calendar year. For the purpose of this section "bona fide charitable or nonprofit organization" means any corporation which has been recognized as exempt from federal taxes under § 501(c) of the Internal Revenue Code (26 U.S.C.501(c)) or any organization having been in existence for at least two (2) consecutive years which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational or charitable purposes; "bona fide political organization" means any political campaign committee as defined in Tennessee Code Annotated, § 2-10-102 or any political party as defined in Tennessee Code Annotated, § 2-13-101.

8-214. Licenses not transferable; issued only to individuals, not to clubs, etc.

Every license to engage in the business of selling, storing, and receiving beer and ale and other beverages encompassed in this chapter, shall be issued to an individual, and shall be in his name. No license may be issued to a club, association, firm, or corporation, but shall be issued to the person who will be immediately and directly responsible for the operation of the premises, and no such license shall be transferred, assigned, or used by any other person

to conduct said business. No license shall be effective for any premises other than the premises for which said license is issued. No person shall be permitted to move or change the address of the licensed premises. If a license is issued for the ground floor of any structure within the corporate limits, the same may not be used in the event the place of business is changed to a basement under said premises, or to an upper floor above said designated location, nor shall such license permit the use of any adjacent, adjoining, or additional building.

When any person licensed hereunder as the owner, operator, or manager sells, rents, leases, transfers, or assigns his property rights in the licensed premises, the license issued to him or her shall be surrendered to the city manager at the city hall, and when any change in location of the premises shall occur, the licensee shall surrender his said license to the city manager as of the day of the change.

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.

8-216. Restrictions on permits based on proximity to schools, churches, public parks or other places of public gathering and on permits that would cause congestion of traffic or interfere with public health, safety and morals. (1) No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, public parks, or other places of public gathering or would otherwise interfere with the public health, safety and morals.

Specifically, but not by way of limitation, no permit for the sale of beer for consumption on premises or permit for consumption off-premises shall be given to any applicant whose place of business is within five hundred feet (500') of any school or public park. For public parks, said distance shall be measured in a straight line from applicant's front door to the closest point of the

park property. For schools, said distance shall be measured in a straight line from applicant's front door to the front door of the school.

In addition, no permit for the sale of beer for consumption on-premises shall be given to any applicant whose place of business is within five hundred feet (500') of any church. Said distance shall be measured in a straight line from applicant's front door to the front door of the church. Said distance restriction shall not apply if the church in question voluntarily locates within five hundred feet (500') of an existing permit holder.

Also, no permit for the sale of beer for consumption off-premises shall be given to any applicant whose place of business is within two hundred fifty feet (250') of any church. Said distance shall be measured in a straight line from applicant's front door to the front door of the church. Said distance restriction shall not apply if the church in question voluntarily locates within two hundred fifty feet (250') of an existing permit holder.

However, the beer board shall not suspend, revoke or deny a permit to a business engaged in selling, distributing or manufacturing beer on the basis of 8-14 the proximity of the business to a school, park or church if a valid permit had been previously issued to any business on that same location; provided further, however, this exception shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six (6) month period.

(2) The downtown historic district shall be excluded from the distance restrictions outlined in subsection (1) above. (Ord. No. [2018-1028](#), § 1(Exhibit A), November, 2018)

8-217. Restrictions as to issuance of licenses; location, arrangement and use of premises. Further restrictions on the issuance of permits. No permit shall be issued to any person who has been convicted of Driving Under the Influence (DUI), Driving While Impaired/Intoxicated (DWI), any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude within the past ten (10) years.

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 materially contribute with places of like character in its vicinity in the creation or maintaining of a public nuisance.

No permit shall be issued to any person who has been found guilty of violating any of the provisions of this chapter.(Ord. #2007-880, Jan. 2008)

8-218. Limitation on number of permits. Licenses shall be issued as follows:

- (1) Across the counter--licenses for on-the-premises consumption only.
- (2) Packaged--licenses for consumption of off-the-premises only.
- (3) Combination across the counter and packaged--licenses for both on and off-the-premises sales.

(4) The maximum number of retails across the counter beer licenses at any time shall be fifteen (15).

(5) The maximum number of retails packaged beer licenses at any time shall be twenty (25).

(6) The maximum number of retail combination across the counter and packaged beer licenses at any time shall be six (6). Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the city at the date of the passage of the ordinance comprising this chapter shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment in which a permit is now held for the sale of beer, and the permit used only within the establishment or building purchased.

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 and general cleanliness of the grounds and structure. The city manager, the county health officer 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 of Mount Pleasant.

8-220. Persons under the age of twenty-one years, fraudulent evidence of age; purchase in behalf of a person under twenty-one years of age by third person, etc. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a person under twenty-one (21) years of age. It shall be unlawful for any person under twenty-one (21) years of age to present or offer to the holder of a permit, his agent or employee, any written evidence of his age is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. 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 eighteen (18) years of age, or more, shall upon conviction, be subject to a penalty under the general penalty clause for this code; if seventeen (17) years of age, or less, he shall be taken before a juvenile judge for appropriate proceedings.

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.

8-222. Prohibited conduct or activities by beer permit holder. It shall be unlawful for any beer permit holder to:

(1) Employ any person in the distribution or sale of beer who, within the previous ten (10) years, has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, or the manufacture,

delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude.

(2) Employ any person under eighteen (18) years of age in the sale or dispensing of beer or intoxicating liquors 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 person shall be upon the holder and operator of such place of business.

(3) Make or allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week except on Sunday between the hours of 3:00 A.M. and 10:00 am on Sunday. Any beverage sold before 3:00 A.M. for consumption on the premises shall be consumed prior to 3:00 A.M. and any person consuming beer on the premises after such hour and until 8:00 A.M. Monday through Saturday and 10:00 am on Sunday shall be guilty of a misdemeanor, however, with the exception of Sunday the sale of package beer or intoxicating liquors shall be allowed after 8:00 A.M. on any day of the week.

(4) Allow any loud, unusual or obnoxious noises to emanate from the premises.

(5) Make or allow any sale of beer or intoxicating liquors, or make, cause or allow to be made any gift thereof to a person under twenty-one (21) years of age, or permit such sale by an employee or any person in any way connected with his 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 shall be held strictly accountable for all acts of his employees.

(6) Allow any minor to loiter in his 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 shall be held strictly accountable for any actions of his employees for the violation of this provision.

(7) Make or allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, to any intoxicated person.

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

(9) Allow drunk or intoxicated persons to loiter on his premises.

(10) Fail to provide and maintain adequate separate sanitary toilet facilities for men and women in facilities selling beer or intoxicating liquors for consumption on the premises.

(11) Allow any sale or delivery of beer or intoxicating liquors for consumption on the premises outside the building occupied by the holder of the permit, except for all decks, patios, enclosed tents and other outdoor serving areas that have direct access to the building and that are contiguous to the exterior of the building in which the business is located and that are operated by the business. Further, a beer permit holder for the sale of package beer may not deliver said beer.

An additional exception exists for facilities whose primary business is serving food, provided such business is located in the central business district, as defined by the zoning ordinance. Such facilities covered by this exception may provide the outdoor sale or delivery of beer or intoxicating liquors for consumption on the premises so long as the location is contiguous to the primary structure and barricaded to ensure that access may only be made through the host facility and not by any other means.

Such facilities covered by this exception may also occupy portions of the public right-

of-way, namely sidewalks, so long as access requirements are met and a minimum right of way width of five feet (5') is continuously maintained for public travel on such sidewalks at all times.

(12) The owner or operator shall be held strictly accountable for any actions of his employees which violate any of the above provisions.

8-223. Suspension and revocation of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. 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. 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.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

8-225. 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.

8-226. City business license. Each applicant granted to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, secure from the city recorder of the City of Mount Pleasant, Tennessee, a city business license as provided in the Tennessee Code Annotated, and shall on any annual inspection provide evidence that the current business license has been issued.

8-227. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of Mount Pleasant, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.] The city may utilize these tax funds for any public purpose (Ord. #2007-880, Jan. 2008)

8-228. Violations. Except as provided in § 8-220, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

8-229. Employees liable for violations. Any employee of any permit holder who violates the provisions of this chapter or an provision of the State Beer Act while so employed by such permit holder shall be guilty of a misdemeanor which shall be punishable under the general penalty clause of this code.

8-230. Application fee for sale of beer. Each applicant for a beer permit shall be required to pay an application fee of \$250 to the city recorder upon the filing of an application. No portion of the fee shall be refunded to the applicant notwithstanding whether an application is approved or denied. There is also a privilege tax on the business of selling, distributing, storing, or manufacturing beer in Tennessee of \$100.00.

This Ordinance shall take effect from and after its passage, the welfare of the city demanding it.

If any one or more of the provisions of this Ordinance, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Ordinance, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

WHEREUPON, the Mayor declared the ordinance adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Approved and adopted this _____ day of _____, 2017.

MAYOR

ATTEST:

RECORDER

LEGAL FORM APPROVED:

CITY ATTORNEY

Passed on First Reading: _____

Passed on Second Reading: _____