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Etowah, TN Code of Ordinances

CHAPTER 115: ALCOHOL

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Statutory reference:

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PACKAGE LIQUOR SALES

§ 115.01 ALCOHOLIC BEVERAGES SUBJECT TO REGULATION.

It shall be unlawful to engage in the business of selling, storing, transporting, distributing or to purchase or possess alcoholic beverages within the corporate limits of the city, except as provided by Tenn. Code Ann. Title 57, Ch. 3.

(Ord. 736, passed 12-27-2012) Penalty, see § 115.99

§ 115.02 APPLICATION FOR CERTIFICATE.

(A) Before any certificate, as required by Tenn. Code Ann. § 57-3-208, or a renewal, as

required by Tenn. Code Ann. § 57-3-213, shall be signed by the Mayor, or by a majority of the City Commission, an application in writing shall be filed with the city on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant;
- (2) Time of residence in the state;
- (3) Occupation or business and length of time engaged in such occupation or business;
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction;
- (5) If employed, the name and address of employer;
- (6) If in business, the kind of business and location thereof;
- (7) The name of the proposed liquor store;
- (8) The location of the proposed store for the sale of alcoholic beverages;
- (9) The name and address of the owner of the store;
- (10) If the applicant is a partnership, the name, age and address of each partner and his or her occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation; and
- (11) Certain financial information pertinent to the applicant, partnership, corporation and partners or stockholders.

(B) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner or by the president of the corporation.

(Ord. 736, passed 12-27-2012)

§ 115.03 APPLICANT TO AGREE TO COMPLY WITH LAWS.

The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages.

(Ord. 736, passed 12-27-2012)

§ 115.04 APPLICANT TO APPEAR BEFORE MAYOR AND CITY COMMISSION; DUTY TO GIVE INFORMATION.

An applicant for a certificate of compliance may be required to appear in person before the City Commission for such reasonable examination as may be desired by them.

(Ord. 736, passed 12-27-2012)

§ 115.05 ACTION ON APPLICATION.

(A) Every application for a certificate of compliance shall be referred to the Police Department for investigation and to the City Attorney for review, each of whom shall submit his or her findings to the City Commission within 30 days of the date each application was filed.

(B) The City Commission may issue a certificate of compliance to any applicant, which shall be signed by the Mayor or by a majority of the City Commission.

(Ord. 736, passed 12-27-2012)

§ 115.06 RESIDENCY REQUIREMENT.

The applicant for a certificate of compliance shall have been a bona fide resident of the state for a period of not less than two years at the time his or her application is filed. If the applicant is a partnership or a corporation, the majority partner or stockholder must have been a bona fide resident of the state not less than two years at the time the application is filed. These requirements shall apply to all persons or entities whether they are applying to obtain a license to open a new store or purchase an existing store.

(Ord. 736, passed 12-27-2012)

§ 115.07 APPLICANTS FOR CERTIFICATE WHO HAVE CRIMINAL RECORD.

No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or production of wine, shall be issued to any person, (or if the applicant is a partnership, any partner or, if the applicant is a corporation, any stockholder), who, within ten years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws.

(Ord. 736, passed 12-27-2012)

§ 115.08 REGULATION OF RETAIL SALES.

(A) (1) Except for retailers licensed under Tenn. Code Ann. § 57-3-204, no person, corporation or other entity shall, directly or indirectly, operate any licensed retail establishment selling alcoholic spirituous beverages, not including wine, for off-premises consumption in this state.

(2) **INDIRECTLY** means any kind of interest in such a retail business by way of stock ownership, loan, partner's interest or otherwise.

(3) A landlord shall be deemed to have an indirect interest in such a retail business when the lease agreement is based upon a percentage of profits or any other factor based upon sales of alcoholic beverages by the tenant as distinguished from being simply an interest in land for a period of time at a definite rate.

(B) Except as provided in this division (A) above, nothing shall prohibit the holder of a retail license from having more than one retail license.

(C) In any municipality or county in which the issuance of two or more retail licenses have been authorized under Tenn. Ann. Code § 57-3-208(c), no retail licensee shall hold more than 50% of the licenses authorized for issuance in such municipality or county.

(D) For five years beginning January 1, 2014, no retail license shall be issued to any applicant for a new location that is within 1,500 feet of an existing operating establishment holding a license issued pursuant to Tenn. Code Ann. § 57-3-204 as of July 1, 2014, (an “existing licensed premises”) if the applicant for such new retail license already holds one or more retail licenses issued under Tenn. Code Ann. § 57-3-204, unless the Commission receives the written consent from each retail licensee owning an existing licensed premises within 1,500 feet of such new location. Notwithstanding any law to the contrary, the holder of one or more retail licenses issued under Tenn. Code Ann. § 57-3-204 may purchase the business or assets of an existing licensed premises and obtain a retail license to operate such existing licensed premises, as the same may be expanded or modified, from time to time. Nothing in this division (D) shall be deemed to prohibit a retailer licensed under Tenn. Code Ann. § 57-3-204 from obtaining a new or replacement license in connection with the relocation of an existing licensed premises, as long as the new location is within the jurisdiction of the municipality or county issuing the certificate required under Tenn. Code Ann. § 57-3-208 for such existing licensed premises.

(Tenn. Code Ann. § 57-3-406(a))

Editor’s note:

Former § 115.08, derived from Ord. 736, passed 12-27-2012, was removed and replaced by state law during the 2015 codification.

§ 115.09 LICENSE FEE.

There shall be an annual license fee which is required by this subchapter to be paid by each licensee prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one license fee is required. The license fee shall be \$1,000 for first time issuance and \$500 for renewal.

(Ord. 736, passed 12-27-2012) Penalty, see § 115.99

§ 115.10 WHERE ESTABLISHMENTS MAY BE LOCATED.

It shall be unlawful for any person to operate or maintain any retail establishment for the sale,

storage or distribution of alcoholic beverages in the city, except at locations zoned for that purpose and any such liquor store shall not be located within 300 feet of any church as measured along a straight line from the property/boundary line of any such church to the property/boundary line of the liquor store. No liquor store shall be located within 200 feet from any public park or school as measured along a straight line from the property line of any such public park or school to the property/boundary line of the liquor store. Further, no liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health, safety or morals.

(Ord. 736, passed 12-27-2012) Penalty, see § 115.99

§ 115.11 RETAIL STORES TO BE ON GROUND FLOOR; ENTRANCES.

(A) No retail store shall be located anywhere on premises in the city, except on the ground floor thereof. Each such store shall have only one main entrance; provided that, when a store is located on the corner of two streets, such store may maintain a door opening on each such street; and, provided further that, any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

(B) (1) All liquor stores shall be new construction or newly renovated permanent construction. Plans must be approved by the Building Inspector, Planning Commission and City Commission. No liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the interior of the liquor store shall be 1,200 square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway or street to the interior of the liquor store by the way of large windows in the front, and to the extent practicable, to the sides of the building containing the liquor store.

(2) All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations, adopted by the city, unless specifically provided otherwise.

(Ord. 736, passed 12-27-2012) Penalty, see § 115.99

§ 115.12 LIMITATION ON NUMBER OF RETAILERS.

No more than one retail license for each 1,334 persons, according to the last federal or official supplementary census, shall be issued under this subchapter.

(Ord. 736, passed 12-27-2012)

§ 115.13 SALES FOR CONSUMPTION ON PREMISES.

No alcoholic beverages shall be sold for consumption, or shall be consumed, on the premises of the retail seller.

(Ord. 736, passed 12-27-2012) Penalty, see § 115.99

§ 115.14 RADIOS, AMUSEMENT DEVICES AND SEATING FACILITIES PROHIBITED IN RETAIL ESTABLISHMENTS.

No radios, television sets, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees.

(Ord. 736, passed 12-27-2012) Penalty, see § 115.99

§ 115.15 INSPECTION FEE.

The city hereby imposes an inspection fee in the maximum amount allowed by Tenn. Code Ann. § 57-3-501, or any subsequent versions of the same, on all licensed retailers of alcoholic beverages located within the corporate limits of the city.

(Ord. 736, passed 12-27-2012)

§ 115.16 VIOLATIONS.

Any violation of this subchapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this subchapter, it shall be mandatory for the City Judge to immediately certify the conviction, whether on appeal or not, to the State Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the city from exercising any criminal or civil remedies that it may have with respect to violations of this subchapter.

(Ord. 736, passed 12-27-2012)

BEER

§ 115.30 BEER BOARD; ESTABLISHED; MEETINGS; PROCEEDINGS; POWERS.

(A) *Beer Board established.* There is hereby established a Beer Board to be composed of a board of Mayor and City Commissioners. The Mayor shall be the Chairperson of the Beer Board.

(1994 Code, § 8-201)

(B) *Meetings of the Beer Board.* All meetings of the Beer Board shall be open to the public. The Board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the Beer Board, a special meeting may be called by the Chairperson; provided, he or she gives a reasonable notice thereof to each member. The Board may adjourn a

meeting at any time to another time and place.

(1994 Code, § 8-202)

(C) *Record of Beer Board proceedings to be kept.* The Recorder shall make a record of the proceedings of all meetings of the Beer Board. The record shall be a public record and shall contain at least the following: the date of each meeting; names of the Board members present and absent; names of the members introducing and seconding motions and resolutions and the like before the Board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the Board.

(1994 Code, § 8-203)

(D) *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.

(1994 Code, § 8-204)

(E) *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 the city in accordance with the provisions of this subchapter.

(1994 Code, § 8-205)

(Ord. 415, passed 6-9-1986; Ord. 490, passed 6-29-1993)

§ 115.31 “BEER” DEFINED.

The term **BEER**, as used in this subchapter, shall be in full conformance with and be the same definition appearing in Tenn. Code Ann. § 57-5-101.

(1994 Code, § 8-206) (Ord. 490, passed 6-29-1993; Ord. 792, passed 9-26-2016)

§ 115.32 PERMIT REQUIRED FOR ENGAGING IN BEER BUSINESS.

(A) (A) (1) It is unlawful to operate any business engaged in the sale, distribution, manufacture or storage of beer without a permit issued by the county or city where such business is located under the authority herein delegated to counties and cities.

(2) Permits shall be issued to the owner of the business or other entity responsible for the premises for which the permit is sought, whether a person, firm, corporation, joint-stock company, syndicate, association or governmental entity where the governing body has authorized such sales of beer.

(3) A permit shall be valid:

(a) Only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least 50% of the stock of the corporation is transferred to a new owner;

(b) Only for a single location, except as provided in division (A)(4) below, and cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business; and

(c) Only for a business operating under the name identified in the permit application.

(4) Where an owner operates two or more restaurants or other businesses within the same building, the owner may in the owner's discretion operate some or all such businesses pursuant to the same permit.

(5) A business can sell beer for both on-premises and off-premises consumption at the same location pursuant to one permit.

(6) A permit holder must return a permit to the county or city that issued it within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name.

(7) In the case of beer wholesalers, as defined in Tenn. Code Ann. § 57-6-102, no county or city shall require a permit from a wholesaler unless such wholesaler operates a warehouse in such county or city.

(8) Any person, firm, corporation, joint-stock company, syndicate, or association engaged in the sale, distribution, or manufacture of beer without the permit required by this part commits a Class A misdemeanor.

(9) Nothing in this chapter shall be construed as granting counties or cities the authority to require the periodic renewal of beer permits.

(B) For the purpose of licensing, regulating and controlling the transportation, storage, sale, distribution, possession, receipt and/or manufacture of beer pursuant to this chapter, the counties of the state shall be classified in two categories, one of which is hereby designated Class A counties consisting of those counties not governed by metropolitan governments as defined in Tenn. Code Ann. § 7-2-101, and the other category is hereby designated Class B counties consisting of those counties governed by metropolitan governments as defined in Tenn. Code Ann. § 7-2-101.

(C) When either "county" or "counties" is used in this chapter, it means counties generally without reference to the classification of counties provided for in this section, and the use of "county" or "counties" shall cause the provision limited by the word "county" or "counties" to apply equally to Class A counties and to Class B counties. When "county legislative body" or "county legislative bodies" is used in this chapter, it means "metropolitan council" or "metropolitan councils" when applicable to Class B counties.

(D) (1) It is unlawful for any person to sell, distribute or manufacture beer without having a

valid certificate indicating that purchases of beer by that person are “for resale” as that term is used in Tenn. Code Ann. § 67-6-102(75)(A).

(2) Within ten days after being issued a permit to sell, distribute or manufacture beer, a person shall file with the county or city issuing the permit and with each person from whom the person buys beer a copy of a valid certificate indicating that the purchases of beer are “for resale” as that term is used in Tenn. Code Ann. § 67-6-102(75)(A), and shall subsequently maintain at all times a valid resale certificate on file with the county or city issuing the permit and with each person from whom the person buys beer.

(E) A city or county is authorized to seek criminal history background or fingerprint checks on applicants. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation. The Tennessee bureau of investigation is authorized to assess fees for the searches in accordance with the fee schedule established by the bureaus.

(Tenn. Code Ann. § 57-5-103)

(F) The application shall be made on such form as the Board shall prescribe and/or furnish and, pursuant to Tenn. Code Ann. § 57-5-104(a), shall be accompanied by a non-refundable application fee of \$250. Said fee shall be in the form of a cashier’s check payable to the city. Each applicant must be a person of good moral character and he or she must certify that he or she has read and is familiar with the provisions of this subchapter.

(1994 Code, § 8-207) (Ord. 415, passed 6-9-1986; Ord. 495, passed 9-13-1993)

§ 115.33 PRIVILEGE TAX.

There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of \$100. 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. 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.

(1994 Code, § 8-208) (Ord. 490, passed 6-29-1993; Ord. 494, passed 9-2-1993)

§ 115.34 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-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 or her permit. It shall likewise be unlawful for him or her not to comply with any and all express restrictions or conditions in his or her permit.

(1994 Code, § 8-209) (Ord. 490, passed 6-29-1993) Penalty, see § 115.99

§ 115.35 LIMITATION ON NUMBER OF PERMITS.

The number of licenses for the sale of beer shall be limited to the number as determined from time to time as necessary by the City Commission; provided that, all requirements of this subchapter 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 codified herein 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.

(1994 Code, § 8-210) (Ord. 490, passed 6-29-1993)

§ 115.36 INTERFERENCE WITH PUBLIC HEALTH, SAFETY AND MORALS PROHIBITED.

No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, residences, churches or other places of public gathering, or would otherwise interfere with the public health, safety and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within 300 feet of any school, residence, church or other place of public gathering. Provided, however, that within the boundaries of the C-1 Central Business District, the distance shall be 200 feet from any school, residence, church or other place of public gathering, and the L&N Depot Park, Gem Theater, and Carnegie Library shall be removed from the definition of place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, residence, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church or other place of public gathering, if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.

(1994 Code, § 8-211) (Ord. 415, passed 6-9-1986; Ord. 490, passed 6-29-1993; Ord. 792, passed 9-26-2016)

§ 115.37 PROHIBITED CONDUCT OR ACTIVITIES BY BEER PERMIT HOLDERS, EMPLOYEES AND PERSONS ENGAGED IN THE SALE OF BEER.

It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(A) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer;

(B) Sell the alcoholic beverages regulated by this subchapter, including, but not limited to, beer, wine, malt beverages or any other alcoholic beverage, nor shall he, she or it allow the same to be sold by agents, servants or employees, between the hours of 3:00 a.m. and 8:00 a.m. on Monday through Saturday and may not be sold on Sundays between the hours of 3:00 a.m. and 12:00 p.m.;

(C) Allow any person under 21 years of age to loiter in or about his or her place of business;

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

(E) Allow drunken persons to loiter about his or her premises;

(F) Serve, sell or allow the consumption on his or her premises of any alcoholic beverage with an alcoholic content of more than 5% by weight;

(G) Allow pool or billiard playing in the same room where beer is sold and/or consumed; and/or

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

(1994 Code, § 8-212) (Ord. 490, passed 6-29-1993; Ord. 494, passed 9-2-1993; Ord. 532, passed 8-14-1995; Ord. 534, passed 10-23-1995; Ord. 734, passed 12-17-2012) Penalty, see § 115.99

§ 115.38 REVOCATION OR SUSPENSION OF BEER PERMITS.

(A) The Beer Board shall have the power to revoke or suspend any beer permit issued under the provisions of this subchapter when the holder thereof is guilty of making a false statement or misrepresentation in his or her application or of violating any of the provisions of this subchapter. 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.

(B) Pursuant to Tenn. Code Ann. § 57-5-608, the Beer Board shall not revoke or suspend the permit of a “responsible vendor” qualified under the requirements of Tenn. Code Ann. § 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 Tenn. Code Ann. § 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 12-month period. The revocation shall be for three years.

(1994 Code, § 8-213) (Ord. 490, passed 6-29-1993)

§ 115.39 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 Tenn. Code Ann. § 57-5-606, sold beer to a minor, the Beer Board shall report the name of the clerk to the Alcoholic Beverage Commission within 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 year from the date of the Beer Board's determination.

(1994 Code, § 8-215)

§ 115.40 VIOLATIONS.

Except as provided in § 115.99(B) of this chapter, any violation of this subchapter 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.

(1994 Code, § 8-216)

INTOXICATING LIQUOR SALES (LIQUOR BY THE DRINK)

§ 115.55 DEFINITION OF ALCOHOLIC BEVERAGES.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC BEVERAGES. Alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of 5% by weight, or less.

(1994 Code, § 8-301) (Ord. 735, passed 12-10-2012)

§ 115.56 CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES.

Tenn. Code Ann. Title 57, Ch. 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the city limits. It is the intent of the Mayor and City Commission that the said Tenn. Code Ann. Title 57, Ch. 4, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim.

(1994 Code, § 8-302) (Ord. 735, passed 12-10-2012)

§ 115.57 PRIVILEGE TAX ON RETAIL SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES.

Pursuant to the authority contained in Tenn. Code Ann. § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tenn. Code Ann. Title 57, Ch. 4, § 301, for the city's General Fund to be paid annually as provided in this chapter) upon any person, firm corporation, joint stock company, syndicate or association engaging in the business of selling at retail in the city on alcoholic beverages for consumption on the premises where sold.

(1994 Code, § 8-303) (Ord. 735, passed 12-10-2012)

§ 115.58 ANNUAL PRIVILEGE TAX TO BE PAID TO THE CITY.

(A) Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the city shall remit annually to the city the appropriate tax described in § 115.57.

(B) Such payments shall be remitted not less than 30 days following the end of each 12-month period from the original date of the license.

(C) Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within 30 days following such event.

(D) Any person, firm, corporation, joint stock company, syndicate or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.

(1994 Code, § 8-304) (Ord. 735, passed 12-10-2012)

§ 115.59 CONCURRENT SALES OF LIQUOR BY THE DRINK AND BEER.

Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the city, pursuant to Tenn. Code Ann. Title 57, Ch. 4, shall, notwithstanding the provisions of § 115.37(C) of this chapter, qualify to receive a beer permit from the city.

(1994 Code, § 8-305) (Ord. 735, passed 12-10-2012)

§ 115.60 ADVERTISEMENT OF ALCOHOLIC BEVERAGES.

All advertisement of the availability of liquor for sale by those licensed pursuant to Tenn. Code Ann. Title 57, Ch. 4, shall be in accordance with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission.

(1994 Code, § 8-306) (Ord. 735, passed 12-10-2012)

§ 115.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is

prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (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 State Alcoholic Beverage Commission under the State Responsible Vendor Act of 2006, Tenn. Code Ann. §§ 57-5-601 et seq.

(2) *Penalty, revocation or suspension.*

(a) 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 \$2,500 for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed \$1,000 for any other offense.

(b) The Beer Board may impose on a responsible vendor a civil penalty not to exceed \$1,000 for each offense of making or permitting to be made any sales to minors or for any other offense.

(c) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven 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.

(1994 Code, § 8-214)