TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-102. Consumption of alcoholic beverages on premises.
8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
8-104. Annual privilege tax to be paid to the city clerk.
8-105. Sign restriction.
8-106. Responsibilities of licensees.

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person or legal entity, regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc. to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1981 Code, § 4-1, as amended by Ord. of 12/9/02)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, Title 57, Chapter 4, inclusive, entitled "Consumption of Alcoholic Beverages on Premises," and including any amendments thereto, is hereby adopted so as to be applicable to all sales of

¹Municipal code references
  Minors in beer places, etc.: title 11, chapter 1.
State law reference
  Tennessee Code Annotated, title 57.

²State law reference
alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Cleveland, Tennessee. It is the intent of the city council that the said Title 57, Chapter 4, inclusive, of the Tennessee Code Annotated and any amendments thereto, shall be effective in Cleveland, Tennessee, the same as if said code sections were adopted herein verbatim. (as added by Ord. of 12/9/02)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, and any amendments thereto, there is hereby levied a privilege tax (in the same amounts as levied by Tennessee Code Annotated, § 57-4-301 for the City of Cleveland General Fund to be paid annually as provided in this chapter) upon any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc. engaging in the business of selling at retail in the City of Cleveland alcoholic beverages for consumption on the premises where sold. It is the intent of the city council that the said Tennessee Code Annotated, § 57-4-301, and any amendments thereto, shall be effective in Cleveland, Tennessee, the same as if said Code section was adopted herein verbatim. (as added by Ord. of 12/9/02)

8-104. Annual privilege tax to be paid to the city clerk. Any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc. exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Cleveland shall remit annually to the city clerk the appropriate tax described in § 8-103. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc, failing to make payment of the appropriate tax when due shall be subject to any penalty provided by law, including revocation of the privilege of selling alcoholic beverages for consumption on the premises in the City of Cleveland. (as added by Ord. of 12/9/02)

8-105. Sign restriction. Notwithstanding any provision in Tennessee Code Annotated, Title 57, Chapter 4 of the Tennessee Code Annotated, no outdoor sign, advertisement or display that advertises alcoholic beverages may be erected or maintained on or about the property from which alcoholic beverages for consumption on the premises is made other than one sign, advertisement or display which makes reference to the fact that the establishment sells alcoholic beverages for consumption on the premises but
does not use brand names, pictures, numbers, prices or diagrams relating to any particular type or brand of alcoholic beverage. (as added by Ord. of 12/9/02)

8-106. Responsibilities of licensees. Licensees who obtain a state-issued "liquor by the drink" permit shall be deemed responsible for the actions of all employees or agents and insuring their compliance with all state and local legislation or regulation related to alcoholic beverages. A violation by an employee or agent of any state or local legislation or regulation related to alcoholic beverages shall subject the licensee to the appropriate sanction, including revocation or suspension of any license or state-issued "liquor by the drink" permit. (as added by Ord. of 12/9/02)
CHAPTER 2

BEER

SECTION
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8-201. Beer board. (1) The city council shall appoint a five (5) member beer board.
(2) They shall serve two (2) year staggered terms with two (2) members terms beginning on July 1, of odd numbered years and the terms of the other three (3) members beginning on July 1, of even numbered years. Thereafter the members will be appointed for a two-year term.

1Municipal code references
Minors in beer places, etc.: title 11, chapter 1.
Tax provisions: title 5.
State law reference
For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).
(3) Two alternate members shall be appointed to the beer board. The term of the first alternate will expire on July 1, 1996, and the term of the second alternate will expire on July 1, 1997. Thereafter the alternate members shall be appointed for a two-year period.

(4) The city council shall decide when any alternate member is appointed or reappointed which alternate shall be the first and which shall be the second. In any meeting where both are present, but only one is necessary to constitute a five member board, the alternate designated as the first alternate shall exercise a vote, while the second alternate will not. (1981 Code, § 4-27, as amended by Ord. of March 1995, modified)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in such places and 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 chairman provided he gives at least a twelve (12) hour written notice thereof to each member and the press. The board may adjourn a meeting at any time to another time and place.

8-203. Record of beer board proceedings to be kept. The city clerk 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; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., 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.

8-204. 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.

8-205. 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 municipality in accordance with the provisions of this chapter.

8-206. Definitions. (1) "Beer." The term "beer" as used in this chapter shall mean beer, ale, or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3101(20); provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such
beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(2) "Certified clerk" means a clerk who has successfully satisfied the training requirements contained within the Tennessee Responsible Vendor Act of 2006 (Tennessee Code Annotated, § 57-5-601, et seq.) and who has received certification from a responsible vendor training program that meets all of the statutory and regulatory requirements set forth in Tennessee Responsible Vendor Act of 2006 (Tennessee Code Annotated, § 57-5-601, et seq.) and the rules and regulations of the Tennessee Alcoholic Beverage Commission.

(3) "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption.

(4) "Responsible vendor." The term "responsible vendor" as used in this chapter shall mean 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" codified at Tennessee Code Annotated, § 57-5-601, et seq.

(5) "Vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption. (1981 Code, § 4-26, as replaced by Ord. #2006-10, April 2006, and Ord. #2007-19, July 2007)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), the application shall be accompanied by a nonrefundable application fee of two hundred fifty dollars ($250.00). Each application for a beer permit must be received by the business tax inspector not later than fourteen (14) calendar days prior to the scheduled meeting of the beer board. Each applicant must be a person of good moral character and the applicant must certify that the applicant has read and is familiar with the provisions of this chapter. No permit shall be issued until such time as the permit applicant shall personally appear before the beer board to obtain their initial permit. This section requires the owner (in the case of a sole proprietorship) or a managing agent (in the case of a partnership, corporation or limited liability company) to personally appear before the beer board before a beer permit may be issued. (1981 Code, §§ 4-50, 4-51, and 4-52, as replaced by Ord. of 2/14/2000, Ord. #2004-40, Nov. 2004, and Ord. #2007-19, July 2007, and amended by Ord. #2015-22, Sept. 2015)

8-208. 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 Cleveland, 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. (as replaced by Ord. #2007-19, July 2007)

8-209. Beer permits shall be restrictive. (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 retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. Beer permits for Class 2 on-premises consumption shall be limited to ten (10) permits. As Class 2 permits are revoked or expire, the limit on the number of Class 2 permits may fall below ten (10). If the number of Class 2 permits falls below ten (10), applications shall then be accepted for new Class 2 permits. Any new applications for Class 2 permits shall be processed in the order by which the permit applications are received by the City of Cleveland. Unless a new Class 2 permit is issued to a purchaser of a business holding an existing Class 2 beer permit under the provisions of § 8-209(2), a new Class 2 permit may not be issued by the City of Cleveland so long as the total number of Class 2 permits is ten (10) or more. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by their permit. It shall likewise be unlawful for a beer permit holder to fail to comply with any and all express restrictions or conditions which may be written into a permit by the beer board.

(2) Sale of existing Class 2 establishments. Notwithstanding the provisions of § 8-209(1) and the specific limitation on the number of Class 2 permits, a purchaser of an existing business holding an active Class 2 beer permit may be issued a Class 2 permit if the purchaser acquires a business with an existing Class 2 establishment, provided that the purchaser can satisfy the following requirements:

(a) The Class 2 permit of the seller must still be active and not have been revoked or suspended at the time the purchaser acquires the business.

(b) The new owner otherwise qualifies for a Class 2 beer permit under 8-201 through 8-217 and complies with all of the terms and conditions of §§ 8-201 through 8-217.

(c) The purchaser must apply for a new Class 2 permit within 30 days of the date of the purchase of the business holding an existing Class 2 beer permit.

In the event a purchaser buys an existing Class 2 establishment and is granted a Class 2 beer permit pursuant to the provisions of this section, the permit of the previous holder shall be canceled at the same time the purchaser receives the new Class 2 permit. (as amended by Ord.
8-210. **Classes of consumption permits.** Permits issued by the beer board shall consist of four (4) classes:

1. **Class 1 On Premises Permit.** A Class 1 On Premises Permit shall be issued for the consumption of beer only on the premises. To qualify for a Class 1 On Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:
   
   (a) Be primarily a restaurant or an eating place; and
   
   (b) Be able to seat a minimum of thirty people, including children, in booths and at tables, in addition to any other seating it may have; and
   
   (c) All seating must be part of the premises. In case of any outdoor seating, the outdoor seating area must be accessible from the inside of the restaurant or eating place and the outdoor seating area must have some type of enclosure around it, such as a wall or fencing; and
   
   (d) In addition to the requirements of subsections 8-210(1)(a) through (c), the monthly beer sales of any establishment which holds a Class 1 On Premises Permit shall not exceed fifty percent (50%) of the monthly gross sales of the establishment. As used herein, the term "gross sales" means all retail sales of the permit holder plus any applicable taxes. As used herein, the term "beer sales" includes all retail beer sales plus any taxes applicable to beer sales.

All Class 1 beer permit holders shall submit quarterly sales reports to the City of Cleveland on forms provided by the city to assure that the Class 1 permit holder is in compliance with the provisions of this section. The city will keep these forms in the permit holder's individual business tax file so that the confidentiality required by **Tennessee Code Annotated**, § 67-4-722 may be maintained. The reports shall comply with the following schedule:

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<thead>
<tr>
<th>PERIOD</th>
<th>REPORT DUE DATE</th>
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<tbody>
<tr>
<td>January-March</td>
<td>April 20</td>
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<td>April-June</td>
<td>July 20</td>
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<td>July-September</td>
<td>October 20</td>
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<tr>
<td>October-December</td>
<td>January 20</td>
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If the monthly beer sales for any Class 1 beer permit holder exceed 50% of the monthly gross sales of the permit holder for either three consecutive months during one calendar year or for any four months in any one calendar year, the
Class 1 permit of such permit holder may be suspended or revoked by the beer board. In the alternative, and in lieu of suspension or revocation of the permit, the beer board has the discretion to impose a civil penalty in lieu of suspension in accordance with the terms of Cleveland Municipal Code § 8-216.

(2) **Class 2 On Premises Permit.** Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a Class 1 On Premises Permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a Class 2 On Premises Permit.

(3) **Class 3 Off Premises Permit.** An off premises permit shall be issued for the consumption of beer only off the premises. To qualify for an off premises permit, an establishment must, in addition to meeting the other regulations in this chapter:
   (a) be a grocery store or a convenience type market; and
   (b) in either case, be primarily engaged in the sale of grocery and personal and home care and cleaning articles, but may also sell gasoline.

(4) **Class 4 Growler Permit.** A Class 4 Growler permit is a beer permit issued for the retail sale of beer contained in "Growlers." To qualify for a Growler permit, an establishment must meet all of the other applicable regulations contained in this chapter, including, but not limited to, distance requirements, and must comply with the additional requirements contained in this subsection.

The term "Growler" means a glass bottle not to exceed sixty-four ounces (64 oz.) that is filled by a licensee or employee of the licensed establishment with beer from a keg. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed Growlers may be filled and made available for retail sale. Each Growler must be securely sealed and removed from the premises in its original sealed condition. Consumption of beer on the premises of any Class 4 permit is strictly prohibited, except samples of tap beers offered for sale may be made available, but individual samples shall not exceed one ounce (1 oz.) per sample, nor shall any one (1) individual be offered or consume more than five (5) one ounce samples (5 oz.) per business day. (as amended by Ord. of 6/9/03, Ord. #2005-36, Sept. 2005, and Ord. #2013-49, Nov. 2013)

**8-211. Transfer of permits.** There shall be no transfer of a beer permit from one licensee to another.

**8-212. Proximity to schools, churches restricted.** (1) It shall be unlawful to store or sell at wholesale or retail, beer in the corporate limits of the city, within one hundred eighty-five (185) feet from the front door of any school or churchhouse building.
(2) This section shall not apply to locations holding a valid license from the city on August 1, 1995, nor to any annual renewal of any such license or licenses.

(3) No official of the city or board appointed by the city council shall issue a permit or license for such storage or sale of beer except as provided herein.

(4) The distances provided for herein shall be measured in a straight line by beginning at the front door of the business location and going from that point to the front door of any churchhouse or school building.

(5) The measurements herein provided for shall be made by an engineer or registered surveyor at the expense of the applicant. A drawing prepared by the engineer or registered surveyor shall be furnished the beer board prior to the consideration of the application for a license by the beer board. (1981 Code, § 4-58, modified, and amended by Ord. #2005-36, Sept. 2005)

8-213. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving illegal drug sales, drug manufacture, drug possession, drug transportation or moral turpitude within the past ten (10) years. (1981 Code, § 4-54, modified, as amended by Ord. of 5/14/2001)

8-214. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving illegal drug sales, drug manufacture, drug possession, drug transportation or moral turpitude within the past ten (10) years.

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

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 5:30 A.M. Monday through Saturday and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. No beer shall be consumed, or opened for consumption, on or about any premises licensed pursuant to these ordinances in either bottle, glass, or other container, between 3:00 A.M. and 5:30 A.M. Monday through Saturday, and between 3:00 A.M. and 10:00 A.M. on Sunday.

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age.
(5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

(6) Make or allow any sale of beer to any intoxicated person.

(7) Allow drunk persons to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than 5% by weight, unless a permit holder also has a state-issued "liquor by the drink" license or permit.

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

(10) Sale of beer at places where dancing allowed.

(a) No beer shall be sold on premises upon any part of which dancing is allowed, unless the cleared area provided for dancing shall contain at least one hundred forty-four (144) square feet of floor space. In computing the cleared area of floor space, only the compact floor area used primarily for dancing shall be counted. No area upon which counters, tables, chairs or obstructions are located, and no aisles used primarily for providing access to tables, shall be included for computing such cleared floor space.

(b) No beer shall be sold or consumed on premises upon any part of which dancing is allowed unless the part of such premises where such beverage is sold and consumed is separated from the other part of the building or premises where dancing is allowed by a partition or wall, railing, rope or other definite means of separation approved by the beer board, and such beverage shall not be sold or consumed upon the space set apart for dancing.

(11) Not operate beer sales for ninety (90) consecutive days.

(12) Fail to commence beer sales within one year from the date a beer permit is issued. If a permit holder fails to commence beer sales within one year from the date a permit is issued, the beer permit shall be revoked.

(13) Serve, sell, or allow the consumption on his premises of any alcoholic beverage of any kind, whether designated as beer, liquor, wine, or otherwise, to or by any person under the age of twenty-one (21).

(14) In the case of a Class 1 on-premises permit holder, it is a violation of this section for a permit holder to fail to provide complete and accurate quarterly reports to the City of Cleveland in accordance with and by the due date(s) shown in § 8-210.

8-215. Revocation and suspension of beer permits, investigation of permit holders charged with violations; beer board action; loss of clerk's certification for sale to minor.

(1) (a) In general. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of title 8, chapter 2, when the holder of the permit is guilty of making a false statement or misrepresentation in the permit application or if the permit holder violates any provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to the permit holder. Revocation proceedings may be initiated, in writing, by the police chief or by the chairperson of the beer board or his or her designee.

(b) Responsible vendors. Pursuant to Tennessee Code Annotated, § 57-5-608(a), 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, or is within sixty-one (61) days of the date of hire at the time of the violation.

Notwithstanding the foregoing paragraph, the Alcoholic Beverage Commission shall revoke the certification of a vendor certified as a responsible vendor, if the vendor had actual knowledge of the violation or should have known about the violation, or participated in or committed the violation. If the Alcoholic Beverage Commission revokes a vendor's certification under these circumstances, then the vendor shall be penalized for the violation by the beer board as if the vendor were not certified as a responsible vendor.

If, at the time of the violation, the vendor's status as a certified responsible vendor has been revoked by the Alcoholic Beverage Commission, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor.

Under Tennessee Code Annotated, § 57-5-608(c), 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 a second time within a twelve-month period. The revocation shall be for three (3) years.

(2) Investigation, subpoenas, oaths. When any beer permit holder is charged with a violation of any state law, the Cleveland Municipal Code, any ordinance of the city, or if a beer permit holder is alleged to have violated § 8-214 of this chapter, it shall be the duty of the beer board to make an investigation. In order that the beer board may make the necessary investigation, the beer board is hereby given authority to issue subpoenas for witnesses to appear before it for the purpose of giving testimony. The chairman
of the beer board is authorized to administer an oath to witnesses. The beer board, after its investigation, due notice and a public hearing, may either revoke or suspend the beer permit of any beer permit holder.

(3) Proposed revocation or suspension of beer permit holders who also hold a license to sell alcoholic beverages. (a) If the beer board determines that a beer permit holder who also holds a license for the sale of alcoholic beverages under the provisions of Tennessee Code Annotated, section 57, chapter 4, part 2, has violated any provision contained in Tennessee Code Annotated, section 57, chapter 4, then the beer board may, in its discretion, suspend not only the holder's beer permit for a specified period of time, but the beer board may also include a proposed suspension of the permit holder's authority to sell alcoholic beverages for the same period of time, provided that the Alcoholic Beverage Commission shall review the beer board's action with regard to the proposed suspension or revocation relating to the sale of alcoholic beverages other than beer and approve such suspension.

(b) Pursuant to Tennessee Code Annotated, § 57-4-202(b), the beer board shall direct the city clerk to serve written notice upon the Alcoholic Beverage Commission of its proposed action and provide the Alcoholic Beverage Commission with a tape recording and/or a transcript of the beer board's proceedings. A copy of this notice shall also be sent to the beer permit holder.

(c) Pursuant to Tennessee Code Annotated, § 57-4-202(b), the proposed action by the beer board shall become final upon a review and affirmance of that decision by Alcoholic Beverage Commission. If the Alcoholic Beverage Commission shall fail to act within thirty (30) days after receiving the written notice from the beer board, the failure to act shall be construed as an affirmation of the proposed action.

(d) The suspension or revocation of the beer permit shall be effective at the same time as the receipt of the notice of the affirmation of the suspension from the Alcoholic Beverage Commission or the thirty-first (31st) day following notice to the Alcoholic Beverage Commission if the Alcoholic Beverage Commission fails to render a decision. If the Alcoholic Beverage Commission reverses the proposed decision of the beer board, then the decision of the beer board with regard to alcoholic beverages shall be vacated subject to any administrative appeal by the city of the Alcoholic Beverage Commission's decision. Even if the beer board's decision is reversed by the Alcoholic Beverage Commission, the beer board's proposed action as to the suspension or revocation of the holder's beer permit shall remain in full force and effect.

(4) 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. (1981 Code, § 4-56, as replaced by Ord. #2004-44, Jan. 2005, and amended by Ord. #2007-19, July 2007)

8-216. Civil penalty in lieu of revocation or suspension; civil penalty for responsible vendors. (1) Permit holders that are not responsible vendors. 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.

If a civil penalty is offered as an alternative to revocation or suspension, a permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If a 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 permit holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

(2) Responsible vendors. Notwithstanding the language of § 8-215(b), 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. (as repealed by Ord. of 12/10/2001, and replaced by Ord. #2005-01, Feb. 2005, and Ord. #2007-19, July 2007)

8-217. Outdoor advertisement at retail beer establishments. No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located other than one (1) sign, advertisement or display which makes reference to the fact that the establishment sells beer but does not use brand names, pictures, numbers, prices or diagrams relating to beer. (1981 Code, § 4-59, as amended by Ord. of 10/28/96, and replaced by Ord. of 6/9/03)

8-218. Oath of office. Before beginning a term of service on the beer board, a member shall take the following oath of office:

"I do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Tennessee, and that I will perform with fidelity the duties of the office to which I have been appointed and which I am about to assume."

(as added by Ord. #2004-21, June 2004)
8-219. Consumer identification requirements; required signs.

(1) Consumer identification requirements. Prior to making a sale of beer for off-premises consumption, the adult consumer must present to the permit holder or any employee of the permit holder a valid, government issued document, such as a driver's license, or other form of identification deemed acceptable to the permit holder, that includes the photograph and birth date of the adult consumer attempting to make a beer purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the permit holder. The permit holder or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of beer for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the permit holder or any employee of the permit holder.

(2) Required signs. Responsible vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by eleven inches (8-1/2" x 11"), and contain the following language:

STATE LAW REQUIRES IDENTIFICATION FOR THE SALE OF BEER.
(as added by Ord. #2007-19, July 2007)

8-220. Violations. Violation of any of the provisions of this chapter shall constitute a civil offense. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #2007-19, July 2007)