

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

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

- 8-101. Exemptions.
- 8-102. Definitions.
- 8-103. Issuance of license.
- 8-104. Tax on businesses selling for consumption on the premises.
- 8-105. Inspection fee on retail liquor dealers.
- 8-106. Minors not to be employed by certain businesses.

8-101. Exemptions. Nothing in this chapter is intended to relate to the sale, traffic in, distribution of, or tax upon any beverage of an alcoholic content of 5% by weight, or less. (1986 Code, § 2-101)

8-102. Definitions. Whenever used in this chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by human beings, other than patented medicines, beer or wine, where the latter two contain an alcoholic content of 5% by weight, or less.

(2) "License" means a license issued for "retail sale" or "sale at retail" being a sale to the consumer or to any person for any purpose other than for resale.

(3) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions of this chapter. (1986 Code, § 2-102)

8-103. Issuance of license. For the retail sale of alcoholic beverages, as defined in this chapter, a license may be issued only as herein provided. Any

¹State law reference

Tennessee Code Annotated, title 57.

person desiring to sell alcoholic beverages to patrons as customers, in sealed packages only, and not for consumption on the premises, shall make application to the mayor for a retailer's license, and the mayor may issue said license if he considers the person to be of good moral character.

Not more than four (4) licenses shall be issued for each 5,000 persons, or any fraction thereof, residing in the city, by the federal census of 1970, or any subsequent federal census. (1986 Code, § 2-103)

8-104. Tax on businesses selling for consumption on the premises.

There is hereby levied the following privilege taxes on every person who exercises within the city the privilege of engaging in the business of selling at retail alcoholic beverages for consumption on the premises:

Common carrier, for each dining car, plane, ship, boat or other vehicle	\$ 100.00
Private club	300.00
Hotel and motel	1,000.00
Restaurant, according to seating capacity, on licensed premises:	
75 - 125 seats	\$ 600.00
126 - 175 seats	750.00
176 - 225 seats	800.00
226 - 275 seats	900.00
276 - seats and over	1,000.00

Said taxes shall be payable annually to the city. Upon payment of the privilege tax as set out above, the city, or its duly appointed officer or representative, shall issue a receipt for the payment of said tax which shall be displayed by the holder thereof at all times in a conspicuous place in the permit holder's establishment licensed under Tennessee Code Annotated, §57-4-101, et seq.

It is the intention of the city that this section shall be construed liberally to carry out its intent which is to levy and collect privilege taxes which by the Public Acts of 1967, chapter 211 may be levied and collected within the city, said privilege taxes to be levied in the same manner and to the same extent as provided by law. The words, phrases or terms as defined in the Tennessee Code Annotated, title 57, chapter 1 of as amended shall have the same definitions ascribed to them when used in this chapter. (1986 Code, § 2-104)

8-105. Inspection fee on retail liquor dealers. There is hereby levied an inspection fee, upon retail liquor dealers operating within the city, in the amount of five percent (5%) of all liquor sold by said dealers in the city.

Said inspection fee shall be collected as provided by Public Acts of 1968, chapter 538, and all other provisions for the collection and penalties provided in said act shall be as specified in Public Acts of 1968, chapter 538. (1986 Code, § 2-105)

8-106. Minors not to be employed by certain businesses. It shall be unlawful for any person under eighteen (18) years of age to be employed, permitted or suffered to work in any place or establishment in which intoxicating alcoholic liquors are served or sold for consumption on the premises or in which such alcoholic beverages are manufactured or bottled. (1986 Code, § 2-106)

CHAPTER 2

BEER

SECTION

- 8-201. Beer permit board.
- 8-202. Membership; appointment, compensation and removal of members; filling of vacancies.
- 8-203. Organization.
- 8-204. Meetings; quorum; minutes of meetings; vote required in regard to permits.
- 8-205. Definitions.
- 8-206. Traffic in alcoholic beverages of less than five percent permitted.
- 8-207. Restrictions on sales by wholesalers.
- 8-208. Limitation on purchases from persons not holding permits.
- 8-209. Selling or exchanging beer between retailers prohibited.
- 8-210. Sale or storage of beer by retailers authorized only at specific location designated on permit.
- 8-211. Retailer may deliver beer only on premises for which permit is issued.
- 8-212. Wholesale and retail permits.
- 8-213. Types of permits.
- 8-214. Applications; agreements by applicants; floor plans.
- 8-215. Permit required for engaging in beer business.
- 8-216. Privilege tax.
- 8-217. Conditions of permits.
- 8-218. Minimum distance from residential area, church, school or park; conditions under which issuance of permit prohibited.
- 8-219. Term.
- 8-220. Renewal.
- 8-221. Address of location where sales are authorized to be specified on permit.
- 8-222. Nontransferable.
- 8-223. Suspension and revocation.
- 8-224. Prohibited acts--generally.
- 8-225. Same--by permit holder or agents or employees.
- 8-226. Civil penalty in lieu of revocation or suspension.
- 8-227. Loss of clerk's certification for sale to minor.

8-201. Beer permit board. A beer permit board is hereby created and designated the beer permit board. (1986 Code, § 2-201)

8-202. Membership; appointment, compensation and removal of members; filling of vacancies. The beer permit board shall consist of five (5)

members, who are residents of the city, to be appointed by the mayor and confirmed by the board of commissioners, and who shall hold office at the pleasure of the mayor. Any vacancy in the board for any reason shall be filled in the same manner as an original appointment. Members of the beer permit board shall receive \$50 for each attendance at a regular meeting of the board. The members presently constituting the beer permit board shall succeed to the rights, powers, duties and obligations of the board, subject to change as authorized by this section. Notwithstanding the foregoing, any member of such board may be removed from office without cause by a two-thirds (2/3rds) vote of the board of commissioners of the city. (1986 Code, § 2-202, as amended by Ord. #89-248, Dec. 1989)

8-203. Organization. The beer permit board shall organize by the election of a chairman and a secretary, who shall serve for a period of one year, or until a successor shall have been chosen. (1986 Code, § 2-203)

8-204. Meetings; quorum; minutes of meetings; vote required in regard to permits. The beer permit board shall hold one regular meeting each month at 6:00 P.M., on the first Tuesday of each month, except when such day shall fall on a holiday, in which event said meeting shall be held on the following day.

The attendance of at least a majority of the members of the board shall be required to constitute a quorum for the purpose of transacting business.

Minutes shall be kept of the meetings in permanent form and a record shall be kept of the action of the board with respect to every application for a permit. The concurring vote of a majority of the members of the board shall be necessary to the granting, revoking or any other action by the board concerning permits.

No transcript of the proceedings before the board shall be in any form other than narrative, unless the board shall have been requested to provide for an exact copy of the testimony by an interested party at least 24 hours prior to a board meeting. The cost of an exact copy shall be borne by the person requesting the same. (1986 Code, § 2-204, as amended by Ord. #2001-323, Nov. 2001)

8-205. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Authorized wholesaler." A wholesaler holding a valid wholesale permit issued by the beer permit board.

(2) "Beer." Beer, ale or any other beverage having an alcoholic content of not more than five percent (5%) by weight.

(3) "Church." A building or property where a congregation regularly meets at least one day per week for religious worship.

(4) "Beer permit board." That administrative body organized and empowered under the authority of Tennessee Code Annotated, §57-5-108 and created by this chapter.

(5) "Park." A place or property either owned or maintained by the city, or by a utility district, or the metropolitan government, where persons regularly gather for recreational purposes or as spectators.

(6) "Permit." Any permit issued pursuant to this chapter.

(7) "Permittee." Any person to whom any permit has been issued pursuant to this chapter.

(8) "Retailer." Any person licensed by the beer permit board who sells beer for consumption and not for resale.

(9) "Retailer off-premises permit." A permit issued by the beer permit board to a retailer engaged in the sale of beer which is not to be consumed by the purchaser upon the premises of such permittee.

(10) "Retailer on-premises permit." A permit issued by the beer permit board to a retailer engaged in the sale of beer which is to be consumed by the purchaser only upon the premises of such permittee.

(11) "School." An institution, including kindergarten, where regular classes are conducted under the supervision of a teacher or teachers, but such term shall not include schools or colleges wherein only specialized subjects, such as law, medicine, dentistry, music, art, vocational occupations and similar special subjects are taught to young students over the age of twenty-one (21) years.

(12) "Sell." Such term includes taking or receiving an order for, keeping or exposing for sale, delivering for value, keeping for intent to sell and trafficking in beer.

(13) "Wholesale beer permit." A permit issued by the beer permit board to distributors, manufacturers, brewers or any branch of a brewer or manufacturer selling beer solely to retailers.

(14) "Wholesaler." Any person who sells beer to retailers. Such term shall include a distributor, manufacturer, brewer or brewery branch making sales of beer directly to retailers. (1986 Code, § 2-205)

8-206. Traffic in alcoholic beverages of less than five percent permitted. It shall be lawful to transport, store, sell, distribute, possess, receive and manufacture beer, as defined in § 8-205, within the geographical area of the city, subject to all regulations, limitations and restrictions provided in this chapter. (1986 Code, § 2-206)

8-207. Restrictions on sales by wholesalers. It shall be unlawful for any authorized wholesaler to sell beer to anyone other than a person, firm, corporation, syndicate or association having been authorized and licensed by any city or county as a retailer by a board duly created for the purpose of licensing retail establishments. (1986 Code, § 2-207)

8-208. Limitation on purchases from persons not holding permits. No person, except an authorized wholesaler, may sell or store beer within the city unless such beer has been purchased from an authorized wholesaler. (1986 Code, § 2-208)

8-209. Selling or exchanging beer between retailers prohibited. It shall be unlawful for any retailer holding a permit issued by the beer permit board to purchase, accept as a gift or loan, or to receive, swap or exchange, beer for the purpose of resale from any person who is not the holder of a valid wholesale permit issued by the board. ((1986 Code, § 2-209)

8-210. Sale or storage of beer by retailers authorized only at specific location designated on permit. Retailers holding permits to sell beer are authorized to sell and store beer at only the location authorized by the beer permit board and specifically designated on their respective permits as the place for which the permit is issued. The sale or storage of beer by a retailer at any place other than the location authorized by the board and specifically named on the face of his permit is prohibited. (1986 Code, § 2-210)

8-211. Retailer may deliver beer only on premises for which permit is issued. Retailers holding permits from the beer permit board are only authorized to deliver beer on the premises for which the permit is issued. The delivery of beer by a retail permit holder at any place other than the premises for which his permit is issued is prohibited. No retail permit holder shall enter into any agreement with any person or conspire with any person to cause beer to be delivered off of the premises for which his permit is issued or at any location other than the one authorized by his permit for the sale of beer.

It shall be unlawful for any holder of a retail beer permit knowingly to permit the purchase of beer at his place of business by anyone for resale and delivery to another. Holders of retail beer permits issued by the board are prohibited from selling beer to any person when the retail permit holder knows or should have reason to know that such beer is purchased for resale and delivery off of the premises for which his permit is issued. (1986 Code, § 2-211)

8-212. Wholesale and retail permits. No person shall sell beer within the territorial jurisdiction of the city without being the holder of a valid annual permit issued by the beer permit board. (1986 Code, § 2-212)

8-213. Types of permits. The following types of permits may be issued by the beer permit board:

(1) A wholesaler's permit shall be issued to each distributor, manufacturer, brewer or brewery or manufacturer's branch selling beer only directly to retailers.

(2) A retailer's "off-sale" permit shall be issued to any person engaged in the sale of beer for consumption and not for resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller.

(3) A retailer's "on-sale" permit shall be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller. A retailer's "on-sale" permit may be issued to regularly conducted hotels or motels and to regularly incorporated clubs and lodges in which places beer may be sold and consumed by the purchaser when a retailer's "on-sale" permit has been issued for the premises. (1986 Code, § 2-213)

8-214. Applications; agreements by applicants; floor plans. (1) Any resident of Davidson County desiring a beer permit shall file with the beer permit board a written application under oath at least ten (10) days prior to the date of hearing. No such permit shall be issued until the board has approved the written application for the permit, which application shall contain questions necessary to the determining of whether or not the applicant has met all laws of this state and all provisions of this chapter. The form of such application shall be prescribed by the board and approved by the city's legal department. The applicant shall establish the following:

(a) That he is a citizen of the United States, or if a syndicate or association, that all the members are citizens of the United States.

(b) That no persons will be employed in the storage, sale, or manufacture of any such beverage except citizens of the United States.

(c) That no such beverages will be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals.

(d) That no sale shall be made to persons under the age of twenty-one (21) years except as may be made lawful by the laws of the State of Tennessee or of the United States Government.

(e) That neither the applicant nor any persons employed by him in such distribution or sale shall be a person who has been convicted of

any violation of the laws against possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten years.

(f) The application shall distinctly state whether the person so applying will conduct the business in person, or whether he is acting as agent for any other person, firm, corporation, syndicate, association or joint-stock company, and any person making any false statement in such application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years; provided, that the board shall have the right to license any person, firm, corporation, syndicate, joint-stock company or association carrying on any other regular business to store and sell in connection therewith such beer and/or other beverages.

(2) The board, in its discretion, may include in the application hereinbefore mentioned, such other questions and inquiries as it deems relevant and material to protect the public health, safety and morals of the residents of the city.

(3) No permittee shall open his premises to the public for the sale of beer until the permittee shall first have filed with the board floor plans and diagrams completely disclosing and designating a physical arrangement of the premises, should the board so require the same of any applicant. (1986 Code, § 2-214, as amended by Ord. #89-248, Dec. 1998)

8-215. 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, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in form of a cashier's check or its equivalent payable to the City of Berry Hill. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #93-262, Sept. 1993)

8-216. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$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 on January 1, 1994, and each successive January 1, to the City of Berry Hill, 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. (Ord. #93-262, Sept. 1993)

8-217. Conditions of permits. Every person to whom a beer permit is issued agrees to the following conditions:

(1) The premises are declared to be a public place for the purpose of inspection by the beer inspectors, by officers of the police department or by any other duly authorized law enforcement officer.

(2) The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to the storing, sale, distribution by sale or gift or manufacture of beer, and he shall permit the city manager, or his duly authorized agents, representatives or employees, to inspect, at any time during the business hours of the day, all such articles, containers, packages, invoices, books, papers, and memoranda as may be necessary in the opinion of the city manager, or his authorized agent, representative or employee, in ascertaining whether or not all state and local taxes have been paid or in determining the amount of such taxes that may be due.

(3) The permit holder shall display all permits issued pursuant to this chapter in a conspicuous place, together with all other permits, licenses and stamps required by law. (1986 Code, § 2-217)

8-218. Minimum distance from residential area, church, school or park; conditions under which issuance of permit prohibited. (1) No beer permit shall be issued to an applicant whose location is less than two hundred and fifty (250) feet from an area zoned residential in the city, a church, park or school. No retailer's on-sale permit shall be issued to an applicant whose location is less than two hundred and fifty (250) feet from a licensed day care center or nursery. In determining the distance from a residential area, a church, or school, the distance shall be measured from the center of the nearest permanent entrance of the residence, church, or school building being used for residential, religious, or educational purposes following the usual and customary path of pedestrian travel to the center of the main entrance of the potential licensee. Distances from parks and play grounds shall be measured from the nearest boundary of such park or play ground to the main entrance of the potential licensee. The provisions set forth herein shall not apply to permittees holding a permit issued prior to the approval of this chapter and in violation of such provisions. Provided, renewal of such permits shall be granted only to those permittees as defined in this chapter holding valid permits on the effective date of this chapter and to transferees or such permittees who were operating under valid permits prior to the enactment of this chapter.

(2) No permit shall be issued to any person for a location which fails to comply with any health ordinance or any regulation of the metropolitan health department or which would violate any zoning ordinance of the city.

(3) Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer until after the expiration of one year from the date such

revocation becomes effective; provided, however, in the event the beer permit board shall be convinced that the ownership of the establishment has been transferred to a bona fide new owner who will cause compliance with this beer ordinance, then this provision may be waived. (1986 Code, § 2-218)

8-219. Term. No permit to sell beer, issued by the beer permit board, shall be valid for more than one year from the date it is issued. (1986 Code, § 2-219)

8-220. Renewal. Permits shall be renewable annually on the anniversary of the permit. Holders of valid annual permits shall apply for the renewal permit at least ten days before the expiration of the valid permit which the renewal permit is to replace. (1986 Code, § 2-220)

8-221. Address of location where sales are authorized to be specified on permit. The specific address or description of the location where beer is authorized to be sold shall be stated on the face of each permit issued by the beer permit board, and no permit shall be valid unless such address or description of location is stated on the face of such permit. (1986 Code, § 2-221)

8-222. Nontransferable. Permits issued by the beer permit board shall not be transferred from one person to another. Where the holder of a permit desires to move his place of business from one location to another, he shall apply for a new permit for the new location, and he shall surrender the permit for the location which he has abandoned. Provided, however, that any license holder who proposes to surrender his license for any voluntary reason may send a written request to the beer permit board stating that a new application for license has been filed in lieu of his license, and that the new applicant may operate under the former license and that he shall be responsible for all violations of the interim applicant in the event the board allows such applicant to operate pending the cancellation of the former license and issuance of a new license to the applicant. (1986 Code, § 2-222)

8-223. Suspension and revocation. (1) The beer permit board shall have the power to revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it, upon notice to the permittee and a hearing thereon, for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages or for any violation of any provision of this chapter, or when the permittee:

- (a) Operates a disorderly place; or
- (b) Permits gambling on the premises; or
- (c) Permits boisterous or disorderly conduct on the premises; or

(d) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or

(e) Permits minors to congregate about the premises; or

(f) Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business at the same location, unless he shall first notify the board, in writing, of the proposed sale or transfer and gives the name and address of the purchaser fifteen (15) days prior to the time the lease, sale, or transfer is to be consummated and notifies the board that he will surrender his license upon the lease, sale or transfer; or

(g) Has made a false statement of a material fact in any application or notice to the board; or

(h) Sells or allows to be sold on the premises of the permittee any beer to any person under the age of twenty-one (21) years except as authorized by state law.

(2) 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 (12) month period. The revocation shall be for three (3) years. (1986 Code, § 2-223, as amended by Ord. #2007-367, Nov. 2007)

8-224. Prohibited acts—generally. It shall be unlawful for any person:

(1) To bring or cause to be brought onto the premises of any permittee under the provisions of this chapter any intoxicating beverage, the alcoholic content of which is in excess of five percent (5%) by weight, unless such permittee is the holder of a valid license issued under the authority of Tennessee Code Annotated, §57-4-101, et seq.

(2) Being under the age of twenty-one (21) years, to have in his possession beer for any purpose except as may be made lawful by the laws of the State of Tennessee or of the United States government applied in and to the State of Tennessee.

(3) Being under twenty-one (21) years of age, to transport beer for any purpose, unless the same is in the course of his employment. (1986 Code, § 2-242, as amended by Ord. #89-248, Dec. 1989)

8-225. Same--by permit holder or agents or employees. It shall be unlawful for any beer permit holder or his agent or employee:

(1) To employ any person convicted for the possession, sale, manufacturing or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years.

(2) To make or permit to be made any sale of beer to a person under twenty-one (21) years of age except as authorized by state law.

(3) To sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter between the hours of 3:00 A.M. to 6:00 A.M. Monday through Saturday or between the hours of 3:00 A.M. and 12:00 noon on any Sunday.

(4) To allow any person under eighteen (18) years of age to loiter or congregate about the premises. The burden of ascertaining the age of minor persons shall be on the permit holder and his agent or employee. When a minor is seated at a table, there shall be no beer served at that table unless such minor is accompanied by one or both of his parents, but only if served in conjunction with food.

(5) To make a false statement of a material fact in his application for any beer permit.

(6) To operate a disorderly place.

(7) To permit gambling or gambling devices on the premises.

(8) To permit boisterous or disorderly conduct on the premises.

(9) To sell or transfer the equipment or assets of the business authorized by his permit to another for the purpose of continuing the business at the same location, unless he shall notify the beer permit board, in writing, of the proposed sale or transfer and give the name and address of the purchaser fifteen (15) days prior to the time the sale or transfer is to be consummated.

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

(11) Allow any intoxicated person to loiter on or about his premises.

(12) For a retailer or wholesaler to store beer in any place other than the address listed on the permit. (1986 Code, § 2-224, as amended by Ord. #89-248, Dec. 1989, and Ord. #96-279, Aug. 1996)

8-226. 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. (Ord. #93-262, Sept. 1993, as replaced by Ord. #2007-367, Nov. 2007)

8-227. Loss of clerk's certification for sale to minor. (1) 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.

(2) Note: Beer vendors are required to comply with the signing requirements of Tennessee Code Annotated, § 57-5-301 which requires:

(a) The posting of an eight and one-half inch by five and one-half inch (8 1/2" x 5 1/2") sign that shall read as follows: If You Aren't 21 and Are In Possession of Beer, You Could Lose Your Driver's License; and

(b) A sign eight and one-half inches by eleven inches (8 1/2" x 11") stating the following: State Law Requires Identification For The Sale of Beer. (as added by Ord. #2007-367, Nov. 2007)