



731-772-1212

APPLICATION FOR BEER LICENSE

The undersigned hereby applies to the Beer Board of the City of Brownsville for Beer Permit:

Name of applicant: _____

Name of business: _____

Location of business: _____

Business Telephone: _____

Residence of applicant: _____

Telephone: _____

Applicant's Date of Birth: _____ SS#: _____ DL#: _____

How long has applicant lived in Tennessee? _____

List residences for past three years: _____

Name of owner of business if different from applicant: _____

Is business individually owned, a partnership or corporation? _____

List names, ages and addresses of owners or corporate officers: _____

Has any owner in said business been convicted of any violation of the liquor laws or any crime involving moral turpitude with the past 10 years? _____ if yes, describe _____

Do you agree that no sales will be made to anyone under 21 years of age? _____

Will any minors be employed: _____ If yes, describe _____

Do you agree you will not employ anyone who has been convicted of a violation of the liquor laws or of moral turpitude within the past 10 years? _____

Will you comply with all State and local laws regarding the sale of beer? _____

Do you agree to sell beer only at the location applied for? _____

Do you understand your permit may be suspended or revoked by the Beer Board for violations of the local and/or State beer laws by any employees of the business? _____

Do you agree to report to the Beer Board any change in ownership? _____

REFERENCES:

NAME

ADDRESS

Do you agree to turn in your permit if you cease operation at the location above listed? _____

Ordinance No. 835/07

**AN ORDINANCE OF THE CITY OF BROWNSVILLE, TENNESSEE
REPEALING TITLE EIGHT OF THE MUNICIPAL CODE; PERMITTING
INTOXICATING LIQUOR AND BEER SALES ON PREMISE AND OFF-
PREMISE PACKAGE SALES AND ADOPTING A PRIVILEGE TAX ON
RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE
PREMISES AND OFF PREMISES.**

Be It Ordained by the Board of Mayor and Aldermen of the City of Brownsville, Tennessee that Title 8 of the Municipal Code is hereby repealed in its entirety and a new Title 8 is substituted as follows:

Chapter 1, Intoxicating Liquors

Section 8-101. Prohibited generally.

Section 8-102. Consumption of alcoholic beverages on premises

Section 8-103. Privilege tax

Section 8-104. Annual privilege tax to be paid to the City Clerk.

8-101. Prohibited generally. Except as authorized by applicable laws 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 intoxication liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew", "moonshine", and all other intoxication, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight.

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, Title 57, Chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premise consumption that are regulated by the said code when such sales are conducted within the corporate limits of Brownsville, Tennessee. It is the intent of the Board of Mayor and Aldermen that the said Tennessee Code Annotated, Title 57, Chapter 4, inclusive, shall be effective in Brownsville, Tennessee, the same as if said code sections were copied herein verbatim.

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, there is hereby levied a privilege tax (in half the amount levied by T.C.A., Title 57 Chapter 4, Section 301, for the City of Brownsville 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 of Brownsville alcoholic beverages for consumption on the premises where sold.

8-104. Annual privilege tax to be paid to the City Clerk. 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 of Brownsville shall remit annually to the City Recorder the appropriate tax described in 8-103. Such payments 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 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, firm, corporation, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.

Chapter 2, Beer

Section 8-201. Beer board established

Section 8-202. Powers

Section 8-203. Members

Section 8-204. Terms

Section 8-205. Administration

Section 8-206. Officers

Section 8-207. Meetings

Section 8-208. Record of proceedings to be kept

Section 8-209. Requirements for beer board quorum and action

Section 8-210. "Beer" defined

Section 8-211. Beer business lawful but subject to regulation

Section 8-212. Permit required for engaging in beer business

Section 8-213. Beer permits shall be restrictive

Section 8-214. Permits for certain premises prohibited

Section 8-215. Application for and issuance or refusal of permit

Section 8-216. Filing, investigation of, and action on applications

Section 8-217. Permits not transferable

Section 8-218. Permits to be posted

Section 8-219. Privilege tax

Section 8-220. Sales and consumption prohibited during certain hours

Section 8-221. Prohibited conduct or activities by beer holders

Section 8-222. Suspension or revocation of permit; civil penalty

Section 8-223. Sales to minors prohibited; employment of ex-convicts prohibited.

Section 8-224. Employees liable for violations of this chapter

Section 8-225. Penalties; violation

Section 8-226. Continued existence

8-201. Beer Board established. There is hereby established a Beer Board for the City of Brownsville, Tennessee. (Ord. #863, August 16, 2008)

8-202. Powers. The beer board shall have the power to and is hereby directed to regulate the selling, storing for sale, distributing for sale and manufacturing of in the city of Brownsville, Tennessee. The beer board is authorized to make and establish reasonable bylaws for beer, rules and regulations as may be necessary for their own government and for the full and complete execution of their powers and duties. The beer board is hereby vested with all authority to issue, deny, revoke and suspend permits for the sale of beer, as provided by the laws of the State of Tennessee and in accordance with the rules and procedures set forth in this chapter. The beer board shall operate in accordance with the provisions of this chapter in accordance with such other rules and procedures as may be promulgated by said board.

8-203. Members. The beer board shall be composed of three (3) members who shall be residents of the City of Brownsville and who shall be appointed by the Mayor and approved by the City Board. All members of the beer board shall serve without compensation. Members may not serve more than eight (8) consecutive years on the board.

8-204. Terms. The terms of the members of the beer board shall be staggered to provide continuity and experience on the board. One member shall serve for two (2) years, the next member shall serve for three (3) years, and the final member shall serve for four (4) years. The next term each member will serve for four (4) years each. Members of the board may be removed by the Mayor and Board of Aldermen for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence for more than three (3) consecutive meetings or more than five (5) non-consecutive meetings during the member's term of appointment. It is the duty of the City of Brownsville City Clerk to advise the city Board when removal is recommended or necessary based on the provisions herein. The decision of the Mayor and Board of Aldermen will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation. Any vacancy shall be filled by the Mayor and Board of Aldermen for the remainder of the unexpired term.

8-205. Administration. To facilitate its deliberations, the beer board shall be assisted by the City Clerk, and/or employees designated by the City Clerk.

8-206. Officers. The beer board shall annually elect a chairman from among its membership to preside over its deliberations. Likewise, the beer board shall annually elect a vice-chairman from among its membership to preside over the beer board's deliberations in the absence of the chairman. The City Clerk, or another employee designated by the City Clerk, shall be the ex-officio secretary of the beer board.

8-207 Meetings. The beer board shall hold regular meetings at such place and time 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 reasonable notice to all members. The beer board may adjourn a meeting at any time to another time and place. All meetings shall be open to the public.

8-208. Record of proceedings to be kept. The secretary 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 before the board; a copy of each motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

8-209. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted.

8-210 "Beer" defined. The term "beer" as used in this chapter shall be defined in accordance with Tennessee Code Annotated 57-5-101 as 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, 57-3-101 (a)(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.

8-211 Beer business lawful but subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive, and/or manufacture beer within the corporate limits of the City of Brownsville subject to all regulations, limitations, and restrictions provided by Tennessee Code Annotated, Title 57, Chapter 5, or other laws of the state and subject to the rules, regulations, limitations, and restrictions subsequently provided herein. No signs pertaining to beer sales shall be displayed so as to be visible from outside of business. Permits will not be issued to locations that are within 300 feet of a church or school.

8-212 Permit required for engaging in beer business. It shall be unlawful for any person, firm, corporation, including a municipal corporation of any subdivision thereof, joint-stock company, syndicate or association 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 shall be accompanied by a non-refundable application fee as set forth in Tennessee Code Annotated 57-5-104(a). Said fee shall be in the form of a check payable to the City of Brownsville. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

8-213. 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 the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises 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 such holder's permit. It shall likewise be unlawful for any such beer permit holder not to comply with any and all express restrictions or conditions which may be written into such holder's permit by the beer board.

8-214 Permits for certain premises prohibited. No permit shall be issued to sell beer or other beverage coming within the provisions of this chapter in violation of any provision of state law, or where such sale will cause congestion of traffic or will interfere with schools, or churches, or will otherwise interfere with the public health, safety, or morals. In no event will a permit be issued authorizing the manufacture, storage, or sale of beer within three hundred (300) feet of any school or church. For purposes of this section: distances shall be measured in a straight line from the closest point of the applicant's building to the closest point of the building (church or school). If the applicant leasing space in a shopping center or strip mall that distance shall be measured in a straight line from the closest point of the nearest interior wall of the applicant's leased space to the closest point of the building (church or school).

8-215 Application for and issuance or refusal of permit. Before any permit is issued by the beer board, the applicant therefore shall file with the city clerk a sworn application in writing establishing the following facts which are hereby made conditions of any permit issued and any misstatement of fact shall be sufficient for cause for the revocation of such permit:

- (1) The applicant shall be a citizen of the United States or a legal resident alien, or if a firm, syndicate, association or other business entity, the members thereof holding an interest greater than forty nine percent (49%) shall be citizens or legal resident aliens of the United States, and no applicant shall be less than twenty-one (21) years of age. The applicant shall designate owners (including members, shareholders, officers and/or managers) of the premises.
- (2) No person shall be employed in the storage, sale, or manufacture of such beverage except citizens of the United State or legal resident aliens.
- (3) The applicant shall not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to said applicant.
- (4) No sale of such beverage shall be made except in accordance with the following conditions: if the application is for a permit to sell not for consumption on the premises, no sale will be made for consumption on the premises. Furthermore, no consumption shall be allowed on the

premises. No such beverage will be kept for sale on said premises except in the original packages or containers.

- (5) No sale shall be made to persons under twenty one (21) years of age.
- (6) Neither the applicant, nor any person employed by him in the sale, storage, or distribution of beer, or any person, firm, corporation, joint-stock company, syndicate, or association having at least five percent (5%) ownership interest in the applicant, has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude or any conviction for a crime violating a drug or alcohol law or a crime involving physical violence, with the last ten (10) years. If an applicant has a disqualifying criminal cause pending against him at the time of the application for a beer permit, then the board may require that the applicant report to the City Clerk within thirty (30) days of resolution of the pending criminal matter, the final outcome of the matter, which outcome or resolution may cause the applicant's beer permit to be placed on the beer board agenda for consideration of suspension or revocation in accordance with 8-223. Failure to timely report in accordance with this provision shall be considered by the board in its deliberations.
- (7) The applicant shall conduct the business in person for himself. If the applicant is acting as agent, the application shall state the person for whom the applicant intends to act.
- (8) The applicant shall comply with the by-laws and rules of procedures of the City of Brownsville Beer Board. The applicant shall not purchase beer except from manufacturers or distributors licensed to manufacture or distribute such beverage in this state. No manufacturer or distributor shall sell beer for resale except to those who have been licensed by the beer board. The beer board shall consider each application file and grant or refuse the permit according to its best judgment of the facts and circumstances. Revocation of a beer permit at one location shall not be the sole disqualifying factor in considering the issuance of beer permits at other locations. The action of the beer board in granting or refusing a permit shall be final except as same is subject to court review. Any applicant making a false statement in the application shall forfeit such applicant's permit and shall be eligible to receive any permit for a period of ten (10) years.

8-216 Filing, investigation of, and action on applications. Applications for permits shall be filed with the secretary, who shall make an investigation. The police department and the code enforcement and inspection division shall assist in the investigation. Upon completion of said investigation, the secretary shall submit the application to the beer board at its next meeting. The beer board shall consider the application and shall endorse its action thereon. If approved, the secretary shall issue a permit.

8-217 Permits not transferable. The following applies for all permits:

- (1) A permit shall be valid 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 of ownership will occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. In addition, a permit shall be valid only for a business operation under the name identified in the permit application.
- (2) Except as provided in 8-213, a permit is valid only for a single location 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; provided, however, that if a deck or patio is added subsequent to the initial permitting process, it must comply with all applicable distance requirements in this code.
- (3) A permit holder must return such holder's permit to the City of Brownsville 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.

8-218 Permit to be posted. The permit required by this chapter shall be posted in a conspicuous place on the premises by the permit holder, together with all other permits, licenses and stamps as required by law.

8-219 Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax as set forth in **Tennessee Code Annotated**, 57-5-104(b)(1). 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 of each year to the City of Brownsville, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. The City of Brownsville shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after the written notice of the tax is mailed, whichever is later, then the City of Brownsville shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the beer board may suspend or revoke the permit or impose a civil penalty pursuant to 8-223.

8-220 Sales and consumption prohibited during certain hours. No sale, disposition, use or consumption of any beverage coming within the provisions of

this chapter shall be made within the hours of 3:00 A.M. and 6:00 A. M. Nor shall any permit holder give away or otherwise dispense any beverage coming within the provisions of this chapter to any person during the hours prohibited in the immediately preceding sentence.

8-221 Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

- (1) Be convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, any crime involving moral turpitude or any conviction for a crime violating a drug or alcohol law or a crime involving physical violence, within the last ten (10) years. If a permit holder shall become convicted of an aforementioned crime, then he shall have the duty to report said conviction to the City Clerk within ten (10) days of such conviction, which conviction may cause the permit holder's beer permit to be placed on the beer board agenda for consideration of suspension or revocation in accordance with 8-223. Failure to timely report in accordance with this provision shall be considered by the board in its deliberation;
- (2) Employ any person convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, any crime involving moral violence, within the last ten (10). If a permit holder shall employ any person who becomes convicted of an aforementioned crime, then he shall have the duty to report said conviction to the City Clerk within ten (10) days of such conviction, which conviction may cause the permit holder's beer permit to be placed on the beer board agenda for consideration of suspension or revocation in accordance with 8-223. Failure to timely report in accordance with this provision shall be considered by the board in its deliberations.
- (3) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer, except as permitted under state law;
- (4) Make or allow any sale of beer to a person under twenty-one (21) years of age;
- (5) Allow gambling or gambling devices of any kind or description on the premises (other than as authorized by state law);
- (6) Allow any person under twenty-one (21) years of age to loiter in or about such permit holder's place of business.
- (7) Make or allow any sale of beer to any intoxicated person.
- (8) Allow any intoxicated, disorderly or disreputable person, or any person previously convicted for violation of the laws relating to beer or other alcoholic beverages to loiter in or about such permit holder's place of business;
- (9) Allow any beverages of alcoholic content greater than five (5) percent by weight to be brought into such permit holder's premises for consumption therein unless such permit holder also has a license to sell liquor by the drink;

- (10) Distribute or sell beverages in bottles or other containers unless such containers shall bear a label or cap showing the name of the manufacturer thereof;
- (11) Allow any loud, unusual or obnoxious noises to emanate from such permit holder's premises;
- (12) Allow such permit holder's place of business to become a public nuisance or a nuisance to law enforcing agencies of Haywood County create a nuisance or materially contribute to creating or maintaining a public nuisance;
- (13) Operate a disorderly place of business or permit or allow fighting or boisterous or disorderly conduct on the premises, or
- (14) Allow or engage in any criminal activity on the premises.

Section 8-222 Suspension or revocation of permit; civil penalty.

- (1) The beer board shall have the power to revoke or suspend any permit for any violation of any provision of this chapter. Whenever it shall be brought to the attention of the beer board that any declaration of fact contained in the application is false, or that there has been any violation of any provision or state or federal law regulating the sale, storage or transportation of alcoholic beverages or any statute of the State of Tennessee regulating beer or other alcoholic beverages, or that there has been any violation of any provision of this chapter, expressly including the prohibited acts herein, or that the limitations and condition of the permit have been violated, or that the permit holder fails to file a report or pay any tax or license fee required, the beer board may revoke or suspend such permit. No permit shall be revoked or suspended until a public hearing is held by the beer board after reasonable notice is given to the public and to all known parties interest. Revocation proceedings may be initiated by the chief of police or by any member of the beer board.
- (2) Notwithstanding any other provision here in, pursuant to **Tennessee Code Annotated**, 57-5-608, the beer board shall of revoke or suspend the permit for off-premises sale of beer 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 and/or is otherwise in compliance with the Tennessee Responsible Vendor Act, unless the vendor's status as a certified responsible vendor has been revoked by the Alcoholic Beverage Commission. The beer board may permanently revoke or suspend the beer permit of a responsible vendor when the permit holder has at least two (2) violations for the sale of beer to a minor within a twelve (12) month time period. 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. "Responsible vendor" 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, **Tennessee Code Annotated**, 57-5-601, **et seq.** "Clerk" shall mean any person working in a capacity to sell beer directly to consumers for off-premises consumption. Pursuant to **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) years. The revocation shall be for three (3) years. It is the duty of the permittee to advise the beer board of participation and provide proof thereof, in the responsible vendor program at the time of the hearing. Upon determination that a sale to a minor has been made by the beer board, the beer board shall report the sale to the Alcoholic Beverage Commission within fifteen (15) days of the determination of the sale. Additionally, 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 year from the date of the beer board's determination.

- (3) The beer board may, at the time it impose a revocation or suspension, offer a permit holder that is not a responsible vendor, or a permit holder that is a responsible vendor but who is non-compliant with the provisions and requirements of the Tennessee Responsible vendor Act, 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, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of suspension or revocation by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.
- (4) Where a permit has been revoked, no new permit may be issued to permit the sale of beer on the same premises until after the expiration of one (1) year from the date the revocation becomes final and effective. The beer board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of the revocation becomes final is appropriate, if the individual applying for such issuance is not the original holder of the license or any family member who could inherit from such individual under the statute of interstate succession.

See Ordinance #878/4/13/10/3 which amends the above section.

8-223.Sales to minors prohibited; employment of ex-convicts is prohibited. A permit holder engaging in the business regulated hereunder or any employee thereof shall not make or permit to be made any sales to minors. Neither the person engaging in such business nor persons employed by that person shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of beer or any other alcoholic beverages or any crime involving moral turpitude or any conviction for a crime violating a drug or alcohol law or a crime involving physical violence, within the last ten (10) years.

8-224. Employees liable for violations of this chapter. Any employee of any permit holder who violates the provisions of this chapter or any provision of **Tennessee Code Annotated**, Title 57, Chapter 5, while so employed by such permit holder shall be guilty of a misdemeanor which shall be punishable by a fine of not to exceed the state authorized maximum, in addition to any suspension, revocation or civil penalty in lieu thereof which may be imposed on the permit holder by the beer board pursuant to 8-222.

8-225. Penalties; violation. Except provided in 8-222, any violation of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a penalty under the general penalty clause of this code. Each day a violation shall be allowed to continue, and each sale which violates the provisions of this chapter, shall constitute a separate offense.

8-226. Continued existence. Notwithstanding anything herein to the contrary, the members of the beer board, as the beer board exists on the effective date of this chapter, shall continue to serve for the remainder of their respective terms, or until their earlier resignation or removal.

This Ordinance shall take affect upon its passage, the public welfare requiring it.

Approved on First Reading _____

Approved on Second Reading _____

Mayor

City Clerk

City Attorney

Ordinance No. 862/08/15

**AN ORDINANCE OF THE CITY OF BROWNSVILLE, TENNESSEE TO AMEND
ORDINANCE NUMBER 835 KNOWN AS THE LIQUOR AND BEER SALES ON
PREMISE AND OFF PREMISE AND ADOPTING A PRIVILEGE TAX ON
RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON
PREMISES AND OFF PREMISES.**

Be It Ordained by the Board of Mayor and Aldermen of the City of Brownsville, Tennessee as follows:

Section 1: Chapter 2 Section 8-210 of Ordinance No. 835 be amended so that such section shall read as follows:

"(c) No license under this ordinance shall be granted for off-premise location which does not maintain **at all times** an inventory at wholesale of \$ 10,000 and yearly retail sales of \$ 300,000. The inventory and sales must consist of food items for consumption by humans. Sales of beer, petroleum fuel products, cigarettes and lottery tickets can not be included in total sales."

Section 2: Section 8-211 of Ordinance No. 835 be amended so that such section shall read as follows:

"It shall be unlawful for any beer permit holder to allow, if his permit is for off-premises consumption only, any dispensing or sale of beer in any other container not originally sealed at and shipped from the factory. This provision is specifically intend to prohibit the open dispensing of any beer on draft or from any other open source on the premises of a permit holder who may sell only for off-premises consumption. This provision is further intended to prohibit the transfer of beer out of any other container, even though the second container may be sealed by capping, stapling, or otherwise. It is the intention of this provision that sales for off-premises consumption only must be sales of the original bottles, cans, or other original manufacturer's packaging methods. No signs pertaining to beer sales shall be displayed so as to be visible from outside of business. Permits will not be issued to locations which are within 300 feet of a church or school."

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall take affect upon its passage, the public welfare requiring it.

Approved on First Reading May 13, 2008

Approved on Second Reading June 10, 2008

Webb Bonke

Mayor

Ann J. Taylor

City Clerk

ORD 878/4/13/10/3

RECOMMENDED CHANGES TO SECTION 8-222 REVOCATION OF BEER PERMITS OF ORDINANCE NO. 835/07

In accordance with state law (T.C.A. 57-5-108) a vendor is in violation of the above statute may impose a revocation or suspension of the beer license or pay a Civil penalty of no more than \$2,500 for each offense of making or permitting sales to minors. The beer board may impose a suspension or revocation or a fine not to exceed \$1,000 for any other offense.

The following guidelines have been adopted for the City of Brownsville Beer Board:

A first offense of a vendor for sales to minors' should result in a fine minimum of \$1,500 up to \$2,500 or a ten day suspension of beer permit.

A second offense should result in a fine minimum \$2,000 up to \$2,500 or a fifteen day suspension of beer permit.

A third offense should result in a fine of \$2,500 or a thirty day suspension of beer license.

A fourth offense requires a hearing by the beer board to determine if a fine or revocation of license is invoked.

Permanent revocation of beer permits may be invoked if the permit holder has at least two violations within a twelve month period and if considered appropriate by the board. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all parties of interest. Revocation proceedings may be initiated by the police chief or any other member of the beer board.

If a vendor so qualifies as a responsible vendor, by complying with the requirements of T.C.A. 57-5-606, the maximum penalty for each offense is \$1,000. The beer board may not suspend the responsible vendor's license for sales to minors. To be a responsible vendor, each and every clerk in the business must successfully complete a responsible training program.

PASSED 1ST READING

April 13, 2010

PASSED 2ND READING

May 11, 2010

APPROVED

Leem Jeremy Taylor
City Clerk

West F Banks
Mayor