

TOWN OF PLEASANT VIEW, TENNESSEE

ORDINANCE NO. 18-32

AN ORDINANCE AMENDING TITLE 8 OF THIS CODE REGULATION ALCOHOL TO DELETE SECTION 2. BEER PERMIT BOARD AND SECTION 3. BEER AND ALCOHOLIC BEVERAGES OF LESS THAN FIVE PERCENT AND REPLACING IT WITH A NEW SECTION 2. BEER PERMIT BOARD AND BEER AND ALCOHOLIC BEVERAGES OF LESS THAN EIGHT PERCENT

CHAPTER 2

BEER PERMIT BOARD AND BEER AND ALCOHOLIC BEVERAGES OF LESS THAN EIGHT PERCENT

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8-201. - Beer business lawful but subject to regulation.

It shall be lawful to transport, store, sell, distribute, possess, receive, or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the Town of Pleasant View. However, these activities shall be subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations established by the board of Mayor and Aldermen and approved by the Beer Board of the Town of Pleasant View, Tennessee.

8-202. - Terms defined.

- (1) *Beer* shall mean beer, ale, or other malt beverages, or any other beverages having an alcoholic content of not more than eight (8%) percent by weight, except wine as defined in Tenn. Code Ann., § 57-3-101(a)(24) (West 2018).
- (2) *Person* shall mean any private individual, partnership, joint venture, corporation, and any other business entity or association.
- (3) *Premises* shall mean on the property owned, leased, or controlled by the permittee and so connected with the beer business in which the permittee is engaged as to form a component or integral part of it, including, but not limited to, the building and the parking areas surrounding it. *Premises* includes all decks, patios, and other well-defined 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 identified in the permit. A permit shall be valid for all decks, patios and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located that are operated by the business and only for a business operating under the name identified in the permit.
- (4) *Curb service* shall mean all sales transacted outside the building, patio, or deck where the beer business is carried on. The intent of this provision is to ensure that the sale and purchase of beer takes place with the customer outside of the motor vehicle in a face-to-face meeting with the salesperson. Curb service does not include sales transacted within a designated sidewalk café.
- (5) *Applicant* shall mean the person on whose behalf an application for beer permit is filed.
- (6) *Adequate public notice* shall consist of publication, where possible, of notice of a meeting, application or hearing scheduled by the beer board, either regular or special, in a newspaper of general circulation within the corporate limits of the Town of Pleasant View; or where newspaper publication is not possible, shall consist of notice aired by one or more radio stations broadcasting in the Town of Pleasant View area.
- (7) The pronouns *he*, *him*, and *his* shall refer to persons of the female as well as the male gender, as applicable.

- (8) *Storage* shall mean the storing or possessing of beer or other alcoholic beverages for the purpose of resale by the permit holder. The practice by a private club of maintaining on its premises beer or other alcoholic beverages that have been brought there by a patron shall not constitute unlawful storing of alcohol in violation of any section of this Code chapter.
- (9) *Private club* shall mean an association that:
- (a) Has members who pay regular dues for the privilege of membership, whether the club is organized or operated for profit or nonprofit purposes;
 - (b) Owns, hires, or leases a building or space therein for the exclusive use of its members and their invited guests, when accompanied by a member, and not otherwise open to the general public;
 - (c) Requires that a written application for membership be filed at least one week before the applicant is admitted to membership;
 - (d) Keeps a current roster of members that shows the date each member filed an application for membership, the date each member was admitted to membership, the dates on which each member has paid membership fees, and the amount of membership fee paid on each date;
 - (e) Makes the roster of members available for inspection, during the hours the club is open, by members of the Pleasant View Police Department or any city official designated by the Board of Mayor and Aldermen; and
 - (f) Applies for, receives, and holds a valid beer permit.
- (10) *Certified clerk* shall mean a clerk who has successfully satisfied the training requirements contained in this part, and who has received certification from a responsible vendor training program.
- (11) *Clerk* shall mean any person working in a capacity to sell beer directly to consumers for off-premises consumption.
- (12) *Commission* shall mean the Tennessee Alcoholic Beverage Commission.
- (13) *Responsible Vendor* shall mean a vendor that has received certification from the commission pursuant to Tenn. Code Ann. § 57-5-601 et seq.
- (14) *Responsible Vendor Training Program* shall mean a training program related to the responsible sale of beer for off-premises consumption which has met all the statutory and regulatory requirements set forth in Tenn. Code Ann. § 57-5-601 et seq.
- (15) *TABC* shall mean the Tennessee Alcoholic Beverage Commission.
- (16) *Manufacturer* shall mean a person, partnership, corporation, or other business entity that produces beer from raw and/or processed ingredients.

8-203. - Beer board established; membership; quorum.

- (a) **Established.** A beer permit board is created and designated as the Town of Pleasant View Beer Board.
- (b) **Membership.** The Town of Pleasant View Beer Board shall consist of a committee composed of the Town of Pleasant View Board of Mayor and Aldermen. The Mayor shall serve as the Chairman of the Board.

- (c) **Quorum.** 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.

8-204. – Meetings of the board.

All meetings of the beer board shall be open to the public. The Town of Pleasant View Beer Board shall convene when called by the Mayor. All members shall receive at least seven (7) days notice before a meeting and the meeting shall be advertised in the newspaper of general circulation no less than 7 days prior to the meeting date.

8-205. - Record of beer board proceedings to be kept.

The recorder shall make a separate 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. The recorder shall also maintain an up-to-date list of the names and addresses of all beer permit holders.

8-206. - Reporting to state authorities.

- (1) The board shall report to the commissioner of revenue on each new permit issued by it within ten days from the date of issuance of such permit.
- (2) The board shall report to the commission the names of the permittee and the name of the employee who are found to be in violation of selling alcohol to a minor within 15 days from the date of the finding.
- (3) Further reporting obligations are set forth in 8-224(3) of this chapter.

8-207. – Inspectors-authority.

The Pleasant View City Police and the Cheatham County Sheriff's Department, or their designee, and any beer board member, if accompanied by an officer of the Pleasant View Police Department or another authorized inspector are empowered to inspect the premises and operations of permittees.

8-208. - Powers and duties of the beer board.

The beer board shall have the power and it is hereby directed to establish regulations governing the selling, storing for sale, distributing for sale, giving away, and manufacturing of beer within this municipality in accordance with the provisions of this chapter, provided such regulations are approved by the Board of Mayor and Aldermen, and to issue permits related thereto.

8-209. - Permit required for engaging in beer business and fees assessed; types of permits.

- (1) *Permit required.* No person shall engage in the storing, selling, distribution, giving away, wholesaling, or manufacturing of beer, or other beverages of like alcoholic content, within the corporate limits of the Town of Pleasant View until that person receives a permit to do so from the Beer Board of the Town of Pleasant View. Four types of permits may be issued by the beer board:
 - (a) *Off Premises Permit.* A retailer's "off premises" 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 the seller;
 - (b) *On Premises Permit.* A retailer's "on premises" 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 guest upon the premises of the seller; and
 - (c) *Manufacturer's Permit.* A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer which product may be consumed upon the premises of the manufacturer to the extent permitted by state law of general application or sold for off premises consumption.
 - (d) *Special Event Permit.* A "special events" permit is required to be issued to any nonprofit organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller. The special events permit will be issued after approval by the Pleasant View Police Department and the Pleasant View beer board. Prior notification must be made in writing ten (10) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or city ordinances. Nonprofit organizations may receive no more than four (4) special events permits during a calendar year.
 - (e) *Caterer permit.* A "caterer" permit to any person or legal organization conducting a food and beverage catering business who or which has been previously issued a liquor by the drink certificate from the Tennessee Alcoholic Beverage Commission. The liquor by the drink certificate must be current and not expired or revoked at the time of application for the caterer permit. The caterer permit will be issued after approval by the Pleasant View Police Department and the Pleasant View beer board.
- (2) *Fee.* All applications for the issuance of any type of beer permit shall be accompanied by an application fee as specified in appendix A, comprehensive fees and penalties, for use in offsetting the expenses of investigating the applicant and processing the application. No portion of the fee shall be refunded to the applicant notwithstanding whether the application is approved. Applications for a single permit for both on- and off- premises sales shall pay one application fee.
- (3) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate, or association.
- (4) A permit holder must return a permit to the city within 15 days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name.

8-210. - Applications for retail permits.

Each applicant for a beer permit shall be required to complete a formal, written application in a form approved by the beer board. Each application must explicitly and affirmatively state all of the following:

- (1) The name, age, and address of the applicant.
- (2) The location of the premises at which the business shall be conducted.
- (3) The owner or owners of such premises.
- (4) Names and addresses of all persons, as defined in this chapter, with at least a five (5%) percent ownership interest in the applicant.
- (5)
 - (a) If the applicant is a partnership, a joint venture, or a corporation, the private individual who signs the application shall indicate, in words, that the signature is a valid, binding, and legal signature "on behalf of" the business entity. By such signature, the partnership, the joint venture, or the corporation agrees to be bound by all regulations under this chapter and to be liable for any violations thereof. Where it deems it to be appropriate, the beer board may require the applicant to furnish as a condition of approval a certified copy of a resolution approved by the managing body of the business entity authorizing the individual signing the application on behalf of the business entity to obligate the entity.
 - (b) If the applicant will operate the business through an agent, the name and the address of the agent will be indicated. Any time the applicant/licensee changes agents, it shall notify the beer board in writing within 30 days of the change and shall supply the name and address of the new agent. If applicant is a corporation, it shall indicate whether it is authorized to do business within the State of Tennessee.
- (6) That the applicant will 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 such applicant.
- (7) That no sale of such beverages will be made except in accordance with the permit granted.
- (8) That if the application is for a permit to sell only, not for consumption on the premises, no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof except for samples as regulated by section 8-223 of this chapter.
- (9) That no sales will be made to persons under 21 years of age.
- (10) That the applicant understands it must secure a certificate or a statement from the health department or health officer that the premises which the application covers meet the requirements of section 8-222.
- (11) The application shall be submitted to the city recorder at least 15 days prior to the beer board meeting at which it is to be considered. The recorder shall notify each member of the beer board of such application prior to the next regularly scheduled meeting.
- (12) Applications shall at all times be kept on file by the city recorder and shall be open to inspection of the general public within the limits of federal, state and local law, and any person, firm, corporation, or association knowingly making any false statement in the application shall forfeit his right to a permit or have his permit revoked and shall not be eligible to receive any permit for a period of at least one year.

- (13) No applicant for a beer permit for on-premises consumption shall be issued a permit unless the city recorder has obtained approval of the premises from the building inspector and chief of the fire department, and a background report from the chief of police recommending approval.
- (14) The identity of the person, if different from the applicant, to receive tax notices and other communications from the beer board.
- (15) Whether the applicant has been convicted of a violation of any state or federal law or of a violation of this code or any city ordinance, and the details of any such conviction.
- (16) Any other relevant information as may be required by the beer board.

8-211. - Special event permits.

- (1) The beer board is authorized to issue special event permits to bona fide charitable, nonprofit, or political organizations for special events.
- (2) The special event permit shall not be issued for longer than one 48-hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event permit shall state whether the applicant is a charitable, nonprofit, or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.
- (3) For purposes of this section:
 - (a) Bona fide charitable or nonprofit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.
 - (b) Bona fide political organization means any political campaign committee as defined in Tenn. Code Ann. § 2-10-102 or any political party as defined in Tenn. Code Ann. § 2-13-101.
- (4) No charitable, nonprofit, or political organization possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- (5) Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Pleasant View will result in a denial of a special event beer permit for the sale of beer for at least one year.

8-212. - Consideration of permit application; restrictions upon granting permits; denial.

- (1) No permit shall be issued to sell any beverage coming within the provisions of this chapter:
 - (a) In violation of any provision of the state law or of this chapter.
 - (b) In violation of the Zoning Ordinance of the Town of Pleasant View.
 - (c) When any requirement established in this chapter is not fully met.
 - (d) When any permit application fails to meet guidelines established by the beer board in its regulations for consideration and denial of any beer permit.
- (2) The judgment of the beer board on such matters shall be final, except as same is subject to review at law, under Tenn. Code Ann. § 57-5-108.

8-213. - Beer permit shall be restrictive.

All beer permits shall be restrictive as to the type of beer business authorized under them. 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 the permit. It shall likewise be unlawful not to comply with any and all express restrictions or conditions which may be written into the permit by the beer board.

State Law reference— Tennessee Code Annotated § 57-5-301(a) provides that neither beer permit holders nor persons employed by them may have been "convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude" within the previous ten years. Under Tennessee Code Annotated § 57-5-301(b), violations are punishable under state law as a Class A misdemeanor. Under Tennessee Code Annotated § 16-18-302, city courts may only enforce local ordinances that mirror, substantially duplicate, or incorporate by reference Class C misdemeanors. City courts are thus prohibited from enforcing ordinances making violations of Tennessee Code Annotated § 57-5-301(a) a local offense.

8-214. - Permits not transferable; permitted locations for consumption.

- (1) A permit shall be valid only for the owner to whom the permit is issued, and under the name identified in the application and cannot be transferred. If the owner is a corporation, a change of ownership shall occur when control of at least 50 percent of the stock of the corporation is transferred to a new owner.
- (2) Except as provided in section 8-212, a permit is valid only for a single location and cannot be transferred to another location. Under an on-premises permit, consumption of beer off or outside the premises is strictly prohibited. A permit is valid for all decks, patios, and other outdoor serving areas contiguous to the exterior of the building in which the business is located and that are operated by and remain under the control of the business. This includes property leased from the Town of Pleasant View for which the applicant also possess a valid sidewalk café permit.

8-215. - Display of permit.

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

8-216. - Privilege tax.

There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax as specified in appendix A, comprehensive fees and penalties. Any person, firm, corporation, joint stock company, syndicate, or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax annually on or before January 1 to the Town of Pleasant View. The tax shall be remitted to the City Recorder of the Town of Pleasant View. Failure to remit the tax by January 1 shall result in automatic revocation of the license. At the time a new permit is issued to any business that is 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 is due. The tax funds so collected may be used for any valid public purpose.

8-217. - Interference with public health or safety prohibited.

No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a church, house of worship, a school, a public playground, or public park. Distances shall be measured from the center of a public entrance of the school, church, or house of worship and by a straight line to the center of the main entrance of the potential licensee. In the case of a park, distances shall be measured from the property line of the park and by straight line of travel to the center of the main entrance of the potential licensee.

No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health or safety.

8-218. - Issuance of permits to persons convicted of certain crimes prohibited.

- (1) No beer permit shall be issued to any person, firm, corporation, joint stock company, syndicate, or association, when any person having at least a five percent 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 of any felony, or of any crime involving moral turpitude, within the past ten years. For purposes of this section, moral turpitude means an act of baseness, vileness, or depravity in private and social duties owed to someone or to society in general, contrary to accepted rule or right and duty between two or more people.
- (2) Further, a beer permit may be denied where an owner or manager has been convicted of driving under the influence (DUI).

8-219. - Issuance of permits to hotels, clubs, etc.

It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provision of this chapter by hotels, motels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter.

8-220. - Retail premises; restrictions as to visibility.

To the fullest extent, consistent with the structure of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of beer there sold or dispensed.

8-221. - Distribution and consumption of samples on premises not permitted.

Holders of a retailer's off premises permit only are not permitted to distribute beer samples.

8-222. - Sanitation for premises covered by on premises permits.

Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition. The city safety officer or any properly authorized person is hereby authorized to enter the premises at all reasonable hours for the making of such inspections as may be necessary. Permittee shall make all changes required by the city safety

officer within five days of written notice. Failure to comply will result in a citation that may result in a revocation of the beer permit and/or civil penalties.

8-223. - Minors; fraudulent evidence of age, etc.

It shall be unlawful for any person under 21 years of age to purchase, or to have in his or her possession, beer, for any purpose and it shall be unlawful for any such minor to transport beer for any purpose except the same be in the course of his employment. It shall further be unlawful for any person under 21 years of age to present or offer to any permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any person found guilty of violating the provisions of this subsection shall upon conviction be fined as specified in appendix A, comprehensive fees and penalties. Pursuant to Tennessee Code Annotated § 57-5-301(d)(1)(B)(i), where a person younger than 21 years of age but 18 years of age or older is convicted on the purchase or attempt to purchase or possession of beer, the Town court shall prepare and send to the department of safety, driver control division, within five working days of the conviction an order of denial of driving privileges for the offender.

8-224. - Responsible vendor certification for off-premises sale.

- (1) Pursuant to Tennessee Code Annotated § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years.
- (2) *Civil penalty in lieu of revocation or suspension.* 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. 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.

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.

- (3) *Loss of clerk's certification for sale to minor.* If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated § 57-5-606 sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

8-225. - 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 moral turpitude within the past ten years.
- (2) Allow any person under 21 years of age to have in his or her possession beer for any purpose except in the course of his or her employment.
- (3) Make or allow any sale of beer between the hours of 11:00 p.m. and 6:00 a.m. on weekdays, or between the hours of 11:00 p.m. and 10:00 a.m. on Sundays for off-premises consumption, make or allow any sale of beer between the hours of 11:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 11:00 p.m. and 10:00 a.m. on Sundays for on-premises consumption or special events.
- (4) Allow any loud, unusual or obnoxious noises to emanate from his premises.
- (5) Make or allow any sale of beer to a person under 21 years of age. The burden of ascertaining the age of customers shall be upon the owner or operator of such place of business.
- (6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (7) Allow intoxicated persons to remain on his premises.
- (8) Sell on his premises any alcoholic beverage with an alcoholic content of more than eight (8%) percent by weight without the appropriate license from the TABC.
- (9) Allow the place of business to become a public nuisance or a nuisance to law enforcing agencies of the Town of Pleasant View, or create a nuisance or materially contribute to creating or maintaining a public nuisance.
- (10) Allow beer to be sold through any drive-through or delivery window or by curbside service (curbside sales) by any retail establishment possessing an on-premises or off-premises beer sale permit. Any sales for consumption on the premises but outside the building from which the business is operated shall be made from within the building.
- (11) Allow, if his permit is for off-premises consumption only, any dispensing or sale of beer in any milk jug, milk carton, or in any other container not originally sealed at and shipped from the factory. This provision is specifically intended 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 container and into 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.

(12) Fail to issue and require employees to wear name badge when certified as a responsible vendor.

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

8-226. - Investigation of applicants, agents, and/or employees.

Applicants for a permit under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the beer board, and must submit such information and records as the board may require.

8-227. - Suspension and revocation of beer permits.

- (1) All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the board for the violation of any of the provisions of this chapter or of state law. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. The board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked. Complaints filed against any permit holder by any citizen for the purpose of suspending or revoking his permit shall be made in writing and filed with the board.
- (2) When the board shall have reason to believe that any permit holder violated the provisions of the state beer act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee, by written notice, to appear and show cause why the permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee at the address indicated by the permittee either by certified mail, return receipt requested or by a member of the police department of the Town of Pleasant View. The notice shall be served upon the permittee at least five days before the date of the hearing. Adequate public notice under the circumstances shall be given of the hearing.
- (3) The chairman of said board is authorized to compel the attendance of witnesses by subpoena issued by the clerk of the city court. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit.
- (4) The action of the board in all such hearings shall be final. When a permit has been revoked, no new permit shall be issued for the sale of beer at the same location until the expiration of: (1) at least one year (365 days) from the date said revocation becomes final, or (2) 90 days from the date ownership in the property where the establishment is located changes hands after the date the revocation becomes final. A change in ownership means outside the immediate family of the original individual owners, and further means that no original owner or his immediate family continues to have any interest in a partnership, corporation, or other business entity involved in successor ownership.
- (5) Responsible vendor certification. Should permittee be certified as a responsible vendor, it is the permittee's responsibility to furnish to the beer board a copy of such certification at least five days

prior to the hearing. The beer board staff will check the certification. Upon proof of valid certification, the beer board shall only assess a civil penalty as specified in appendix A, comprehensive fees and penalties, on a first offense sale to a minor. The beer board shall not have the option of suspension or revocation on a first offense sale to a minor.

- (6) Should the beer board determine that a sale to a minor occurred by an off-premises beer permit holder certified under the responsible vendor act, the beer board shall notify the TABC within 15 days of such finding of the name of the permit holder and the clerk.

8-228. - Guidelines for discipline for violation; civil penalty in lieu of suspension.

(1) *Responsible vendors.*

- a. *First offense for sale to a minor:* The beer board must offer a permit holder who is qualified as a responsible vendor a civil penalty as specified in appendix A, comprehensive fees and penalties, or the maximum penalty allowed by state law for the first offense in a calendar year of making or permitting to be made any sales to minors.
- b. *Second offense for sale to a minor:* The beer board may issue an order of suspension of the beer permit for 60 days for the second offense of making or permitting to be made any sales to minors or for any other second offense. The responsible vendor status will be revoked by the TABC.
- c. *Third offense for sale to a minor:* Upon the third offense in a calendar year of making or permitting to be made any sales to minors, the responsible vendor no longer has responsible vendor status and the beer board may, at its discretion, issue discipline with a permanent revocation and a ban on reapplying for one year.
- d. *First offense for other violation:* The beer board may offer a civil penalty as specified in appendix A, comprehensive fees and penalties, for any other first time offense.
- e. *Second offense for other violation:* The beer board may issue an order of suspension of the beer permit for 60 days for the second offense for any offense other than a sale to a minor while qualified as a responsible vendor.
- f. *Third offense:* The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one year for the third offense for any offense other than the sale to a minor while qualified as a responsible vendor.
- g. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

- (2) *Non-responsible vendors; all others.* The imposition of penalties shall be within the sole discretion of the beer board. The guidelines are meant to insure fairness and consistency among persons charged with the same offense, but the beer board may depart from these guidelines whenever the evidence indicates that particular aggravating or mitigating circumstances exist. The beer board may also add conditions to any penalty including but not limited to probation or additional training of employees.

- a. *First offense:* The beer board may offer a permit holder who is not qualified as a responsible vendor a civil penalty as specified in appendix A, comprehensive fees and penalties, for the

first offense of making or permitting to be made any sales to minors or, a civil penalty as specified in appendix A, comprehensive fees and penalties, for any other first offense.

- b. *Second offense:* The beer board may issue an order of suspension of the beer permit for 60 days for the second offense of making or permitting to be made any sales to minors or for any other second offense.
- c. *Third offense:* The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one year for the third offense of making or permitting to be made any sales to minors or for any other third offense.
- d. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

8-229. - Beer wholesalers, etc., to deal only with licensed retailers.

It shall be unlawful for any wholesaler, distributor, or manufacturer of beer, or any salesman or representative thereof, to sell or deliver beer in route, or from delivery vehicles, to any persons other than the holders of valid retail beer permits. It shall be the duty of such wholesaler, distributor, or manufacturer, or such salesman or representative, to ascertain whether or not such purchaser is a holder of a valid beer permit.

8-230. - Beer Manufacturing, wholesale, and distribution.

- (1) The manufacturing of beer for human consumption is permitted in the Town of Pleasant View but is subject the limitations and restrictions set forth by the State of Tennessee including, but not limited to, the regulations set forth in Tennessee Code Annotated 57-5-101 *et. seq.*
- (2) Further, no manufacturer or wholesaler of beer shall maintain more than one place of business. However, the beer permit board in its discretion may issue a special permit to any distributor to allow the distributor to store beer in a warehouse or building apart from the building from which the business is conducted. In addition, distributors are authorized to store draft beer for refrigeration purposes only in one additional icehouse or refrigeration plant under the following conditions:
 - (a) For the purpose of this chapter, any employee of the icehouse or refrigeration plant who may be in any manner connected with the sale or distribution of beer stored therein shall be deemed to be an employee of the wholesaler or distributor when beer is stored, and any violation of this chapter or any provisions of the beer law by the employees shall be deemed to be a violation by the wholesaler or distributor.
 - (b) Except sales from trucks from duly authorized salesmen, or as otherwise provided herein, no beer shall be transferred from, sold in, stored in, brought to rest in, sold from, possessed in, receipted for at, manufactured, wholesaled, or distributed from any other place, building, or location, except from the building, place, or location set out and called for in the wholesaler's, distributor's, or manufacturer's beer permit, or the icehouse or refrigeration plant or both. No beer shall be transferred to a retailer or any other purchaser except from the location called for in the wholesaler's,

distributor's, or manufacturer's beer permit, or the ice house or refrigeration plant or both by any wholesaler, distributor, or manufacturer or their salesmen or authorized representatives.

- (3) A manufacturer of beer may maintain a manufacturer's tap room for the purpose of selling beer for consumption on or off premises with a manufacturer's permit.

8-231. - Sale of draft beer for off-premises consumption authorized for certain permittees

Draft beer may be sold for off-premises consumption only by the holder of an off-premises beer permit or manufacturer's permit. Both off-premises permit holders and manufacturer's permit holders may fill or refill growlers on demand with beer for off-premises consumption provided the label as required by this section is affixed to the growler.

Each growler must be securely sealed and removed from the premises in its original sealed condition. Each growler shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale and/or refilling, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the business filling the growler. The containers or bottles shall be labeled as a craft beer, contain the name of the beer, and bear the name, address, and telephone number of the business selling the beer.

8-232. - Penalty for violation of chapter.

Except as provided specifically elsewhere in this chapter, each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties, or by suspension or revocation of the permit issued hereunder, or by such fine and suspension or revocation.

8-233. - Employees liable for violations of chapter.

Any employee of any permittee who violates the provisions of this chapter or any provision of the State Beer Act while so employed by such permittee shall be guilty of a misdemeanor which shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties.

8-234. – Two-for-one drinks prohibited.

Establishments licensed within the Town of Pleasant View to sell alcoholic beverages for consumption on the premises, the beverages including, but not limited to, beer, shall not advertise for sale or offer for sale such beverages in a manner which results in the purchaser being simultaneously served two (2) or more drinks or containers for the price of one. Any violation of this section, upon conviction, shall be punished by a fine of not less nor more than fifty dollars (\$50.00), the fine to be paid by the owner or person in charge of the establishment at the time of sale.

8-235. – Implied consent.

The holder of any license issued pursuant to this chapter shall be deemed to have given consent to the chief of police, assistant police chief, building commissioner, or other agents of the Pleasant View Beer Board, for the inspection of any area of the licensed premises and inspection of any and all records maintained by such licensee in connection with the sale of beer for which a license is held in order to determine compliance with the provisions of this chapter. The holder shall be given a reasonable time to produce any such records which are not stored on the premises. Failure to consent to inspection as herein prescribed shall result in the immediate suspension of the permittee's permit.

BE IT FURTHER ORDAINED, that this ordinance shall become effective immediately upon its final passage and the publication of its caption in a newspaper of general circulation within the Town of Pleasant View, the public welfare requiring it.

PASSED FIRST READING:

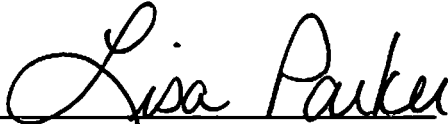
September 11 2018

PASSED SECOND READING:

October 9 2018


PERRY KEENAN, MAYOR

ATTEST:


LISA PARKER, CITY RECORDER

THE CAPTION OF THIS ORDINANCE WAS PUBLISHED IN THE CHEATHAM COUNTY EXCHANGE, A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWN OF PLEASANT VIEW, TENNESSEE ON THE 10th DAY OF October, 2018.

Pleasant View, TN Code of Ordinances – Appendix A Pleasant View Beer Code

<i>Beer</i>	
Application Fee – Beer Permit	\$250.00 Each
Employee and permit holder violations	\$50.00 per day per offense
Minor purchasing or attempting to purchase alcoholic beverages	First Offense: Minimum \$100.00
	Maximum \$500.00
	Succeeding offenses: Minimum \$250.00
	Maximum \$1,000.00
Privilege Tax	\$100.00 annually (prorated for new permits with application)
Beer board-imposed violations for responsible vendors with certification	Up to \$1,000.00 for first offense for permitting sales to a minor
	Up to \$1,000 per any other first offense
Beer board-imposed violations for responsible vendors without certification	Up to \$2,500.00 per offense for permitting sales of alcoholic beverages to minors
	Up to \$1,000.00 per any other first offense
<i>Outdoor Cafes</i>	
Liability insurance	Minimum \$1,000,000.00
Sidewalk dining permit	Initial \$100.00
	Annual renewal \$100.00
Violations	\$50.00 per day per offense