

ORDINANCE NO: 22-41

**ORDINANCE AMENDING TITLE 8 CHAPTER 2
OF THE LEWISBURG MUNICIPAL CODE RELATING TO BEER**

WHEREAS, the Lewisburg City Council regulates the sale of beer within the Corporate limits of the City of Lewisburg; and

WHEREAS, the Board of Mayor and Alderman desires to amend Title Eight, Chapter 2, of the Lewisburg Municipal Code by deleting its present content and replacing it in its entirety;

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMAN that Title 8 Chapter 2 of the Lewisburg Municipal Code be deleted in its entirety, and the language set forth hereinbelow be substituted as the new Title 8 Chapter 2 of the Lewisburg Municipal Code; and

SECTION1: That the entirety of Title 8, Chapter 2 of the Lewisburg Municipal Code is hereby deleted in its entirety.

SECTION 2: The following is adopted and enacted as the new Title 8, Chapter 2 of the Lewisburg Municipal Code:

TITLE 8**ALCOHOLIC BEVERAGES****CHAPTER 2 – BEER****SECTION**

- 8-201. Definitions**
- 8-202. Beer lawful but subject to regulation**
- 8-203. Beer board established.**
- 8-204. Meetings of the beer board.**
- 8-205. Record of beer board proceeding to be kept.**
- 8-206. Requirements for beer board quorum and action.**
- 8-207. Powers and duties of the beer board.**
- 8-208. Permit required for engaging in beer business.**
- 8-209. Classes of beer permits**
- 8-210. Restrictions upon granting permits.**
- 8-211. Application for retail permit; requirements as to applicants; regulations to be followed and shown in the application.**
- 8-212. Beer permits shall be restrictive.**
- 8-213. Permits not transferable.**
- 8-214. Duration of permit.**
- 8-215. Display of permit.**
- 8-216. Interference with public health, safety, and morals prohibited.**
- 8-217. Issuance of permits to persons convicted of certain crimes prohibited.**
- 8-218. Issuance of permits to hotels, clubs, etc.**
- 8-219. Minor, fraudulent evidence of age, etc. misdemeanor.**
- 8-220. Investigation of applicant, agent, and/or employees.**
- 8-221. Prohibited conduct or activities by beer permit holders.**
- 8-222. Suspension and revocation of beer permits.**
- 8-223. Employees liable for violations of chapter.**
- 8-224. Civil penalty in lieu of revocation or suspension.**
- 8-225. Loss of clerk's certification for sale to minor.**
- 8-226. Temporary permits.**

8-201. Definitions. The following definitions are applicable to this chapter:

(1) "The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee. (TN Code Annotated, §TCA 57-5-101)

- (2) "Golf course" shall mean a public (nine) 9 or (eighteen) 18-hole golf course.
- (3) "Person" shall mean any citizen or legal alien of the United States, any partnership or association of persons all of whom are citizens or legal alien of the United States, and any corporation licensed to do business in the State of Tennessee.
- (4) "Premises" shall be the interior of a building or structure including contiguous interior spaces which are not separated by a permanent solid wall from other portions of the building or structure under the same roof, and where applicable shall include the parking area adjacent to and servicing the premises and where applicable shall include a golf course.
- (5) "High alcohol content beer" means an alcoholic beverage which is beer, ale or other malt beverage as further defined in Tennessee Code Annotated, § 57-3-101, that is brewed, regulated, distributed, or sold pursuant to Tennessee Code Annotated, titl3 57, chapter 3.
- (6) "Licensee" A person, partnership or corporation who holds a beer permit issued by the city of Lewisburg.
- (7) "Live performances." Shall be deemed for the purpose of this chapter to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premise as a singer, musician, dancer, comedian, or model.
- (8) "Beer permit holder." Any person, partnership, or corporation who holds a permit from the City of Lewisburg for the sale of beer or other beverage 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.

8-202. Beer lawful but subject to regulation. It shall hereafter 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, and any other beverages of like alcoholic content, within the corporate limits of the City of Lewisburg, subject to all of the regulations hereinafter provided, and subject to the rules and regulations promulgated by public officials or boards.

8-203. Beer board established. There is hereby a beer board ("board") to be composed of three (3) members appointed by the mayor, each of whom shall serve until his successor is appointed. The mayor shall serve as ex officio member of the board but shall have no vote except in the case of a tie. All members of the board shall be residents of the city and shall receive such compensation as is set from time to time by resolution of the city council. An annual organizational meeting of the board shall be held in July of each year and from its membership shall be elected a chairman and secretary.
(Ord. #97-14, Sept. 1997)

8-204. Meetings of the beer board. All meetings of the board shall be open to the public. The board shall hold regular meetings in the city administration building at such time as it shall prescribe. When there is business to come before the board a special meeting may be called either by the chairman or by a majority of the members. Notice of the annual, regular, or special meetings shall be given to each of the board, parties in interest and the general public.
(Ord. # 97-14, Sept. 1997)

8-205. Record of beer board proceedings to be kept. The chairman shall see that a record of the proceedings of all meetings of the board is kept. 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 introduction 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 beer permit issued by the board. (Ord. #97-14, Sept. 1997)

8-206. 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 of the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nap" vote. (Ord. #97-14, Sept. 1997)

8-207. Powers and duties of the beer board. The board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing (Micro-breweries) of beer within this municipality in accordance with the provisions of this chapter. (Note: Manufacturers such as Micro-breweries shall be subject to all Health Department Regulations regarding the handling of ingredients and products for human consumption and be Registered as a "Manufacturer" or "Wholesale Distributor" according to TN Code Annotated, § TCA 57-5-102)

8-208. Permit required for engaging in beer business. No person shall engage in the storing, selling, distributing, or manufacturing of 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 other beverages of like alcoholic content, within the corporate limits of the City of Lewisburg, until he shall receive a permit to do so from the beer board of the City of Lewisburg, which permit shall at all times be subject to all of the limitations and restrictions herein provided, and provided further that the applicant shall certify that he has read and is familiar with the provisions of this chapter.

8-209. Classes of permits.

There shall be five (5) classes or kinds of permits used by the beer permit board as follows:

(1) *Manufacturers.* A manufacturer's permits 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.

(2) *Off-sale.* An "off-sale" permit to any person or legal organization engaged in the sale of beer where it is not to be consumed by the purchaser upon or near the premises of the seller.

(3) *On-sale.* An "on-sale" permit to any person or legal organization engaged in the sale of beer where it is to be consumed by the purchaser or his guests upon the premises of the seller and provided beer may also be sold in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges upon their obtaining the required permit.

a. Anyone applying for or obtaining an on-sale permit may also sell beer to go so a patron may take beer with him purchased at such place after consuming beer. This will be known as a "joint permit and shall costs an additional two hundred fifty dollars (\$250.00) at the time the application is made, or at any subsequent time when it is sought to change the type of permit.

b. No alcoholic beverage shall be consumed in the parking lot of any establishment possessing an on-sale permit, except that, with prior approval of the city's chief of police or his/her designee and the beer permit board, for special events no longer that three (2) consecutive calendar days, permittees may allow consumption of alcoholic beverages sold by the permittee within an area that is roped off or otherwise separated by a continuous fence or other type of barrier from the remaining portion of their parking lot, both ends of which terminate at the permittee's building, deck, porch, patio, and other such attached structure, and provided further, that such permittee provides for an adequate number of private security personnel, which may be employees of the permittee, identified by their clothing as security, to patrol the premises to prevent unlawful use or possession of alcoholic beverages and to enhance public safety.

(4) *Special events permit.* A "special events" permit is required to be issued to any nonprofit or bona fide political 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 for the fee of two

hundred and fifty dollars (\$250.00), after approval by the Lewisburg Police Department and the Lewisburg Beer Board. Prior notification must be made in writing thirty (30) 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.

(5) *Caterer permit.* A “catered” 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 for the fee of two hundred fifty dollars (\$250.00), after approval by the Lewisburg Police Department and the Lewisburg Beer Board.

(6) With regard to any “on sale,” “special event,” beer permit application, or such beer permit issued, in connection with any event to be held or located at the in the downtown area or one block off the downtown area, the definition of “premises” (or permit “location”) shall mean and include any closed and blocked off or barricade street contiguous to the downtown area or block off the are, as which has exclusive authority and jurisdiction pursuant to state law of general application to issue, suspend, revoke beer permits and to otherwise regulate the sale, distribution, manufacture, storage, and possession of beer, as defined in state law of general application, within the real property boundaries of the downtown area. It is the intent of this subsection that “beer trucks,” “beer trailers,” and “beer tents,” owners, sellers, and distributions, that are located within any closed and blocked off or barricaded street contiguous to the downtown area, during an event being held in the downtown area, after having paid the application fee and being issued the appropriate permit, shall not be subject to having paid the application fee and being issued the appropriate permit, shall not be subject to revocation, suspension, or civil penalty, due to lawful consumers possessing, consuming, or carrying open containers of beer from the aforesaid beer trucks, trailers or tents, into the down town area. Any such application and/or issued permit shall specify the street name, and whether the permit is for a beer truck, trailer or tent, in addition to all other application and/or permit information otherwise required by state law of general application, this chapter of the City Code, or by the beer board.

8-210. Restrictions upon granting permits.

(1) No permit shall be issued to sell any beverage coming within the provisions of this section:

- (a) In violation of any provision of the state law.
- (b) In violation of the zoning ordinance of the City of Lewisburg.

(2) The judgment of the beer board on such matters shall be final except as same is subject to review at law under § 57-5-105, Tennessee Code Annotated.

8-211. Application for retail permit: requirements as to applicants: regulations to be followed and shown in the application.

(1) Each application for a beer permit shall reflect:

- (a) The name of the applicant.
- (b) The location of the premises at which the business shall be conducted.
- (c) The owner or owners of such premises.
- (d) The names and addresses of all other persons or firms who have any financial interest whatsoever in the beer business proposed to be established.
- (e) Whether the applicant will operate the business in person or by agent and if by agent, the name and address of such agent.
- (f) Type of permit requested.

- (g) 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.
- (h) That no sale of such beverages will be made except in accordance with the permit.
- (i) That if the application is for a permit to sell "not for consumption on the premises" that no sale will be made for consumption on the premises that no consumption will be allowed on the premises thereof.

(2) The applicant must secure a certificate of compliance or a statement from the health department or health officer that the premises which the application covers meet the requirements of the Municipal Code in regard to sanitary restroom facilities.

(3) The application shall be submitted to the city administrator at least Thirty (30) days prior to the beer board meeting at which it is to be considered. The administrator shall, within five (5) days after receipt of an application, notify each member of the beer board of such application.

(4) No permit shall be issued by the beer board until the application therefore shall have been to and approved in writing by the Lewisburg Police Department.

(5) The City of Lewisburg, prior to its consideration of an application to engage in the sale of beer under this section for consumption for on or off premises, shall collect an application fee of two hundred fifty dollars (\$250.00) for use in offsetting the expenses of investigating the applicant. Regardless of whether an application is approved or denied, any portion of the fee collected in excess of that actually used in investigation shall become the property of the City of Lewisburg at the end of each calendar year, to be used at the discretion of the governing body, and the city shall not require periodic renewal of beer permits or licenses in conformity with § 57-5-103, Tennessee Code Annotated.

(6) Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00) according to § 57-5-104, Tennessee Code Annotated. Any firm, person, corporation, joint stock companies, syndicate or association engaged in. The privilege tax is is waived for temporary permits.

(7) 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 building in which the business is located and that are owned and operated by the business. The distance should be measured from the edge of the patio, deck, or outside serving area.

8-212. 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. 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 his permit.

It is understood that any permit for the sale of on premises consumption has the right to sell beer for off premises consumption, but that any permit for the sale of beer for off premises consumption may not sell beer for on premises consumption. (1977 Code, § 2-211, as replaced by Ord. #11, 2013, Dec. 2013)

8-213. Permits not transferable. Beer permits shall not be transferable from one person to another from one location to another. A new permit is required in the manner provided herein. (1977 Code § 22-212, as replaced by Ord. #11, 2013, Dec. 2013)

8-214. Duration of permit. Permits issued under the provisions of this chapter shall be issued until revoked or suspended, by change of location, sale of business, or otherwise goes out of business at the same location.

Nothing herein shall prevent a non-resident owner from presenting an application and having the same considered, so long as there is a responsible resident manager, and so long as the other provisions of the law are complied with.

It is the legislative intent of this section to provide that, and to comply with state law that new managers of chain-type restaurants or grocery stores are not required to have a new permit and a new inspection fee each time that a manager is replaced. The same rules would apply to a resident owner who employs a qualified and responsible resident manager, so long as the other provisions of the state law and this chapter are complied with.

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. Interfere with public health, safety, and morals prohibited. (1) 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, safety, and morals.

Prior to the issuance of such permit by the Beer Board any applicant for a beer permit under this section shall submit to an initial inspection by the City of the premises upon which the applicant is to operate in order to confirm compliance with all provisions of the Municipal Code of the City of Lewisburg, the current Building Code, and all ordinances of the City of Lewisburg. So long as a permit is to confirm continued compliance with such codes and ordinances. A violation thereof will subject the permit holder to review of permit with possible fine, citation or revocation of the beer permit by the Beer Board.

No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property nor in the window of the permit holder who is located on the public square of Lewisburg or within an area of one block on all sides thereof.

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 owned and operated by the business. The distance should be measured from the edge of the patio, deck, or outside serving area.

8-217. Issuance of permits to persons convicted of certain crimes prohibited.

(1) No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacturing, or transportation of intoxicating beverages or any crime involving moral turpitude within the past ten (10) years. It shall be the sole responsibility of the permit applicant to prove to the satisfaction of the beer board that said applicant has not been convicted of the aforesaid offenses within the past ten (10) years.

(2) Permit holders who are convicted of any of the aforesaid offenses after having been issued a beer permit shall be obligated to report said conviction to the beer board. A hearing before the beer board shall be convened, at the beer board's discretion, to determine the effect such a conviction shall have on the status of the permit holder's permit. A conviction under this section shall constitute grounds for the immediate revocation of convicted permit holder's beer permit. (Tennessee Code Annotated, § 57-5-103 section (e))

8-218. 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 provisions of this chapter, so hotels, motels, clubs, and 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.

8-219. Minor, fraudulent evidence of age, etc. misdemeanor. It shall be unlawful for any minor to purchase, attempt to purchase, or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a minor. It shall be unlawful for any minor present to 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 minor who acts in violation of any one or more of the provisions of this section shall be taken before the juvenile judge for appropriate disposition.

8-220. Investigation of applicant, agent, and/or employees. Applicants for retain permits under this section are subject to be investigated by municipal county, and state authorities.

8-221. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder, employee or any other person employed in the sale of beer to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating beverages, or any crime involving moral turpitude within the past ten (10) years unless such person is currently certified as a responsible vendor with the Tennessee Alcoholic Beverage Commission pursuant to the "Tennessee Responsible Vendor Act of 2006" Tennessee Code Annotated, § 57-5-601, et seq.

(2) Employ any minor under eighteen (18) years of age in the sale, service, or dispensing of beer at retail except in grocery stores where sales are made for off premise consumption.

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M., during any day of the week or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

(4) Allow any loud, unusual or obnoxious noises to emanate from his premises.

(5) Make or allow any sale of beer to a minor under twenty-one (21) years of age.

(6) Make or allow any sale of beer to any intoxicated person or to any feeble minded, insane, or otherwise mentally incapacitated person.

(7) Serve, sell or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee unless the permit holder is property licensed to do so by the Tennessee Alcoholic Beverage Commission.

(8) Live performances – nudity prohibited. No live performances are permitted on licensed premises which involve the removal of clothing, garments or any other costumes. Such prohibition does not include the removal of headwear or footwear, sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. The restriction applies to all licensed premises.

(9) Entertainment restricted. No entertainment on a licensed premise shall contain:

(a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation of any sexual acts which are prohibited by law;

(b) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;

(c) The actual or simulated display of the pubic hair, anus, vulva or genitals; or the nipples of a female.

(10) Nudity prohibited. It shall be unlawful for any licensee, employee, agent of licensee patron or guest of licensee to:

(a) Appear with his or her genitals or pubic region less than completely covered by an opaque substance or material;

(b) Appear with his or her buttocks less than completely covered by an opaque substance or material; or

(c) Any female to appear with either or both of her breasts less than completely covered by an opaque substance or materials below the uppermost or highest part of the areola.

(11) Films and pictures restrictions. It shall be unlawful for any licensee, any employee, or agent to permit or allow the showing of film, still pictures, electronic reproductions, or other visual reproductions, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(b) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;

(c) Scenes wherein a person displays the vulva, anus, or genitals; or

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above in (a) through (c).

(12) License revoked or suspended. Any licensee violating these sections shall have its license revoked or suspended as provided by this chapter.

(13) Penalty. Any licensee, employee, agent, or person violating these sections shall be guilty of a misdemeanor and punished in accordance with the penalty clause of the Municipal Code of the City of Lewisburg.

(14) Fail to provide and maintain separate sanitary toilet facilities for men and women or at least two separate single use, uni-sex or gender-neutral toilet facilities marked accordingly and prominently.

8-222. Suspension and revocation of beer permit. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board of the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

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 certificate 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.

Suspension or revocation proceedings may be initiated by the Police Chief or by any member of the beer 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 for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or nay 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 his 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 either by registered letter or by a member of the police department of the City of Lewisburg. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.

At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such a hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject to review by the courts as provided in the State Beer Act. (TN Code Annotated, TCA § 57-5-105)

8-223. Employees liable for violations of chapter. Any employer of any permittee who violated 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.

8-224. 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) dollars for any 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.

8-225. 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 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.

8-226. Temporary permits. Temporary beer permits may be issued to any bona fide charitable or non-profit organization as defined by the United States Internal Revenue, an organization that has applied for non-profit status or bona fide political organization as defined by the United States Internal Revenue Code as may be amended from time to time, and recognized as such by the United States Internal Revenue Service, upon proper permit obtained from the City, may be permitted to sell or otherwise distribute beer, and Event Center at the request of an applicant upon the same terms and conditions governing permanent permits and in conjunction with any other lawfully required permit from the City of Lewisburg. Special Event temporary permits shall be issued as single event permits as covered in section 8-209 of this Code. It is further provided that any such non-profit organization does not share or otherwise provide any proceeds from any such sales to any other for-profit individual, business, organization, or entity.

If the events covered by a temporary permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the temporary permit application.

Notwithstanding, § 8-216 of the Lewisburg Municipal Code, the beer board is authorized to place any and all restrictions it deems necessary on temporary permits, including but not limited restricted hours of sale and limitations on the number of sale locations/stations or other time, place, manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. The following provisions shall also apply to temporary permit holders:

(a) A temporary permit is valid for 48 consecutive hours and a temporary permit holder shall not have more than four temporary permits in a year.

(b) A temporary permit holder shall be prohibited from making or allowing any sale of beer between the hours of 10 P.M. and 10:00 A.M any day of the week.

(c) Temporary permits may be issued to applicants who intend to operate in a place that is temporary in nature.

(d) A temporary permit holder shall not be subject to the annual privilege tax. There is hereby imposed an application fee of two hundred and fifty dollars (\$250.00) for applying for a temporary permit and all other provisions of § 8-210 governing the issuance of a permit shall apply.

(e) The application for a temporary beer permit shall set forth the following information:

(i) The name, address, and telephone number of the chairperson of the charitable or nonprofit organization seeking a temporary beer permit;

(ii) The name, address, and telephone number of the person responsible for beer sales under the permit;

(iii) The date and time when the event will be held;

(iv) The hours which beer sales will be conducted during the event; and

(v) The proposed location for beer sales.

(f) Applicants for a temporary beer permit must apply 30 days prior to the event.

BE IT FURTHER RESOLVED that this Ordinance take effect 15 days from and after its passage on second and final reading, the municipal welfare requiring it.


Passed 1st reading: December 13, 2022

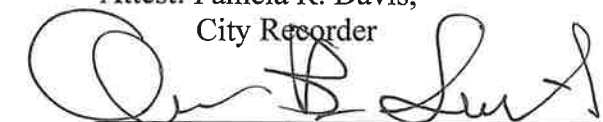
Passed 2nd and final reading: January 10, 2023

Public Hearing held: January 10, 2023

Approved as to legality and form:


Jim Bingham, Mayor


Attest: Pamela R. Davis,
City Recorder


Quinn B. Stewart, City Attorney