

## **ORDINANCE NUMBER 22-02-01**

### **AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2 OF THE ATOKA MUNICIPAL CODE RELATED TO BEER.**

**WHEREAS,** The Town of Atoka established a Beer Board through Ordinance 89-11A and

**WHEREAS,** Town of Atoka's Public Safety Committee and town staff held a work session to review and revise the Beer Ordinance,

**WHEREAS,** The Board of Mayor and Alderman desires to amend The Atoka Tennessee Municipal Code of Ordinances to reflect the changes made at the Public Safety Work Session.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, THAT:**

**SECTION 1.** Title 8 Chapter 2 of the Atoka Municipal Code is amended to read as follows.

#### **CHAPTER 2 BEER<sup>1</sup> SECTION**

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Classes of permits.
- 8-209. Sale of beer permitted only in specified zones.
- 8-210. Publication notice.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits.
- 8-213. Regulations of the Beer Board
- 8-214. Restriction on hours for the sale of beer.
- 8-215. Hearings.
- 8-216. Privilege tax.
- 8-217. Civil penalty in lieu of suspension.
- 8-218 Employment of Minors

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen and has the exclusive power and authority to issue, suspend, revoke, and impose civil penalties on beer licenses and recommend approval for "on" premise and "off" premise beer sales located within the Town limits, subject to review by the courts. The mayor shall be the chairman of the beer board. (Ord. No. 89-11A, sec. 2-201)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. No. 89-11A, sec. 2-202)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. No. 89-11A, sec. 2-203 as amended Code 1992)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. No. 89-11A, sec. 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this town in accordance with the provisions of this chapter. (Ord. No. 89-11A, sec. 2-205)

8-206. "Beer" defined. For purposes of this title, "beer" means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in § 57-3-101; 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.

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A. 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Atoka. Each applicant must be a person of good moral character and certify that they have read and are familiar with the provisions of this chapter. (Ord. No. 89-11A, sec. 2-207, as replaced by Ord. #93-11-01, § 1, Dec. 1993)

8-207(a) Procedure for securing a beer permit.

- (1) Applicant must fill out application as described above and secure a copy of the rules and regulations from the Town Recorder's Office and pay the fee of a non-refundable two hundred and fifty dollars (\$250.00) and a fifty-dollar (\$50.00) beer sign fee. No portion of the fee shall be refunded to the applicant, notwithstanding whether an application is approved or denied.
- (2) Applicant must provide positive form of government identification. The same person making the application must appear before the beer board on the hearing date for the application.

- (3) Submit the original lease, deed, or bill of sale at this location for verification.
- (4) A survey is required for any **NEW** business location applying for a beer license. The survey must show a 500-foot radius measurement beginning each corner of the structure where beer is sold, manufactured, or stored; it must also show a 200-foot radius measured from the each corner point of the structure and it must indicate any church, school (including childcare facilities up to secondary schools), or any residential property zoned "residential", "N-C" within these measurements as defined in Town Ordinance 14-201. The distances shall be measured in a straight line<sup>2</sup> from the nearest corner of the school or church and the nearest corner of the structure where the beer is sold, manufactured, or stored.
  - a. Surveys must be within six (6) months of application.
  - b. The location restriction applies only to new beer establishment locations, those with off-premise sales, and those that cease to sell beer for six (6) months or more.
- (5) "Off" premise locations must submit inventory to the Alcohol Commission for review. This information must be included in the applicant's file.
- (6) "Off" premise locations found to be within the restricted measurements will be required to provide the inventory receipts of food sales, not including beer sales. The food sales must consist of at least 40% of the gross sales within six (6) months after opening.
- (7) Contact the Code Enforcement Office for building inspections and use and occupancy (U & O) permit.
- (8) File application for food permits with the Tipton County Health Department
- (9) Contact the Atoka Fire Department for inspection of location.
- (10) Secure a telephone for business location.
- (11) Place a conspicuous sign at the location, visible from the street at least fifteen (15) days prior to the scheduled hearing date notifying the general public and community residents that application has been made to the Beer Board to sell beer at that location and the hearing date has been established to consider any support or opposition to said application. The cost of the sign to be posted is \$50.00.
- (12) No license can be issued in violation of any provisions of State law or of the zoning ordinances of the Town.
- (13) The applicant will conduct the business in person, for himself. If acting as agent, partner or otherwise, the applicant shall state the person, firm, corporation, syndicate, association of joint stock company for whom applicant intends to act and provide an address to which official Beer Board correspondence should be sent.

- (14) Each applicant must swear and affirm that the statements of facts contained in his/her application are true and correct to the best of his/her knowledge, information and belief. Any false information contained in the application as to a material fact may be grounds for revocation of said license
- (15) Automatic revocation will result from misrepresentation of the facts before the Beer Board in the hearing to obtain a beer permit.
- (16) Any change in entertainment format must be approved through the Beer Board prior to effective date of change.
- (17) The Applicant for any type of beer permit MUST be 21 years of age at the time of application in order to apply for a permit.
- (18) The applicant will need to submit to a criminal background check.

8-208. Classes of permits. There shall be three (3) classes of permits issued by the beer board, as follows:

(1) Class A. A manufacturer's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution, and transportation of the product of such manufacturer, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer shall be defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacturing of beer.

(2) Class B. An "off-site" permit to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller.

(3) Class C. An "on-site" permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant shall be defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than thirty percent (30%) of its income is from the sale of beer and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least thirty (30) people at tables, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. An "on-site" permit to any person or legal organization that has been granted a liquor by the drink license by the State of Tennessee.

(3)(a) Class D. (Beer Catering Permit) as defined above with manufacturing of beer capabilities on site. Beer Catering Permit Notwithstanding any other provisions of this chapter, or any rule or regulation of the Beer Board to the contrary, any brewery meeting the exemption requirements set forth in T.C.A. § 57-5-101(c)(1)(A) that does not also operate as a restaurant ("brewery"), shall be subject to the following provisions and restrictions:

- a. The intent of this section is to recognize the distinction between breweries with tasting rooms and other establishments that sell alcoholic beverages, specifically that a brewery tasting room is an adjunct to the primary business of manufacture and sale to wholesale or retail establishments. It being the intent of this section to encourage the growth of local business and tourism while protecting the public welfare and morals.

- b. *Permit required.* Each brewery with a tasting room in which beer is to be manufactured and sold must apply for a beer permit through the Town of Atoka Beer Board in conformity with above process. Such permit application shall make reference to the fact that the application is for a brewery with a tasting room. The permit application shall conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room, but so long as the application is accompanied by a sworn petition indicating that the restrictions of subsection D of this section are met, then there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food.
- c. *On and off premises consumption allowed.* So long as the tasting room of the brewery conforms with the requirements of subsection D below, breweries with tasting rooms shall be authorized to sell beer manufactured on premises for on-premises consumption or off-premises consumption (off-premises consumption shall include beer sold to licensed wholesalers or retail establishments) so long as all beer sold for off-premises consumption is in the original, sealed container.
- d. *No food requirement—Restrictions.* No brewery with a tasting room shall be required to serve food, maintain kitchen facilities, or conform to any requirement relating to the percentage of sales attributable to food so long as it:
  - 1. Does not engage in the sale of any alcoholic beverage other than beer manufactured on premises.
  - 2. Does not derive more than 25 percent of its gross annual income from the sale of beer for consumption on premises.
  - 3. Does not open to the public for any period between the hours of 12:00 a.m. and 12:00 p.m.
  - 4. Does offer water or other non-alcoholic beverages at no cost to its patrons.
  - 5. If located within a 500-foot radius of a church as set forth above shall remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays and shall close to the public each Monday through Thursday no later than 10:00 p.m. this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

**3(b) Special Event Beer Permit** Special beer permits are issued pursuant to special requirements.

- a. Special beer permits are temporary in nature and cannot exceed a thirty (30) day effective period or end of the term of the special event, whichever time frame is shorter.
- b. The special beer permit will not be issued to facilitate “transfer” of any existing beer permit.
  - 1. Only one beer permit will be issued per Special Event. Absolutely NO sub-contracting of outside license beer permit holders.

- c. Must be heard and approved by the Beer Board prior to any issuance and approval. Applicant must be in person to testify in front of the Beer Board and must be the same person as the one who submits the application to the Recorder's Office.
- d. The applicant will need to submit to a background check.
- e. Anyone selling or serving beer will need to have a current file of all employees must be kept at the location. This file must include a sworn affidavit that such employee is not in violation of T.C.A. 57-5-301. This file must include the name, date of birth, address, phone number, and SSN# of all employees that serve beer.
- f. No license shall be issued to sell any beer / alcoholic beverage where such sale will cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals, and the judgment of the Beer Board on such matters shall be final.

(4) No manufacturer, legal organization or person may hold more than one class of permit at the same location. (Ord. #89-11A, § 2-208, as replaced by Ord. #02-05-03, Aug. 2002, and amended by Ord. #03-03-01, April 2003)

(5) For "On" premise consumption licenses, the applicant must serve at least one hot meal a day, consisting of at least one meat and two vegetables, prepared on the premises with adequate kitchen facilities and a menu available to be read by the customers. Change 8, February 13, 2018

(6) All locations applying for "Off" premise consumption licenses must have at least \$2,000.00 inventory at the time of the hearing, excluding equipment, fixtures, beer, tobacco and petroleum products.

(7) Licensee with "Off" or "On" premise beer permit will not allow any consumption of alcoholic beverages on the sidewalks, streets or property within the immediate (parking lot) vicinity. No such beverages will be kept for sale in such premises except in the original containers or packages.

**8-209. Sale of beer permitted only in specified zones.** It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer in the Town of Atoka, Tennessee, provided that permits authorized by this chapter shall be issued for locations that are now zoned or may be in the future zoned as follows:

- (1) Class A Permits: Zoning Districts I
- (2) Class B Permits: Zoning Districts GC and NC.
- (3) Class C Permits: Zoning Districts GC and NC. (Ord. #89-11A, § 2-209, deleted by Ord. #98-10-02, Nov. 1998, and replaced by Ord. #02-05-03, Aug. 2002)
- (4) Class D & E Permits: Zoning Districts GC and NC.

(a) Applicant will engage in the sale of beer only at the location specified on the beer permit.

- (b) All sales of beer will be made in strict accordance with the license or special permitted event granted and the rules and regulations of the Beer Board.

8-210. Publication notice. Before the beer board shall issue a permit, it shall cause to be published in a newspaper of general circulation, and/ or by electronic means, a notice in which the name of the applicant and the address of the location for such permit and the date and the time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a published hearing for the purpose of hearing the statement of any person or his attorney on any application for license or permit. (Ord. No. 89-11A, sec. 2-210)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the sale of beer within two hundred (200) feet of any hospital, school, church or other place of public gathering as referenced above in section 8-207(a)(4). If any property applying for a beer permit shall adjoin another property that is classified as a hospital, school, church, or other place of public gathering, but meets the 8-18 distance requirement of 200 feet, then before the permit may be issued, a solid fence of eight feet in height shall be erected along the adjoining property line at the expense of the applicant for the beer permit. The fence which shall be substantially opaque and serve as a visual barrier between the adjoining properties shall be composed of masonry, vinyl, durable woods, or combination of masonry, vinyl, and durable woods. (Ord. #89-11A, § 2-212, as replaced by Ord. #00-04-01, April 2000, and Ord. #05-02-01, Feb. 2005)

8-212. 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, manufacture, or transportation of intoxicating beer / liquor, a felony, any open, unadjudicated cases before any magistrate of any federal, state, local courts, any conviction of 2 or more drug related offenses (including misdemeanors), or any crime involving moral turpitude within the past ten (10) years.

(2) All individuals holding at least a five percent (5%) ownership interest in the applicant must present proof that they have been citizens or lawful residents of the United States for not less than one (1) year immediately preceding the date upon which application is made to the Town Recorder. Applicants may satisfy this requirement by presenting any of the following official documents for inspection by the town recorder:

(a) A U.S. Passport or Passport Card;

(b) A Permanent Resident Card ("Green Card"); or

(c) A birth certificate issued by:

(i) The United States government; or

(ii) The government of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States. This requirement shall not apply where no individual holds at least a five percent (5%) ownership interest in the applicant. (Ord. No. 89-11A, sec. 2-211, as replaced by Ord. #15-10-02, Oct. 2015)

8-212 (a) Non-Transfer of Beer permit. Beer permits are not transferable from person(s), location(s), or any change in the name of the business. Any new owner of a business must have a beer permit issued in his/her own name. Transference is strictly prohibited.

8-213. Regulations of the Beer Board.

- (1) All licenses must be current and prominently displayed at all times. 8-19
- (2) All establishments with beer permits shall maintain at least one working telephone for incoming and outgoing calls at all times.
- (3) No owner or employee shall drink alcoholic beverages or beer while on duty. An owner or manager is assumed to be on duty at all times while in their establishment.
- (4) Only authorized personnel, meeting requirements of TCA 57-5-301(a) (1), shall be left in charge of a beer establishment to sell or serve beer to customers.
- (5) No beer shall be sold, served, or gifted to persons under legal age. A person must be 21 years of age to buy, consume or possess beer. The burden of ascertaining the correct age of minor customers shall be upon the owner, operator and employees of the business. Proof of legal age is required of all customers before any alcoholic beverage /beer are served or sold to such persons
- (6) All beer must be off the tables by 3:15 a.m. each day and not in any type of containers.
- (7) The police shall be called promptly by the manager and/or employees to report a fight or disturbance at the establishment.
- (8) The owner and his employees shall cooperate fully with the police in their normal and necessary investigation.
- (9) No alcoholic beverages / beer will be allowed to be consumed in or upon the premises of a liquor store.
- (10) In all "On" premise locations, there must be sufficient lighting for customers to adequately read a menu and for employees to properly inspect the age and identification cards of customers.
- (11) No sale or consumption of beer will be permitted from any location while under suspension or revocation by the Beer Board.
- (12) Licensee shall maintain an orderly establishment and not be in violation of any health, building, or fire department regulations.
- (13) Licensee shall not be in violation of any ordinance of the Town, statutes of the State or Federal law.
- (14) Licensee shall not allow gambling on his/her premises. Gambling is defined as T.C.A. 39-17-501 (2) (A-F) as amended.



- (15) Licensee shall not permit the noise, sound or vibration generated or transmitted by any jukebox, band, vocalist, or sound equipment to be audible to persons on any public street,
- (16) highway or upon any adjoining residential or commercial premises to the extent that it is detrimental.
- (17) Licensee will not permit minors or disorderly persons heretofore connected with violations of the liquor laws / beer to loiter around or frequent his/her establishment.
- (18) Licensee will not permit the storage of whiskey or alcoholic beverages in excess of 8% alcoholic content by weight without having received the proper license from the State Alcohol Beverage Commission.
- (19) Licensee shall not allow or permit any part of the establishment in which beer is sold, served, or consumed to be used for living quarters.
- (20) Licensee shall not serve nor permit persons who are visibly intoxicated or under the influence of any drug or intoxicant to loiter in or around his/her establishment.
- (21) Licensee will conduct the business in person, for himself, or as agent for or partner with a named person, firm, corporation, or association.
- (22) Licensee shall immediately surrender beer license to the Beer Board whenever he/she withdraws from the ownership and/or operation of the business.
- (23) Licensee shall promptly notify the Beer Board of any change in the address to which official Beer Board correspondence should be sent.
- (24) A current file of all employees must be kept at the location. This file must include a sworn affidavit that such employee is not in violation of T.C.A. 57-5-301. This file must include the name, date of birth, address, phone number, TN ABC Server Permit<sup>3</sup>, and SSN# of all employees that serve beer.
- (25) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor/ beer, a felony, any open, unadjudicated cases before any magistrate of any federal, state, local courts, any conviction of 2 or more drug related offenses (including misdemeanors), or any crime involving moral turpitude within the past ten (10) years.
- (26) Make or allow any sale or gift of beer to any intoxicated person or any person under twenty-one (21) years of age.
- (27) Serve, sell, give away, or allow the consumption on his premises or in adjacent buildings of any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight.
- (28) Allow consumption of any alcoholic beverage on the premises or in or on adjacent buildings or property owned, leased, controlled or in the possession of the beer permit holder.
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(29) Allow any open beer to be carried from the building. (Ord. No. 89-11A, sec. 2-214)

(30) All owners and employees of establishments selling or serving alcoholic Beverages / beer must read and be familiar with the rules and regulations of the Beer Board.

(31) Owner or applicant must notify the Beer Board of any change of home address within ten (10) days.

(32) The Beer Board has the full power and authority to enter, inspect and investigate any business operated pursuant to any licenses issued by the Board and has full authority to call upon any members of the police and health department for assistance in the enforcement of the State laws, Town ordinances and the rules and regulations of the Beer Board pertaining to the sale of alcoholic beverages / beer.

(33) Beer is defined as any beverage with an alcoholic content of less than eight percent (8%) by weight, and liquor is defined as any beverage with more than eight percent (8%) alcoholic content by weight.

(34) Approved "On" premise and "Off" premise beer permits are issued and effective so long as the applicant continues to operate and own the business at the designated location or until said license is either suspended or revoked by the Town of Atoka Beer Board.

(35) In considering the issuance of a beer permit, the Beer board may consider the past record of the applicant in the operation of an establishment that served or sold alcoholic beverages / beer.

8-214. Restriction on hours for the sale of beer. No beer shall be sold within the corporate limits of the Town of Atoka, on Monday through Saturday between the hours of 3:00 a.m. and 5:00 a.m. No beer shall be sold in the Town of Atoka on Sundays between the hours of 3:00 a.m. and 10: 00 am. (Ord. #89-11A, § 2-215, as amended by Ord. #02-05-03, Aug. 2002, and Ord. #11-11-01, Dec. 2011)

8-215. Hearings. The beer board shall have the power to hear complaints and violations presented to the Beer Board. Matters brought before the Beer Board will be heard and will follow the order listed:

- (1) Requests for continuances
- (2) Violations
- (3) New Beer Permit applications
- (4) All other matters on the agenda

When holding a hearing for violations, the Beer Board, with access to the Town Attorney, shall review all letters and police reports and shall have the power to act as follows:

- (1) Take no action (note and file),
- (2) Place an establishment on probation up to one year,
- (3) Suspend the Beer Permit a number of days or indefinitely,
- (4) Assess a civil penalty in lieu of suspension,
- (5) Revoke the Beer Permit,
- (6) Dismiss any and all charges,
- (7) For retail liquor stores, and liquor by the drink establishments; recommend probation, suspension, or revocation to the State Alcohol Beverage Commission.

Hearing held before the Beer Board are not held to the same standards as a Court of Law. Hearsay evidence is admissible in the hearings before the Beer Board, the Board has no present power to subpoena or require the presence of any witness, and a transcript recording shall be made of the Beer Board hearings.

**Suspension** - The Beer Board has the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of violating any of the requirements or regulations spelled out in this chapter. This includes making a false statement or misrepresentation in their application, or a violation of local/ state/ federal law, or whenever it shall satisfactorily appear that the premises of any person, firm, or corporation holding a permit under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety, and morals.

**Revocations** - Except as hereinafter provided, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by any member of the beer board. The foregoing shall be in addition to any punishment imposed upon such holder by a court of law.

(Ord. #89-11A, § 2-216, as amended by Ord. #02-05-03, Aug. 2002)

- a. Three violations of the provisions or restrictions of state law or town ordinances during a two-year period by any licensee shall be subject to revocation of the licensee's license in accordance with the rules and procedures otherwise established by this ordinance and state law.
- b. Any licensee whose license is revoked shall not be eligible to receive a license for three years from the date of revocation.

**8-216. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100) pursuant to 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, 1994, and each successive January 1, to the Town of Atoka, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93-11-01, § 1, Dec. 1993)

**8-217. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. Each violation can be considered as an individual separate offense punishable by an individual penalty and considered separately.

If a civil penalty is offered as an alternative to suspension, the holder shall have seven (7) days within which to pay the civil penalty before the suspension shall be imposed. If the civil penalty is paid within that time, the suspension shall be deemed satisfied. (Ord. #93-11-01, § 1, Dec. 1993)

**8-218 Employment of Minors.** Pursuant to T.C.A. 1-3-113 and 50-5-101, et. Seq., employment of minors is permitted in certain instances as follows:

Under the age of 14 years, not to be employed where alcohol beverages / beer are sold.

Ages 14-15-16-17 years, at on premise locations, may be employed in establishments where the monthly average gross receipts of alcoholic beverages/ beer do not exceed 25% of total gross receipts as long as minors are not permitted to take orders for or serve alcoholic beverages. Minors may be

employed in such capacity as a kitchen aide, busboy, cook, hostess, parking lot attendant, porter, and janitor. These persons do not need to be registered with the Beer Board.

Duties of the employer:

- Must keep separate file for each minor employed at the location.
- Must keep application on file at the location.
- Must keep copy of birth certificate or other evidence of minor's age.
- Must keep time record showing hours of work each day.
- Post printed notices stating regulations governing employment and hours of work of minors and designate which type of employment is prohibited to minors.

**SECTION 2.** This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

**PASSED** at the First Reading by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 11<sup>TH</sup> day of January 2022.

**PASSED** at the Second Reading by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 8<sup>th</sup> day of February 2022.

  
W. Daryl Walker, Mayor

ATTEST:

  
Deborah Pukand  
Town Recorder