

ORDINANCE NO. 2001-5

AN ORDINANCE TO AMEND SIGNAL MOUNTAIN ORDINANCE 8-107, TO DELETE ANY PROHIBITION FOR ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES AND TO RENUMBER THE CURRENT SECTION 8-108 AS SECTION 8-107, AND TO CREATE NEW SECTIONS 8-108 THROUGH 8-135, WHICH SHALL PROVIDE FOR BROWN BAGGING PERMITS FOR ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE TOWN OF SIGNAL MOUNTAIN; AND TO INSERT A NEW SECTION 8-209 THROUGH 8-255 REGARDING ON-PREMISE AND OFF-PREMISE CONSUMPTION OF BEER WITHIN THE TOWN OF SIGNAL MOUNTAIN, AND TO DELETE SECTION 8-203 WHICH PROHIBITS THE SALE OF BEER FOR ON-PREMISE CONSUMPTION IN THE TOWN OF SIGNAL MOUNTAIN.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE that the following revisions to Title VIII of the Signal Mountain Code shall be adopted:

SECTION 1: BE IT ORDAINED, That the current Section 8-107, entitled "Sales or Facilities for On-Premise Consumption Prohibited" shall be deleted in its entirety and the current Section 8-108 of the Signal Mountain Code, entitled "Maximum Number of Wholesale and Retail Licenses" shall be renumbered as Section 8-107.

SECTION 2. BE IT FURTHER ORDAINED, That a new Section 8-108 through 8-135 entitled "On-Premise Brown Bagging" shall be adopted as follows:

DIVISION 1. GENERALLY

Sec. 8-108. Brown Bagging and Corkage, Generally.

The provisions of this article shall apply to all persons who operate an establishment selling setups for mixed drinks or provide corkage setups for wine, and who permit brown bagging in their establishment. It shall not apply to those persons or businesses licensed or permitted under the provisions of article II of this chapter or having a permit for the sale of alcoholic beverages for consumption on the premises issued by the alcoholic beverage commission of the state under the provisions of T.C.A. section 57-4-201.

Sec. 8-109. Definitions.

As used in this article, the following definitions shall apply:

Brown bag or brown bagging shall mean the practice of patrons, customers or guests bringing alcoholic beverages upon their premises or any person selling setups for mixed drinks or providing corkage services for wine.

Corkage shall mean the practice of providing patrons, customers, or guests with opening devices and glasses in connection with the consumption of wine.

Person selling setups for mixed drinks shall mean and include any person deriving receipts from the sale of setups for mixed drinks consumed on the premises.

Setups for mixed drinks shall mean and include sales of water, soft drinks, fruit juices, or any item capable of being used to prepare a mixed drink at such establishment.

Sec. 8-110. Beer Board and Town Police to enforce article.

(a) The Town Council which constitutes the Beer Board for the Town of Signal Mountain shall issue permits, and revoke or suspend licenses, except where such action would be inconsistent with any specific provision of this article.

(2) The police officers of the Town of Signal Mountain shall enforce all laws, ordinances and rules regulating establishments selling setups for mixed drinks, wine consumption, or permitting brown bagging.

Sec. 8-111. Hours regulated.

No permittee under this article shall sell any setup for purposes of mixing with alcoholic beverages, provide corkage services, or permit any alcoholic beverages to be consumed on the premises between the hours of 11:00 p.m. and 10:30 a.m. on any day of the week. The permittee shall not permit or suffer the presence of any alcoholic beverages on the premises during such hours.

Sec. 8-112. Sales to incapacitated or incompetent persons prohibited.

No permittee under this article shall permit or allow any intoxicated person to be on the premises or to dispense, serve, sell setups or provide corkage to such persons.

Sec. 8-113. Employment of minors.

No person under the age of eighteen (18) years shall be permitted to dispense, serve, sell setups, or provide corkage in any establishment which has been issued a permit under this article.

Sec. 8-114. Immoral acts prohibited at premises.

It shall be unlawful for any person to appear or be on the premises of a permittee under this article so costumed or dressed that one (1) or both breasts are wholly or substantially exposed to public view, and it shall be unlawful for any permittee to permit or allow any such person to appear or be in or on the premises. Further, it shall be unlawful to perform, or for the permittee to allow to be performed, on the premises any of the following acts or kinds of conduct:

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

- (2) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;
- (3) The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
- (4) The permitting by a permittee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus; or
- (5) The displaying of films or pictures depicting acts, a live performance of which is prohibited by the sections quoted above.

Sec. 8-115. Telephone and reports of disorders.

All permittees are required to maintain a telephone in good working order on the premises and to report all fights and other public disorders occurring on such premises immediately, whether or not participants in any such disorder have left the premises.

Secs. 8-116 – 8-127. Reserved.

DIVISION 2. PERMIT

Sec. 8-128. Required.

No person shall engage in the business of operating establishments selling setups for mixed drinks, providing corkage services, or permit brown bagging on any premises without having been issued a permit therefor. Such permit shall be obtained upon application and payment of fees as hereinafter provided. A duly issued permit shall allow such establishments to permit its patrons, customers, or guests to bring alcoholic beverages upon its premises for purposes of personal consumption or to otherwise permit brown bagging.

Sec. 8-129. Application; fee.

(a) All applications for a permit to sell setups for mixed drinks or to permit brown bagging shall be filed with the Town Council. The Police Department shall make an investigation of the applicant and determine whether or not the location meets all the requirements of this article, and report all findings to the Town Council. The Town Council shall make such other and further investigation it deems advisable and shall issue or deny a permit in its discretion.

(b) The application shall be accompanied by a fee one hundred dollars (\$100.00) for use in offsetting the expense of investigating the applicant and an annual renewal fee of fifty dollars (\$50.00) every year thereafter to be paid on or before January 1 of each year.

Sec. 8-130. Location to be designated.

The location of the premises at which the business of the permittee will be conducted shall be designated in the permit and in the application therefor.

Sec. 8-131. Grounds for refusal.

(a) No permit shall be issued where the operation of the business conducted thereunder may cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this article or any other law would be violated, including, but not limited to, the zoning laws. No permit shall be issued to any person or premises wherein a permit to sell beer or other alcoholic beverages or a permit under this article has been revoked within three (3) years or is under suspension.

(b) No such establishment shall be located within five hundred (500) feet, as measured from any doorway entrance of the applicant regularly used for public ingress and egress to the nearest doorway entrance to the school, church, or other place of public gathering to the nearest corner of the licensed establishment.

(c) All applicants for a permit shall be required in their application to list and identify all schools, churches, or other places of public gathering which are believed to be within the distance specified in paragraph (b) of this section.

(d) The Town Council may, in its discretion, require any applicant for a permit to submit as a part of his application a survey by a duly licensed surveyor when a school, church, or other place of public assembly is in close proximity to the applicant's premises; and when, because of limiting conditions such as topography, the accuracy of other methods of measurement is deemed to be inadequate and a survey is deemed reasonably necessary to establish an accurate distance relative to the applicant's entitlement to a permit under the provisions of this section.

(e) To the extent that it shall be called to the attention of the Town Council that it may have issued any permit to a location not qualified under the provision of this section, then it shall be the duty of the beer board, upon notice to the permittee and an opportunity for the permittee to be heard, to revoke any permits which have been issued in violation of this section.

Sec. 8-132. When Town Council may issue.

The Town Council shall issue no permit until the application therefor has been approved following a public hearing at a regularly scheduled Council Meeting with reasonable public notice.

Sec. 8-133. To be posted.

Any permit issued under this article shall be posted in a conspicuous place on the premises of the permittee.

Sec. 8-134. Not transferable.

Sec. 8-134. Not transferable.

No permit issued by the Town Council under the provisions of this article shall be transferred from one person to another.

Sec. 8-135. Grounds for revocation or suspension.

(a) The Town Council shall revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it, upon notice to the permittee and a hearing thereon, for any violation of any provisions of this article or any other ordinance, state law or regulation or federal law or regulation governing the operation of such establishments or when the permittee:

- (1) Operates a disorderly place; or
- (2) Allows gambling on the premises; or
- (3) Allows fighting or boisterous or disorderly conduct on the premises; or
- (4) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or
- (5) Allows minors to congregate about the premises after normal hours of business; or
- (6) Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business at the same location; or
- (7) Has made a false statement of a material fact in any application or notice to the board; or
- (8) Sells, furnishes, disposes of or gives, or causes to be sold, furnished, disposed of or given, any setup to any person under the age of twenty-one (21) years when it reasonably appears that such person under the age of twenty-one (21) years will use the setup for purposes of mixing a drink with any alcoholic beverages; or
- (9) Denies access to any portion of the premises wherein the use of setups for mixing alcoholic beverages is permitted, whether or not that portion of the premises issued specifically for the sale of setups; or
- (10) Has been convicted by final judgment of any court of competent jurisdiction of any crime or misdemeanor involving the sale or consumption of beer or alcoholic beverages; or
- (11) Allows violation of any provision of this article to occur on the licensed premises; or
- (12) Allows violations of the rules and regulations of the health department; resulting in revocation or

suspension of any permit issued by the Health Department; or

- (13) Consumes or permits any employee to consume any alcoholic beverages while on the premises, or to be intoxicated while on the premises; or
- (14) Allows litter or debris to accumulate in or around the premises, including the sidewalks and streets adjacent thereto; and/or fails to provide and maintain adequate solid waste containers and resolve nuisance problems in connection with such containers; or
- (15) Allows any server under eighteen (18) years of age to serve any set-ups without being in full compliance with T.C.A. ' 57-3-704.

(b) The Town Council may also, in its discretion, revoke a permit for due cause not specified herein.

SECTION 3. BE IT FURTHER ORDAINED, That a new Section 8-209 through 8-268 authorizing on premise consumption of beer shall be adopted as follows:

**ARTICLE III. BEER (BEVERAGES
NOT EXCEEDING FIVE PERCENT ALCOHOL)¹**

DIVISION 1. GENERALLY

Sec. 8-209. Sale of beer is permitted subject to law.

It shall be lawful to sell, store and possess beer of alcoholic content of not more than five (5) percent by weight and other beverages of like alcoholic content in the Town of Signal Mountain, subject to all regulations, limitations and restrictions provided by Chapter No. 5 of Title 57 of the Tennessee Code Annotated, as amended, and subject to the provisions of this article.

Sec. 8-210. Maximum quantity to be possessed without permit.

It shall be unlawful for any person without a permit to have in his possession or on his premises more than three (3) cases of beer or other beverages of like alcoholic content at any one time; provided that, a person or group of persons may purchase and possess more than three (3) cases to be used exclusively for nonrecurring social functions. It shall be unlawful for any retail dealer in beer or other beverages of like alcoholic content to sell or deliver to any person more than three (3) cases of such beverages on any one day.

Sec. 8-211. Inspectors to be appointed; powers and duties.

The Town Council shall employ inspectors and/or police officers for the purpose of enforcing the laws, ordinances and rules regulating the distribution, possession, storage or sale of beer at

¹ State law reference—Authority to regulate and license sale of beer and other light alcoholic beverages, T.C.A. ' 57-5-108.

wholesale or retail or other beverages of like alcoholic content. These inspectors shall work under the supervision of the chief of police and aid police officers in the enforcement of such laws, ordinances, rules and regulations. Such inspectors shall have all the powers and authority of regular police officers.

Sec. 8-212. Annual Privilege Tax on All Businesses Selling Beer within the Town of Signal Mountain.

There is hereby imposed on the business of selling or storing beer an annual privilege tax of one hundred dollars (\$100.00). 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, 2002, and each successive January 1, to the Town of Signal Mountain, 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.

Sec. 8-213. Solicitations of home delivery service prohibited.

It shall be unlawful for any licensed holder to solicit, either in person or by telephone, the sale or delivery of beer, or to make sales or home deliveries of beer.

Sec. 8-214. Offenses involving minors; loitering; gambling.

(a) No sale of beer or other alcoholic beverages shall be made to any person under the age of twenty-one (21) years; nor, shall any person under the age of twenty-one (21) consume any alcoholic beverages; nor shall any person purchase or otherwise obtain any such beverage for any person under the age of twenty-one (21), except as set forth hereinbelow.

(b) No permittee shall allow any person to loiter about the place of business after the hours of operation. The burden of ascertaining the age of such customer shall be upon the owner or operator of such place of business; provided, that nothing herein shall be deemed to prohibit the employment of persons age eighteen (18) years of age or over.

(c) No permittee shall allow any gambling or gambling devices on the business premises.

Sec. 8-215. Unauthorized use or consumption of beverages on premises.

(a) No permittee under this article whose permit authorizes sale for consumption off the premises only shall sell for consumption on the premise, nor shall permittee allow any consumption to take place on the premises.

(b) No sale for consumption on the premises shall be made by any permittee except in connection with a restaurant business where lunch and dinner are regularly served. Any permittee for on-premise consumption shall have minimum seating capacity for at least fifty (50) customers.

Sec. 8-216. Sales to incapacitated or incompetent persons prohibited.

No permittee under this article shall make or allow any sale to any intoxicated person or to any known feeble-minded, insane or otherwise mentally incapacitated person; nor allow any such person to loiter on or about the premises.

Sec. 8-217. Use of premises not authorized by permit.

No beer or other beverages of like alcoholic content shall be manufactured, stored or sold except at the premises designated in the permit therefor.

Sec. 8-218. Employment of former violators.

No person shall be employed in the sale or storage of beer or other beverages of like alcoholic content who has been convicted within the preceding ten (10) years of any violation of the laws of the state against the sale, manufacture, possession, consumption or transportation of intoxicating liquors, or of any crime involving moral turpitude, be so employed.

Sec. 8-219. Employment of minors.

No person under the age of eighteen (18) years shall be permitted to sell or dispense alcoholic beverages, wine, or beer in the course of their employment.

Sec. 8-220. Prohibited acts on premises.

- (a) No operator, entertainer, or employee of any establishment licensed under this chapter shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia on the premises.
- (b) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.
- (c) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee, or customer.
- (d) No entertainer, employee, or customer shall be permitted to have any physical contact with any other entertainer, employee or customer on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet

(6) from the nearest entertainer, employee and/or customer.

- (e) Any display of any films or pictures depicting any live performance of acts which are prohibited by subparagraphs (a) through (d) of this section is prohibited upon the premises.

Sec. 8-221. Telephone and reports of disorders.

All permittees under this article are required to maintain a telephone in good working order on the premises and to report all fights and other public disorders occurring on such premises immediately, whether or not participants in any such disorder have left the premises.

Sec. 8-222. Penalty.

Any violation of this article shall be punishable by a civil penalty of a sum not more than Five Hundred (\$500.00) Dollars. Violation of this article shall constitute grounds for the revocation of the license, or for a suspension in the discretion of the Town Council.

Secs. 8-223 B 8-239. Reserved.

DIVISION 2. PERMITS

Sec. 8-240. Required generally-Application.

- (a) No person shall engage in selling, possessing or storing beer or other beverages of like alcoholic content in the city until the business tax authorized by law has been paid and a permit issued to such person.
- (b) It shall be unlawful for any person not holding a permit for the sale of beer or other beverages of like alcoholic content to sell or offer for sale beer or other beverages of like alcoholic content at any time within the city.
- (c) The applicant for a permit for the sale of beer or other beverage of like alcoholic content shall pay to the Town of Signal Mountain an application fee of two hundred fifty dollars (\$250.00), imposed for the cost of investigating the location and the character of the applicant, for each location for which a beer permit is sought. Such fee shall apply to all applications for each and every classification of beer permit including any initial or first time application. This fee is non-refundable and shall be in addition to any other fees or taxes specified herein.
- (d) The application shall distinctly state:
- (1) Name of the applicant;

- (2) Name of applicant's business;
- (3) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section;
- (4) If beer will be sold at two (2) or more restaurants or other businesses within the same building pursuant to the same permit;
- (5) Identity and addresses of persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a five percent (5%) ownership interest in the applicant;
- (6) Identity and address of a representative to receive annual tax notices and any other communication from the county legislative body or its committee;
- (7) That no person, firm, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant nor any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years;
- (8) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption, or both of the foregoing; and
- (9) Such other information as may be required by the Town Council of the Town of Signal Mountain. An applicant or permit holder shall be required to amend or supplement its application promptly if a change in circumstances affects the responses provided in its application.

Any applicant making a false statement in the application shall forfeit the permit and shall not be eligible to receive any permit for a period of ten (10) years.

- (e) The beer inspector shall give notice of all applications for permits for new premises to the Town Engineer and the Fire Chief building official and the fire marshal, so that they may make such inspections as shall be advisable to check the premises for compliance with the fire codes, building codes, and zoning ordinances.
- (f) Temporary beer permits not to exceed thirty (30) days' duration may be issued at the request of an applicant on the same conditions governing permanent permits; provided, that such temporary permits shall not be issued for the sale of beer on publicly-owned property without the approval of the appropriate governmental authority charged with the management of such property.

Sec. 8-241. Approval or rejection of application.

The Town Council shall consider each application filed for a permit under this division, and shall grant or refuse the permit according to its best judgment, under all the facts and circumstances, and endorse its action on the application. The action of the Town Council in granting or refusing a permit shall be final, except as it may be subject to review at law.

Sec. 8-242. Location of premises to be designated.

The location of the premises at which the business of a permittee under this division will be conducted shall be designated in the permit and in the application therefor.

Sec. 8-243. When to be refused.

- (a) No permit required by this division shall be issued where the operation of the business conducted thereunder may cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this article or any other law would be violated, including, but not limited to, the zoning laws.
- (b) The sale of beer or other beverages of like alcoholic content for consumption on the premises within five hundred (500) feet, or two hundred (200) feet for consumption off the premises, as measured from any doorway entrance to the building of the applicant regularly used for public ingress or egress to the nearest doorway entrance to the school, church, adult-oriented establishment, or other place of public gathering regularly used for public ingress or egress shall be prohibited.
- (c) All applicants for a beer permit shall be required in their application to list and identify all schools, churches, or other places of public gathering which are believed to be within the distance specified in paragraph (b).

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- (d) The Town Council may, in its discretion, require any applicant for a beer permit to submit as a part of his application a survey by a duly licensed surveyor when a school, church, or other place of public assembly is in close proximity to the applicant's premises; and when, because of limiting conditions such as topography, the accuracy of other methods of measurement is deemed to be inadequate and survey is deemed reasonably necessary to establish an accurate distance relative to the applicant's entitlement to a permit under the provisions of this section.
- (e) To the extent that it shall be called to the attention of the Town Council that it may hereafter have issued any beer permit to a location not qualified under the provision of this section or that a nonconforming permittee within the prohibited distance provision has ceased to sell beer for more than six (6) months, then it shall be the duty of the Town Council, upon notice to the permittee and an opportunity for the permittee to be heard, to revoke any permits which have been issued in violation of this section.
- (f) No permit required by this division shall be issued where a person, firm, corporation, joint stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years, or has had a permit under this chapter revoked within three (3) years or is currently under suspension.

Sec. 8-244. Applicant to pay all taxes required by state law.

The applicant shall submit satisfactory evidence to the Town Council that it has registered and paid the Department of Revenue of the State all outstanding taxes on beer sales as provided by T.C.A. '57-5-201, et seq.

Sec. 8-245. When Town Council may issue.

The Town Council shall issue no permit under this division until the application therefor has been approved following a public hearing at a regularly scheduled Council Meeting with reasonable notice.

Sec. 8-246. To be posted.

The permit issued under this division shall be posted in a conspicuous place on the premises of the permittee.

Sec. 8-247. Not transferable.

No permit issued by the Town Council under the provisions of this division shall be transferred from one person to another.

Sec. 8-248. Possession of federal license without Town permit.

The possession by any person of any federal license to sell alcoholic beverages without the corresponding Town permit required by this division shall be prima facie evidence in all cases that the holder of such federal license is selling beer or other beverages of like alcoholic content in violation of the provisions of this article.

Sec. 8-249. Grounds for revocation or suspension.

- (a) The Town Council shall revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it under this division, upon notice to the permittee and a hearing thereon, for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages or for any violation of any provision of this Code or any other ordinance of the Town or when the permittee:
- (1) Operates a disorderly place; or
 - (2) Allows gambling on the premises; or
 - (3) Allows fighting or boisterous or disorderly conduct on the premises; or
 - (4) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or
 - (5) Allows minors to congregate about the premises after normal business hours; or
 - (6) Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business at the same location; or
 - (7) Has made a false statement of a material fact in any application or notice to the board; or
 - (8) Sells, furnishes, dispenses or allows to be used or consumed, any beer or other alcoholic beverages to any person under the age of twenty-one (21) years; except to the extent lawful under this Code; or

- (9) Denies access to any portion of the premises at which the sale of beer is permitted, whether or not that portion of the premises is used for the sale of beer, to any policeman or inspector; or
 - (10) Allows any server under eighteen (18) years of age to serve beer without being in full compliance with Tennessee Code Annotated, Section 57-3-704; or
 - (11) Has been convicted by final judgment of any court of competent jurisdiction of any crime or misdemeanor involving the sale or consumption of beer or alcoholic beverages; or
 - (12) Allows any violation of any provision of this article to occur on the licensed premises; or
 - (13) Allows violations of the rules and regulations of the health department resulting in revocation or suspension of any permit issued by the Health Department; or
 - (14) Consumes or permits an employee to consume any beer or any alcoholic beverage while on the premises, or to be intoxicated while on the premises; or
 - (15) Allows litter or debris to accumulate in or around the premises, including the sidewalks and streets adjacent thereto; and or fails to provide and maintain adequate solid waste containers and resolve nuisance problems in connection with such containers; or
 - (16) The Town Council may also, in its discretion, revoke a permit for due cause not specified herein.
- (b) The Town Council in its capacity as Beer Board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) 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.

Sec. 8-250. Employees' permits; display of permits.

All employees who dispense, serve or sell beer or other beverages of like alcoholic content for consumption on the premises of any establishment granted a permit under this article must obtain a permit to do so from the beer inspector who is authorized to fingerprint and photograph all applicants for such a permit. All such employees, upon changing their employment, shall so notify the beer inspector, in writing, within seven (7) days of leaving the employ of a permittee. All permits required by the article shall be shown, upon demand, to any law enforcement officer or beer inspector.

Sec. 8-251 - 254. Reserved.

Sec. 8-255. Regulation of outdoor advertising.

Pursuant to Tennessee Code Annotated, Section 57-5-304, outdoor advertising signs that advertise beer are regulated as follows:

- (a) No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located.
- (b) Any proposed outdoor sign shall be reviewed and approved by the Design Review Commission for compliance with all existing Town Ordinances prior to installation.

Secs. 8-256 – 8-269. Reserved.

SECTION 4. BE IT FURTHER ORDAINED, That Section 8-203 of the Signal Mountain Ordinance which prohibits sale of beer for consumption on premises is deleted in its entirety.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall become effective two (2) weeks from and after its passage as provided by law.

PASSED on Second and Final Reading
October 8, , 2001.


 James H. Althaus, Mayor


 Recorder