

CHAPTER 2

BEER

SECTION

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2-201. Creation, Organization, etc. of Alcoholic Beverage Control Board.

There is hereby created a board of five (5) members, to be known as the Alcoholic Beverage Control Board of the City of Paris, Tennessee. All five (5) members of such board shall be residents of the City of Paris. Board members shall be appointed by the Mayor for a term of three years, subject to the approval of the City Commission. Any vacancy on the Board shall be filled in like manner for the balance of the unexpired term. Such board shall be appointed, subject to the right of the Mayor with the approval of the City Commission, the above mentioned terms notwithstanding (Ord. #559, 6/4/81, Ord. #886, 12/07/95, Ord. #1225, 3/1/18).

Regular meetings of the Alcoholic Beverage Control Board shall be held on the third Thursday of each month at 6:00 p.m. at the City Hall (Ord. #559, 6/4/81, Ord. #1225, 3/1/18).

The Alcoholic Beverage Control Board shall organize by the election of a chairman, vice-chairman, and secretary. Minutes shall be kept of the meetings in permanent form and a record shall be kept of the action of the board with respect to every application for a permit. The concurring vote of at least three (3) members of the board shall be necessary to the approving, revocation, or suspension of any permit. Minute books of the board shall be a public record, and shall become a part of the records of the Finance Director of the City of Paris, Tennessee (Ord. #559, 6/4/81, Ord. #809, 09/03/92, Ord. #886, 12/07/95, Ord. #1225, 3/1/18).

2-202. Rules and Regulations of the Board. The Alcoholic Beverage Control Board is authorized and empowered to adopt such reasonable rules and regulations as a majority thereof may deem necessary and proper for the operation and supervision of the business of the Alcoholic Beverage Control Board. Provided, however, that such rules and regulations must be submitted to the Board of Commissioners of the City of Paris, Tennessee, for approval before they have any force and effect (Ord. #559, 6/4/81, Ord. #886, 12/07/95, Ord. #973, 9/05/00).

2-203. Permit Required. A. It shall be unlawful for a business to : manufacture, distribute, sell, offer to sell, or give away, at wholesale or retail, any alcoholic beverage of an alcoholic content of not more than eight (8%) percent by weight, without having a permit under the provisions of this chapter, or in violation of the terms of this chapter. (Ord. #1202, 3/2/2017)

B. It shall further be unlawful to sell, offer for sale, give away, or allow to be brought on the business premises, any beer or other alcoholic beverage, as defined in 2-201 (1) of the Paris Municipal Code, when a parking fee, admission fee, cover charge, dues payment, or other type of charge is made to the public or a private group for admission to any event, function, or other entertainment, educational, or business offering, whether by a profit or a nonprofit individual, group, organization, or corporation, unless such activity is held at a location that has a permit issued pursuant to this chapter, or unless a temporary permit is issued pursuant to the provisions of 2-217 of this chapter.

C. There shall be only one permit issued for each location regulated by the terms of this chapter. The permit granted under this chapter shall be issued only to:

1. Where the applicant is a sole proprietorship only to the owner of the business, or to an on-premises manager.
2. Where the applicant is a partnership, only to a managing partner or to an on-premises manager.
3. Where applicant is a corporation only to the on-premises manager of the corporate location (Ord. #973, 9/05/00.)

2-204. Enforcement of Chapter. The Alcoholic Beverage Control Board and the City Manager of the City of Paris, shall have full power to enforce the provisions of this chapter and to investigate reported violations thereof, and for this purpose is authorized to utilize the full facilities of the Police Department, and such other inspection agencies of the City as may be deemed proper for the full and proper enforcement of this chapter (Ord. #559, 6/4/81).

2-205. Applications for Beer Permits. All applications shall be made on a form prescribed by the Alcoholic Beverage Control Board in conformity with the requirements of this section, and shall be filed with the Board at least ten (10) days before approval for issuance. (Ord. #559, 6/4/81, Ord. #674, 1/7/88; Ord. #1028, 02/05/2004).

All applications for permits shall be made in writing and signed by the applicant, or the duly authorized agent of a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the objects for which it is organized, the names and addresses of the officers and directors, and if an interest of five percent (5%) or more of the stock of such corporation is owned by one person, the name and address of such person. Any such applicant shall also be required to list all prior residence addresses for the twenty (20) years previous to the application.
2. The character of the business of the applicant and in the case of a corporation, the date when its charter was issued.

3. The location and description of the premises or place of business that is to be operated under said permit.
4. A statement whether the applicant has made application for a similar or other permit on premises other than described in this application, and the disposition of such application.
5. A statement that the applicant has never been convicted of a felony and is not qualified to receive a license by reason of any matter to thing contained in this chapter, the laws of the State of Tennessee, or any other state, or the ordinances of the City of Paris.
6. Whether a previous or similar license by any state or subdivision thereof has been revoked or suspended, and the reasons therefore.

For the purposes of this application, the applicant also shall waive the applicant's right to privacy for the purposes of allowing the City of Paris to verify all statements made in the application (Ord. #1028, 02/05/2004).

2-206. Restrictions on Licenses. No permit shall be issued to:

1. An applicant who has not obtained a State Sales Tax Identification Number. Provided, however, that the Alcoholic Beverage Control Board may issue a permit to an applicant who is making application for a State Sales Tax Identification Number. If a State Sales Tax Identification Number is not applied for and obtained within ten (10) days of the effective date of such permit the Alcoholic Beverage Control Board shall revoke the applicant's permit (Ord. #765, 09/05/91, Ord. # 886, 12/07/95).
2. A person who has been convicted of any violation of the laws provided by the State of Tennessee, or any other state, prohibiting the possession, sale, manufacture, or transportation of intoxicating beverages, or any felony, within the past ten (10) years (Ord. #559, 6/4/81; Ord. #580, 3/3/83; Ord. #674, 1/7/88).
3. An applicant whose license under this chapter has been revoked or suspended for cause, including an applicant whose previous place of business was conducted by a manager or agent, even if the proposed manager or agent possesses sufficient qualifications to be issued a permit under this chapter. Provided, however, that the Board may, in its discretion, issue a license to such applicant for a probationary period to be determined by the Board if, in the Board's sole discretion, circumstances warrant the granting of said application (Ord. #559, 6/4/81; Ord. #653, 11/11/86; Ord. #886, 12/07/95).
4. An applicant, who at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon a first application (Ord. #559, 6/4/81).
5. A partnership, unless all the member of such partnership shall be qualified to obtain a license. A corporation, if officer, managerial director thereof, or any stockholder or stockholders owning in the aggregate of more than five (5%) percent of the stock of such corporation, would not be eligible to receive a permit hereunder for any reason (Ord. #559, 6/4/81; Ord. #674, 1/7/88).

6. An applicant whose place of business is conducted by manager or agent, unless said manager or agent possesses the same qualifications required of the applicant (Ord. #559, 6/4/81; Ord. #653, 11/11/86; Ord. #674, 1/7/88).
7. Any employee of the city, city manager, city recorder, city attorney, or city judge, and no such official or employee shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic beverages as defined in this chapter. Provided, however, that any member of any board, either elected or appointed, may hold office and shall be allowed to obtain a Class A permit under the qualifications provided in Section 2-208 of this chapter, if said person would be eligible to receive a permit under all other terms and conditions of any other section of this chapter (Ord. #627, 8/1/85).
8. An applicant whose place of business does not meet the requirements of any other section of this chapter (Ord. #559, 6/4/81; Ord. #886, 12/07/95).
9. An applicant whose place of business is one hundred fifty (150) feet or less from a church, school, public playground, or park. This distance is to be measured in a straight line from the closest point from building to building, or in the case of a public playground or park, from the closest point of the applicant's building to the closest point in the nearest property line of the public playground or park. Provided, however, the provisions of this section shall not apply to any licensed premises deriving fifty five percent (55%), or more, of its gross revenue from non-alcohol related sales. For the purposes of this section, non-alcohol related sales shall be defined as the sale of food or non-alcoholic beverages. Non-alcohol related sales shall not include any admission fee, parking fee, cover charge, or other charge that must be paid for entry on or to the premises, or any fee or charge for any sales of commodities other than food or non-alcoholic beverages.

Provided further, however, that any business established prior to the effective date of this Ordinance may be continued. When a business not conforming with the provisions of this section is discontinued or abandoned for a period of one hundred eighty (180) consecutive days, then no application for a business not in conformance with the provisions of this section shall thereafter be approved (Ord. # 559, 6/4/81; Ord. # 674, 1/7/88; Ord. # 749, 04/04/90; Ord. # 1224, 3/1/18).

10. An applicant who has not reached the age of 21 years of age at the time the application is submitted to the Board. Provided, however, that any applicant who holds a permit under this chapter prior to the effective date of this ordinance shall continue as a permit holder.
11. The Alcoholic Beverage Control Board may approve the issuance of a permit to an applicant for an initial permit or any renewal, but the city manager or his designee shall not issue the permit to the applicant until the applicant has properly applied for and obtained a city business license pursuant to 6-301 of the Paris Municipal Code and the Business Tax Act, as codified in T.C.A. 67-4-701, *et seq.* Further, if a permit holder does not file any report required by the above statutes or ordinances, or if the permit holder is delinquent in payment of any sums

due the City of Paris or the State of Tennessee, as required by said statutes or ordinances, the city manager or the city manager's designee shall suspend the permit until the next regular meeting of the Alcoholic Beverage Control Board, where, at that time, the Alcoholic Beverage Control Board shall determine if a violation of this chapter has occurred pursuant to the provisions of 2-214 of the Paris Municipal Code. (Ord. #1039,02/03/05.)

2-207. Investigation and Examination of Applicants; Application Fee; Privilege Tax.

a. The Alcoholic Beverage Control Board and the City Manager shall have the right to examine, or cause to be examined, any applicant for a permit or for a renewal thereof, to determine the validity of the statements made in any application, and to examine or cause to be examined the books and records of any such applicant. Any applicant making any false statement of any material fact in his application shall forfeit any permit received and shall not be eligible to receive another permit for a period of ten (10) years thereafter. An application fee of two hundred fifty dollars (\$250) for use in offsetting the expense of investigating the applicant shall be charged pursuant to Tennessee Code Annotated, Section 57-5-104 on any original application for a permit, provided, however, that such fee shall not be charged for renewal of any existing permit, an application for a new location from an applicant already a permit holder under this chapter, or by an applicant who is a manager of an establishment under this chapter that is currently holding a permit under this chapter. Regardless of whether or not an application is approved or denied, any portion of the fee collected in excess of that actually used in the investigation shall be the property of the City of Paris and deposited in the General Fund (Ord. #559, 6/4/81; Ord. #597, 9/1/83, Ord. #834, 7/07/93).

b. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer in the city of Paris a privilege tax of one hundred dollars (\$100.00) to be remitted on January 1, 1994, and each successive January 1 to the finance director of the city of Paris. The finance director shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1 of each year. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice of the tax was mailed, whichever is later, then the finance director shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the permit shall be void and the finance director shall notify the Alcoholic Beverage Control Board of this action. At the time a new permit is issued to any permit holder, 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. Termination of business by a permit holder, or suspension or revocation of any permit, shall not entitle the permit holder to any refund of any portion of the privilege tax. The city of Paris may utilize these tax funds for any public purpose (Ord. #834, 07/07/93).

2-208. Term of Permit; Classification; Permit to be Posted. A. Each permit issued hereunder shall remain in force and effect until terminated by the provisions of this Ordinance, or until suspended or revoked by the Alcoholic Beverage Control Board. There shall be two (2) classes of permits issued by the Board, as follows: (Ord. #1031, 06/28/04).

(Class A): An "off sale" permit to any applicant engaged in the sale of alcoholic beverages where they are not to be consumed by the purchaser upon or near the premises of such seller (Ord. #559, 6/4/81).

(Class B): An “on-sale” permit to any applicant engaged in the sale of alcoholic beverages where they are consumed by the purchaser or his guest upon the premises of the seller (Ord. #559, 6/4/81).

The permit issued by the Board shall be conspicuously posted on the premises where the business authorized by the permit is conducted (Ord. #559, 6/4/81).

B. Surrender of permit upon termination of business. Any permittee who ceases the active operation of a business location offering for sale alcoholic beverages under the provisions of this chapter for a period of greater than thirty (30) days shall be deemed to have surrendered the permit issued under the provisions of this chapter. In addition, when the business permitted under this chapter shall cease operation, a permittee shall be required to surrender said permit to the city business office within fifteen (15) days of termination of the business, provided, however, that notwithstanding the failure to return a permit, such permit shall expire on termination of the business and any permit not so surrendered shall prohibit the permittee from securing a new permit at a later date without permission of the Alcoholic Beverage Control Board. The Alcoholic Beverage Control Board shall further have the power to revoke and remove from the records of the City of Paris any permits not so surrendered, permits of any businesses who have ceased operation under the provisions of this section, or permits of businesses who have failed to meet the transfer requirements of Section 2-212 (7). The Alcoholic Beverage Control Board shall further be notified at their monthly meetings of any change in the status of any permits by the City Police Department and the City Business Office (Ord. #653, 11/11/86, Ord. #834, 07/07/93).

If an applicant shall reapply for issuance of a new permit previously revoked as stated above, the applicant shall be required to reapply as provided in 2-205 and pay the application fee provided in 2-207 (Ord. #886, 12/07/95).

2-209. Records of Permits. The City Manager shall keep a complete record of all such permits issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any permit the City Manager shall immediately give written notice thereof to the Chief of Police (Ord. #559, 6/4/81; Ord. #653, 11/11/86; Ord. #674, 1/7/88).

2-210. Nightclubs. In addition to the provisions of this Chapter, the following provision shall apply where applicable:

(a) A nightclub shall be defined as an establishment holding a permit under this chapter where beer is provided or consumed, as defined in 2-203 of this chapter, and patrons come to view an act, be entertained by an act or show, and/or participate in such entertainment. Such act or show may be live or pre-recorded and may be by audio or visual means with a dance floor or stage on the premises (Ord. #973, 9/5/00.)

(b) In order to qualify as a nightclub under the provisions of this section, such premises must have a minimum seating capacity of 100 occupants and must meet all Code requirements of the City of Paris in effect for this type of use.

(c) All provisions of Title 2, Chapter 2, shall be applicable to nightclubs with the exception of 2-212 (1) and 2-212 (9). Provided, however, that a patron or customer of a nightclub as defined in this section may bring on to said premises alcoholic beverages as defined in 2-101 (1) for consumption by said person on the premises of the permit holder, if the provisions of 2-212 (9), Sub-sections b, c, and d, are complied with (Ord. #674, 1/7/88, Ord. #886, 12/07/95, Ord. # 974, 1/02/01).

(d) Notwithstanding the provisions of this section, the provisions of 2-212 (5) shall be applicable to night clubs and any night clubs allowing conduct prohibited by 2-212 (5) shall further be prohibited from allowing the conduct described in 2-210 (c) (Ord. #886, 12/07/95).

2-211. Private Clubs. All provisions of Title 2, Chapter 2, shall be applicable to private clubs with the exception of the following sections: 2-212 (1) and 2-212 (3). For the

purposes of this section, the term "private club" shall be as is defined in T. C. A. 57-4-201 (a) (Ord. #674, 1/7/88, Ord. #852, 6/02/94, Ord. #886, 12/07/95).

2-212. Prohibited Acts, Acts Required. The following conduct shall be regulated by the Alcoholic Beverage Control Board:

1. In premises upon which the sale of beverages for consumption on the premises is permitted, no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of such premises, nor inside said premises, which shall prevent a clear view into the interior of such premises from the street, road or sidewalk at all times. The Board shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as above required. Provided, however, that any business established prior to the effective date of this ordinance may be continued. When a business not conforming with the provision to this section is discontinued or abandoned for a period of one hundred eighty (180) consecutive days, then no application for a business not in conformance with the provisions of this section shall thereafter be approved (Ord. #559, 6/4/81, Ord. #886, 12/07/95).
2. No applicant shall employ any persons in the storage, sale or manufacture of any of said beverages except citizens of the United States or any person who has been convicted of any violation of the laws against possession, sale, manufacture, and transportation of intoxicating liquor, or any felony, within the last ten (10) years (Ord. #559, 6/4/81, Ord. #580, 3/3/83, Ord. #886, 12/07/95).
3. No alcoholic beverage shall be sold, offered for sale, given away, or consumed between 3:00 a.m. and 6:00 a.m. on weekdays, or between 3:00 a.m. and 12:00 o'clock noon on Sundays. No such beverage shall be consumed, open for consumption, or on or about any premises licensed hereunder, in either bottle, glass, or other container, after 3:00 a.m., and no premises licensed hereunder shall allow persons on said premises in any manner whatsoever after 3:00 a.m. Provided, however that: (Ord. #974, 1/02/01).
 - (i) Any licensed premises under this chapter deriving fifty percent (50%) of its gross revenue from non-alcoholic related revenue may allow persons on said premises during the hours when sale or consumption or alcoholic beverages is prohibited for the purpose of conducting other business, but in no event shall any alcoholic beverages be brought on to the premises, given away, sold, offered for sale, consumed or open for consumption during the prohibited time specified in § 3 above. For the purposes of this section, non-alcohol related revenue shall not include an admission fee, parking fee, cover charge, or other charge that must be paid for entry on to the premises, or any fee or charge for any sales of commodities other than for food or non-alcoholic beverages. (Ord. #973, 9/5/00, Ord. #974, 1/02/01).
 - (ii) during the time when licensed premises as defined in this section, are open for business, all entryways to the premises shall remain unlocked and open to the

public and no licensed premises shall allow persons on said premises in any manner whatsoever after said premises are closed or not open to the public (Ord. #559, 6/4/81, Ord. #565, 12/3/81, Ord. #886, 12/7/95).

- (iii) any licensed premises as defined in (i) above not in compliance with (i) above shall immediately be required to comply with the closing requirements of the general provisions of this section until such time as the licensed premises is in compliance with the requirements of (i) above (Ord. #559, 6/4/81; Ord. #565, 12/3/81, Ord. #886, 12/07/95; Ord. #973, 9/5/00).
4. It shall be unlawful for the holder of any permit issued under this section to sell, deliver or give alcoholic beverages to any intoxicated person (Ord. #559, 6/4/81).
5. It shall be unlawful:
- (i) To permit any gambling on any premises issued a permit under this chapter.
 - (ii) To permit any owner, licensee, agent of licensee, guest of licensee, employee, independent contractor of licensee, patron, or guest to remove any clothing, garments, or other costume, either as a live performance, or incidental to any hereinabove described person's use of the licensed premises. Such prohibition does not include the removal of headwear or footwear; or the incidental removal of a tie, suitcoat, sportcoat, jacket, sweater, or similar outer garment by a patron, guest, or invitee of the licensed premises.
 - (iii) To allow any entertainment on licensed premises by any person specified in section (ii) above, which shall contain 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, including the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals, or the actual or simulated displaying of the pubic hair, anus, vulva, or genitals; or the nipples of a female.
 - (iv) To permit any person specified in (ii) above from appearing with his or her genitals or pubic region less than completely covered by an opaque substance or material, appear with his or her buttocks less than completely covered by an opaque substance or material; or any female to appear with either or both of her breasts less than completely covered by an opaque substance or material below the upper most or highest part of the areola.
 - (v) For any person specified in (ii) above to permit or allow the showing of films, still pictures, electronic reproductions, or other visual reproductions depicting any entertainment, acts, scenes, drawings, or any other devices portraying, depicting, or in any wise showing any of the prohibited activities described above in (ii) through (iv).

- (vi) Any licensee in violation of the provisions of this section shall have its license revoked or suspended as provided by the provisions of this chapter and shall be guilty of a misdemeanor and be punished in accordance with the provisions of the Paris Municipal Code (Ord. #559, 6/4/81, Ord. #821, 3/4/93).
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- 6. A permit shall be valid only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change of ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. A permit shall expire on termination of the business, change in ownership, or change of the business's name. Provided that for those permit holders whose business is run by a manager and the business' manager holds a permit, and in the event of change of management the business shall be allowed to continue for a period of thirty (30) days from said change of management, during which time the new manager shall be allowed to apply for a permit without interruption of the business conducted by the permittee (Ord. #687, 8/4/88, Ord. #834, 07/07/93, Ord. #886, 12/07/95).
 - 7. A permit issued hereunder shall permit the sale of alcoholic beverages in the premises described in the permit application and any relocation of the business shall cause the permit to expire. Provided, however, that a permit shall be valid for all decks, patios, and other outdoor serving areas that are contiguous to the premises in which the permitted locations is operated by the permittee. Such location may be changed only upon application to the Board and such request for change shall be reviewed as in the manner of a new permit application. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter (Ord. #559, 6/4/81, Ord. #834, 07/07/93, Ord. #974, 1/02/01).
 - 8. Minors:
 - (a) It shall be unlawful to sell, give or deliver alcoholic beverages to any person under the age of twenty-one (21) years. It shall be unlawful for any owner, manager, or his/her agent or employee to suffer or permit any minor to be or to remain in any room or compartment adjoining or adjacent to or situated in the room or place where such "on sale" premises is located, providing that this sentence shall not apply to any minor on any licensed premises which derives more than fifty percent (50%) of its gross revenue from the sale of non-alcoholic related revenue items as is defined in 2-212 3. (i) (Ord. #559,6/4/81; Ord. #612, 8/1/84; Ord. #653, 11/11/86, Ord. #674, 1/7/88, Ord. #886, 12/07/95, Ord. #973, 9/05/00).
 - (b) It shall be unlawful for any permittee or agent thereof, to permit any person under the age of eighteen (18) years to engage in the sale, drawing, pouring or mixing of any alcoholic beverage in any permitted premises, provided,

however, that any permittee holding a Class A permit shall be allowed to employ persons age seventeen (17) years and older for the sale of items regulated by this chapter under the same terms and conditions as employees eighteen (18) years or older (Ord. #559, 6/4/81, Ord. #580, 3/3/83, Ord. #886, 12/07/95).

- (c) It shall be unlawful for any person under the age of twenty-one (21) years of age to purchase or obtain any alcoholic beverage where such beverage is sold. It shall be unlawful for any parent or guardian to permit any person under the age of twenty-one (21) years of which he/she may be parent or guardian to violate any provision of this section. It shall be unlawful for any person to misrepresent his/her age for the purpose of purchasing or obtaining alcoholic beverages from any premises where a permit has been issued and alcoholic beverages are sold (Ord. #559, 6/4/81; Ord. #612, 8/1/84; Ord. #674, 1/7/88).

9. The possession and consumption of alcoholic beverages containing an alcoholic content of five percent (5%) by weight or greater as defined in 2-101 (1) of the Paris Municipal Code shall be prohibited on the premises covered by the provisions of this chapter except in the following circumstances:

- (a) A patron or customer of a business holding a Class B permit may bring on to said premises alcoholic beverages as defined in 2-101 (1) for the consumption by said person on the premises of the permit holder if the licensed premises derives fifty percent (50%) of its gross revenue from non-alcoholic related revenue. For the purpose of this section, non-alcoholic related revenue shall not include an admission fee, parking fee, cover charge, or any other such fee that must be paid for entry on to the premises, or fee or charge for any sales of commodities other than for food or non-alcoholic beverages; and,
- (b) Said alcoholic beverage is retained in the possession of the patron or customer at all times while said patron or customer is on the premises and is removed by the patron or customer when the premises are vacated; and,
- (c) Said alcoholic beverage is packaged and transported in such a container that it is not readily observable by other patrons or employees to be alcoholic beverages; and,
- (d) The owner, operator, or manager of the premises upon which the alcoholic beverage is proposed to be consumed gives permission for said possession and consumption; and,
- (e) The premises under this chapter holds an inspection certificate from the Department of Environmental Health. The licensed premises shall be required to meet any and all regulations contained in the other sections of this chapter relating to legal

hours and days of sale, prohibited acts and acts required, regulation and control of minors and employees, the same if said beverage contained an alcoholic content of five percent (5%) by weight or less (Ord. #973, 9/5/00).

This section shall not apply to any permitted location where the permittee also holds a liquor by the drink permit issued by the Tennessee Alcoholic Beverage Commission. (Ord. #974, 1/2/01).

2-213. Procedures for Revocation. The Alcoholic Beverage Control Board shall have the power to revoke any permits, upon notice to the permittee or the owner and manager if the manager is the permit holder and hearing thereon, for any violation of any provision of this chapter. Notice of a hearing shall be sent by the City Manager to permittee at least seven (7) days prior to the hearing, stating the particular violations of this chapter upon which the hearing will be held.

The Board shall examine or cause to be examined, any witnesses, books, records, and may take such testimony as proof as is required and shall have the power to compel the presence of witnesses by the issuance of subpoenas for the purpose of obtaining all information required for such hearing. The permittee shall be entitled to representation by counsel and the Board shall keep a full and complete transcript of the proceeding before the Board. The Board shall make public the date and time of such hearing. At the hearing the permit holder or any other interested person may have the right to present evidence as to the facts of said violation and any other fact which may aid the Board in determining whether this ordinance has been violated and the purposes of the permit have been abused.

At the hearing, if the Board determines that a witness or other information necessary for the just determination of the issue before the board is not present, the Board may recess the hearing, to a date and time certain not to exceed thirty (30) days, to compel the attendance of witnesses or production of information required for such hearing. If the Board determines that the terms and conditions of the permit have been violated, the Board shall then proceed to enact such penalties as may be required under 2-214 of this chapter (Ord. #710, 6/01/89, Ord. #886, 12/07/95).

2-214. Penalties; Revocation and Suspension Period. A. If it is determined by the Alcoholic Beverage Control Board that a violation of this chapter has occurred under the procedures provided for in 2-213, then the Board shall revoke any permit previously granted, for a period of not less than one (1) year.

If, however, it should appear to the Board that such violation should not result in an outright revocation, but that the permittee should have his/her/its permit suspended, then the Board is specifically authorized to suspend such permit for a period of time that the Board deems appropriate.

Further, any revocation or suspension shall preclude the issuance of a permit to any other person or persons, partnerships, or corporations, as is more specifically provided in 2-205 (Ord. #559, 6/4/81, Ord. #674, 1/7/88, Ord. #886, 12/07/95, Ord. #974, 1/2/01).

B. No permit or license shall be revoked on the grounds the holder of any permit or any person working for the holder of such permits, sells alcoholic beverages to a person over the age of eighteen (18) if such person exhibits an identification, false or otherwise, indicating their age to be twenty-one (21) or over, if the appearance as to maturity is such that the holder of the permit or his employee might reasonably presume said person to be of such age and is unknown to such person making the sale. Said permit may be suspended for a period not to

exceed ten (10) days. However, this shall not be construed in any way to relieve the said person from liability for making such an illegal purchase as provided for in 2-208 (Ord. #674, 1/7/88, Ord. #886, 12/07/95).

C. The Alcoholic Beverage Control Board, may, at its sole discretion, at the time it imposes a revocation of suspension as provided in A. or B. hereinabove, offer the permit holder the alternative of paying a civil penalty not to exceed fifteen hundred dollars (\$1,500.00) for each offense of making or permitting to be made any sales to a minor or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. Provided, however, that in no instance shall the civil penalty for any offense be less than a minimum civil penalty of \$500.00. If a civil penalty is offered as an alternative to revocation or suspension, the permittee 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. The permittee's payment of a civil penalty shall not affect the ability to seek review of the civil penalty pursuant to the provisions of 2-215 (Ord. #834, 07/07/93, Ord. #886, 12/07/95).

2-215. Judicial Review of Alcoholic Beverage Control Board Action. The action of the Alcoholic Beverage Control Board in connection with the issuance, revocation or suspension of a permit, may be reviewed by the statutory writ of certiorari, and writ of certiorari to be addressed to the Circuit or Chancery court of Henry County, Tennessee. Immediately upon the grant of the writ of certiorari, the Alcoholic Beverage Control Board shall cause to be made, certified and forwarded to said court, a complete transcript of the proceedings before the Board (Ord. #559, 6/4/81, Ord. #674, 1/7/88, Ord. #886, 12/07/95).

Said provisions of this section shall be the sole and exclusive remedy and method of review of any action or order that may have been issued by the Alcoholic Beverage Control Board, including the refusal or failure to grant any license or permit (Ord. #559, 6/4/81).

2-216. Violations – Misdemeanors – Penalties. Any violation of any section of this chapter upon conviction shall be punished by a fine of not less than nor more than fifty dollars (\$50.00). Each individual violation and each occasion shall constitute a separate misdemeanor (Ord. #559, 6/4/81, Ord. #612, 8/1/84, Ord. #674, 1/7/88).

2-217. Temporary Permits. Temporary permits may be issued by the Board to charitable or religious non-profit organizations which meet the qualifications as defined in 5-302 (b), 5-302(c), or 5-1002(f) of the Paris Municipal Code, under the terms and conditions as follows:

(a) Applications for a temporary permit shall be made on a form approved by the Board and must be received by the business office of the City of Paris at least forty-five (45) days prior to the date upon which the permit shall become effective. There shall be no application fee charged by the Board, provided, however, that the privilege tax of one hundred dollars (\$100.00) shall be paid to the finance director for each temporary permit issued (Ord. #834, 07/07/93).

(b) Any organization as defined hereinabove shall be allowed no more than two (2) temporary permits in any one (1) year, and a permit shall be valid, at the discretion of the Board, for a maximum period of 84 hours. Provided, however, that no temporary permits shall be issued for the period from 6:00 a.m. to 2:00 p.m. on the day of the Grand Parade during the World's Biggest Fish Fry celebration.

(c) The premises for which a temporary permit may be issued shall be limited to property owned or rented by the applicant. No temporary permit shall be issued for property or premises owned or controlled by any governmental entity.

(d) In substitution of the provisions of 2-212 of this chapter, the following conduct shall be regulated by the Alcoholic Beverage Control Board for those holders of temporary permits:

1. It shall be unlawful to sell, give, or deliver alcoholic beverages to any person under the age of twenty-one (21) years.

2. No alcoholic beverage shall be sold, offered for sale, or given away except between the hours of 6:00 a.m. and 12:00 midnight on Monday through Saturday.

3. It shall be unlawful for the holder of any permit issued under this section to sell, deliver, or give away alcoholic beverages to any intoxicated person.

4. It shall be unlawful for any permittee or any agent thereof, to permit any person under the age of eighteen (18) years to engage in the sale, drawing, pouring, or mixing of any alcoholic beverage on any permitted premises.

5. A patron or customer of a permittee under this section may bring on to said premises alcoholic beverages as defined in 2-101 (1) for consumption by said person on the premises of the permit holder if said alcoholic beverage is retained in the possession of the patron or customer at all times, is removed by the patron or customer when the premises are vacated, if the alcoholic beverage is packaged and transported in such a container that is not readily observable by other patrons or employees to be alcoholic beverages, and the permit holder gives permission for the said possession and consumption.

6. All alcoholic beverages under the provisions of this section shall be dispensed by the permit holder in non-breakable opaque containers.

7. No alcoholic beverages dispensed by the permit holder under the provisions of this section may be removed by patrons or customers when they leave said premises. The permit holder shall post signs on the permitted premises at all points at which alcoholic beverages are sold and at all exits to the premises which inform patrons or customers of this provision of this section.

(e) The provisions of 2-213, 2-214, 2-215 and 2-216 are hereby specifically incorporated by reference as fully as if included herein (Ord. #674, 1/7/88, Ord. #886, 12/07/95).