

with no entrance wider than four feet and meeting all fire and building codes. No beverages or any other items are allow to placed on the top of the wall;

(L) Fail to provide and maintain separate sanitary toilet facilities for men and women; and

(M) Notwithstanding the foregoing prohibitions in division (J) above, customers, patrons, friends and other invitees of the permittee may remain in the improvement to property constituting the place of business of the permittee after the posted closing time of permittee's place of business until 12:30 a.m., but no longer; provided that:

(1) The permittee allows the customers, patrons, friends and invitees to remain after the posted closing time; and

(2) The permittee's posted closing time is 12:00 a.m. or earlier. In no event shall customers, patrons, friends and other invitees remain in the permittee's place of business past 12:30 a.m. where the permittee's posted closing time is 12:00 a.m. or earlier. For all permittees whose closing time is later than 12:00 a.m., the prohibitions and provisions of division (J) above, this section and chapter remain unchanged and in full force and effect, to be enforced as written.

(N) Violate, or knowingly aid or abet the violation of, City Codes and state and federal laws, statutes and regulations, regarding controlled substances and drugs, including, without limitation, the Tennessee Drug Control Act and Title 9 of the Crossville Code of Ordinances. (1989 Code, § 8-212, modified) (Ord. 1136, passed 8-6-2007; Ord. 1201, passed 11-6-2008; Ord. 1342, passed 2-7-2012; Ord. 1454, passed 9-9-2014)

#### **§ 8-213 EMPLOYEES REQUIRED TO HAVE IDENTIFICATION AND PROOF OF EMPLOYMENT.**

Each employee engaged in the operation to sell, stock or serve at an establishment licensed for off-premises beer sales who comes in contact with beer, regardless of the container or packaging, shall be issued a name badge by the establishment. The name badge must have the employee's first name clearly visible. Employees shall wear this name badge at all times during which they are on duty. Upon demand by any law enforcement officer, any and every employee in the operation to sell, stock or serve beer shall be required to immediately produce additional identification containing a current photograph and date of birth at any time the employee in question is on or about the premises. (1989 Code, § 8-213) (Ord. 1201, passed 11-6-2008)

#### **§ 8-214 REVOCATION AND SUSPENSION OF BEER PERMITS.**

(A) (1) The Beer Board shall have the power to revoke any beer permit issued under the provisions of this chapter, or to suspend same for a period not exceeding six months, when the holder thereof is

guilty of making a false statement or misrepresentation in his or her application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the Board after a minimum ten days notice to the permittee through service of process or by certified mail. Revocation or suspension proceedings may be initiated by the Police Chief or by any member of the Beer Board.

(2) Pursuant to T.C.A. § 57-5-608, the Beer Board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of T.C.A. § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the Alcoholic Beverage Commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the Beer Board as if the vendor were not certified as a responsible vendor. **CLERK** means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under T.C.A. § 57-5-608, the Alcoholic Beverage Commission shall revoke a vendor's status as a responsible vendor upon notification by the Beer Board that the Board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive 12-month period. The revocation shall be for three years.

(B) Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one year from the date the revocation becomes final and effective pursuant to T.C.A. § 57-5-108(k).

(C) No new permit shall be granted at any location where a case is pending in court for an infraction of the beer laws of the state or the city.

(1989 Code, § 8-214) (Ord. 1136, passed 8-6-2007)

#### **§ 8-215 SEPARABILITY.**

If any provision of this law or if any policy, or order thereunder of the application of the provision to any person or circumstances shall be held invalid, the remainder of this law, and the application of the provision of this law or of the policy, or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

(1989 Code, § 8-215)

#### **§ 8-216 REPEALER.**

All ordinances or rules and regulations previously adopted by the city which may be in conflict with this chapter are hereby repealed.

(1989 Code, § 8-216)

**§ 8-217 PRIVILEGE TAX.**

(A) (1) There is hereby imposed on Classes A, B, C, and D a privilege tax of \$100. Any person, firm, corporation, joint stock company, syndicate or association holding a Class A, B, C, or D permit shall remit the tax on January 1 of each year to the city. 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 there remaining until the next tax payment date.

(2) There is hereby imposed on Class E permits a privilege tax of \$25 per special event. Any person, firm, corporation, joint stock company, syndicate or association holding a Class E permit shall remit the tax upon issuance of the permit.

(B) Permits for Classes A, B, C, and D when issued, shall be good until surrendered by the permittee, until the business closes operation, until revoked by the Board, or terminated due to non-payment of privilege tax. Class E permits shall expire with the closing of the event.

(C) At the time of adoption of this section, any permits issued for a location without an on-going, active, business will be terminated at the end of the calendar year. Those permittees may re-apply for a special events permit, within two years, without payment of the application fee.

(1989 Code, § 8-217) (Ord. 1326, passed 8-26-2011)

**§ 8-218 CIVIL PENALTY IN LIEU OF REVOCATION OR SUSPENSION.**

(A) *Definition.* **RESPONSIBLE VENDOR** means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the State Alcoholic Beverage Commission under the State Responsible Vendor Act of 2006, T.C.A. §§ 57-5-601 et seq.

(B) *Penalty, revocation or suspension.*

(1) The Beer Board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed \$2,500 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.

(2) The Beer Board may impose on a responsible vendor a civil penalty not to exceed \$1,000 for each offense of making or permitting to be made any sales to minors or for any other offense.

(3) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation, nor suspension, shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(4) Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

(1989 Code, § 8-218) (Ord. 1136, passed 8-6-2007)

#### **§ 8-219 ADVERTISEMENTS.**

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 other than one sign, advertisement or display which makes reference to the fact that the establishment sells beer, but does not use brand names, pictures, numbers, prices or diagrams relating to beer. Any other advertising shall be confined to the interior of the premises for which the permit applies and permittees shall not place signs in the window which are visible to any persons outside the premises.

(1989 Code, § 8-219) (Ord. 1201, passed 11-6-2008)

#### **§ 8-220 LOSS OF CLERK'S CERTIFICATION FOR SALE TO MINOR.**

If the Beer Board determines that the clerk of an off-premises beer permit holder certified under T.C.A. § 57-5-606 sold beer to a minor, the Beer Board shall report the name of the clerk to the Alcoholic Beverage Commission within 15 days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one year from the date of the Beer Board's determination.

(Ord. 1136, passed 8-6-2007)