

12/5/2019

MEMORANDUM

To: Beer Board Members
Gerald Herman, City Administrator
Pat Brady, Police Chief
Danny Davenport, Business Tax Clerk

From: Derek Watson, City Recorder

Re: Meeting of the Beer Board

Please find attached an agenda for the next meeting of the City of White House Beer Board. The meeting is scheduled for Tuesday, January 7th, 2020, at 7:00 p.m. in the Board Room at the Billy S. Hobbs Municipal Center.

If you will be *unable* to attend, please call me at 672-4350 ext. 2111 to let me know. Please do not hesitate to call me at if you have any questions.

copy: Kalpeshkumar Patel and/or Kajal K. Patel, Super Stop Market



CITY OF WHITE HOUSE
Beer Board Meeting Agenda
January 7, 2020
7:00 p.m.

1. Call to Order
2. Roll Call
3. Adoption of the Agenda
4. Approval of Minutes of September 3, 2019 Beer Board Meeting
5. Public Hearing
 - A. Possible revocation off-premises beer permit issued to Mr. Kalpeshkumar Patel & Ms. Kajal K Patel of Super Stop Market, located at 2500 Hwy 31W. *Second Offense*. First offense was on May 21, 2019 with a fine of \$500.
6. Reports
 - A. None
7. New Business
 - A. Possible revocation off-premises beer permit issued to Mr. Kalpeshkumar Patel & Ms. Kajal K Patel of Super Stop Market, located at 2500 Hwy 31W. *Second Offense*. First offense was on May 21, 2019 with a fine of \$500.
8. Adjournment

CITY OF WHITE HOUSE
Beer Board Meeting Minutes
September 3, 2019
7:00 p.m.

1. Call to Order

Meeting was called to order at 7:01pm by Chairman Bibb

2. Roll Call

Chairman Bibb – Present; John Corbitt – Present; Denis Godek – Present; Dave Paltzik – Present; Kellye Smith – Present; **Quorum – Present.**

3. Adoption of the Agenda

Motion was made by Mr. Paltzik, second by Mr. Godek to adopt the agenda. A voice vote was called for with all members voting aye. **Agenda was adopted.**

4. Approval of Minutes of June 4, 2019 Beer Board Meeting

Motion was made by Mr. Corbitt, second by Mr. Godek to approve. A voice vote was called for with all members voting aye. **June 4, 2019 minutes were approved.**

5. Public Hearing

- A. Consideration of special event beer license for White House Community Volunteer Fire Department for the White House on Fire event located at 2760 Highway 31W. Permit will expire at 11:59pm on October 5th, 2019.

No one spoke for or against.

- B. Consideration of on premise beer license for EJ's, LLC located at 532 Raymond Hirsch Parkway.

No one spoke for or against.

6. Reports

- A. None

7. New Business

- A. Consideration of special event beer license for White House Community Volunteer Fire Department for the White House on Fire event located at 2760 Highway 31W. Permit will expire at 11:59pm on October 5th, 2019.

Motion was made by Mr. Paltzik, second by Ms. Smith to approve the special event beer license application by White House Community Volunteer Fire Department for White House on Fire located at 2760 Highway 31W, White House, TN, 37188. A voice vote was called for with all members voting aye. **Motion passed.**

- B. Consideration of on premise beer license for EJ's, LLC located at 532 Raymond Hirsch Parkway.

Motion was made by Mr. Corbitt, second by Mr. Paltzik to approve the on premise beer license application by Ms. Erica J, Garton for EJ's LLC, located at 532 Raymond Hirsch Parkway, White House, TN, 37188. A voice vote was called for with all members voting aye. **Motion passed.**

8. Adjournment

Meeting was adjourned at 7:14 pm.

ATTEST:

Farris Bibb, Chairman

Derek Watson, City Recorder

DRAFT

WHITE HOUSE POLICE DEPARTMENT

Incident Report

DATE : 11/19/2019

TIME : 09:31:49AM

Case Number: 2019-110890

Page 1 of 2

INCIDENT # : 2019-110890

ADDRESS : 2500 HWY 31W

City : WHITE HOUSE

State : TN

ZipCode: 37188-

REPORTING OFFICER : 640 - SISK, JEREMY

DATE : 11/15/2019

TIME : 21:52

Date Occured From: 11/15/2019 / 18:53

Date Occured Thru: 11/15/2019 / 19:10

INCIDENT STATUS CLEARED BY ARRE

EXCEPTIONAL CLEARANCE :

DATE :

ZONE: 2

SUBDIVISION:

JUVENILE:N

SCHOOL:

Offenses

U.C.R. CODE : 90G	OFFENSE : SALE/PURCHASE OF ALCOHOL TO/FOR MINORS	STATUTE : 57-5-301
BIAS MOTIVATION : NONE	LOCATION : OTHER / UNKNOWN	
OFFENSE STATUS : COMPLETED		
OFFENDER USED :		
CRIMINAL ACTIVITY:		
WEAPON / FORCE :	Auto:	Auto:
METHOD OF ENTRY :		
GANG ACTIVITY : N	PREMISES ENTERED : 0	
GANG TYPE:	GANG NAME:	
GANG TYPE:	GANG NAME:	
HOME INVASION: N		

Offender Segment

ARRESTED : Yes	DATE ARRESSTED : 11/15/2019	TIME : 18:53	OFFICER : 640 - SISK, JEREMY
LOCATION : 2500 HWY 31W			UCR CODE 90G LIQUOR LAW VIOLATION
S.S.N. :	D.O.B. : 09/24/1993	DL#:	
NAME : PATEL, BHAVIKKUMAR BHARATKUMAR	RACE : W	SEX : M	HAIR : BRO Eyes: BRO WEIGHT : 129
ADDRESS :	CITY, STATE ZIP :		HEIGHT : 505
HOME PHONE :	WORK PHONE :		
OCCUPATION :	EMPLOYER :		
VEHICLE INFORMATION :			
SCARS :			
CLOTHES :			
STATE CONTROL :	ARREST TYPE : SUMMONED / CITED		
MULTIPLE CLEARANCE INDICATOR :		WARRANT :	
ARRESSTEE ARMED WITH : UNARMED		DISPOSITION UNDER 18 :	
Charge: 57-5-301 - SALE/PURCHASE OF ALCOHOL TO/FOR MINORS	Warrant:	Docket:	Ticket: Bond: 0
Court Date: Court: Disp:			

WHITE HOUSE POLICE DEPARTMENT

Incident Report

DATE : 11/19/2019
TIME : 09:31:49AM

Case Number: 2019-110890

Page 2 of 2

Victim Segment

VICTIM TYPE : SOCIETY / PUBLIC			
NAME : SOCIETY,	RACE :	SEX :	HEIGHT :
ADDRESS :	WEIGHT :	HAIR :	EYES :
CITY STATE ZIP :	WORK PHONE :	EMPLOYER :	
HOME PHONE :			
OCCUPATION :			
S.S.N. :	D.O.B. :	DL# : /	
INJURY TYPE :			
AGGRAVATED ASSAULT / HOMICIDE :			
NEGLIGENT MANSLAUGHTER :			
JUSTIFIABLE HOMICIDE :			
ADDITIONAL JUSTIFIABLE HOMICIDE :			
OFFENSE OCCURED ON CAMPUS : No	SCHOOL NAME :		
ORDER OF PROTECTION :	VICTIM TRANSPORTED TO SAFE PLACE :		
TYPE OF LEOKA :	TYPE OF VEHICLE :	TRANSPORT TIME :	
ASSIGNMENT TYPE :	VIC-OFF: 001-RU /		

Case Segment

APPROVING OFFICER: 632 - MCMURTRY, BRADLEY	DATE: 11/19/2019
ASSIGNED OFFICER: 640 - SISK, JEREMY	DATE: 11/15/2019

Narrative

On 15 November 2019 I, Ofc. Sisk (WHPD), was conducting alcohol compliance checks for establishments in the city. An underage buyer was sent into the SuperStop Market located at 2500 Hwy 31W (Sumner County). The underage buyer was given a marked \$20 bill and he entered the store. The minor then went to the rear of the store and selected a six pack of Bud Light. The minor carried the beer to the front of the store and placed the alcohol on the counter. The clerk then rang up the sale without checking the minor's ID. The minor paid for the alcohol with the marked \$20 bill and exited the store. As the minor was returning to the vehicle, the clerk exited the store apologizing for the sale of the alcohol. I went into the store and issued the clerk a TN State Citation (#7020) for TCA 57-5-301 Sale of alcohol to a minor. Detective Ward verified the marked \$20 bill in the till and returned the change to the store that had been given to the minor and returned the alcohol to the cooler in the rear of the store. EOR

TENNESSEE MULTIPLE OFFENSE CITATION

7020

THE NUMBER OF VIOLATIONS THIS CITATION: 0 MOVING + 1 NON-MOVING = 1 TOTAL (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES:

ON FRI THE 15 DAY OF NOV 2019 1853 A.M. M W TN YES NO

NAME: BITAVIKK UMAR BHARATKUMAR PATEL MONTH 11 D.O.B. DAY 15 YEAR 1983

ADDRESS: _____ CITY _____ STATE TN ZIP CODE _____

SOCIAL SECURITY NUMBER _____ DRIVER'S LICENSE NUMBER _____ DL CLASS _____ CDL Y N STATE _____ EXPIRATION DATE MONTH _____ DAY _____ YEAR _____

VEHICLE

Motorcycle CRASH OCCURRED: Y N MAKE _____ MODEL _____ YEAR _____ COLOR _____

Automobile LICENSE PLATE NO. _____ STATE _____ EXP. YEAR _____

CMV OTHER VEH. INVOLVED? Y N Was this vehicle registered to driver? Y N IF NO, THEN: NAME _____ BUSINESS ADDRESS _____

Other DESIGNED TO TRANSPORT Y N 16 OR MORE PASSENGERS Y N If CMV, Under 26,000 Lbs. Over 26,000 Lbs. Hazmat Y N U.S. D.O.T. NO. _____

If Other, What Type: _____

LOCATION

UPON STREET/HWY _____ MM _____ CITY/COUNTY WHITE HOUSE / SUMNER

DIRECTION	HWY	TYPE	2-L	1	A	BUS SCHOOL
NORTH	3-1	2	1	2	P	2
EAST	4-1	3	1	3	F	3
SOUTH	5-1	4	1	4	A	4
WEST	6-1	5	1	5	A	5

2500 Hwy 31 W

AFORSAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

A	TCA 55-8- <u> </u> SPEEDING <u> </u> MPH IN <u> </u> ZONE <input type="checkbox"/>	CONSTRUCTION ZONE: Y <input type="checkbox"/> N <input type="checkbox"/>	WORKERS PRESENT Y <input type="checkbox"/> N <input type="checkbox"/>	RADAR PACING 02 <input type="checkbox"/>	OTHER LASER 04 <input type="checkbox"/>
B	TCA 55-10-205 RECKLESS DRIVING 002 <u>H</u> TCA 55-8- <u> </u> TRAFFIC CONTROL DEVICE/SIGNAL	O	TCA 55-4- <u> </u> REGISTRATION VIOL.	X	OTHER 1 <u>57-5-301</u>
C	TCA 55-8- <u> </u> IMPROPER PASSING <u>I</u> TCA 55-8-124 FOLLOWING TOO CLOSE 006	P	TCA 55-8-188 HOV LANE VIOLATION	113	<u>UNDERAGE SALE OF ALCOHOL TO MINOR</u>
D	TCA 55-50- <u> </u> DL VIOL. <u>K</u> TCA 55-10-416 OPEN CONTAINER 199	S	TCA 55-9- <u> </u> LIGHT LAW	Z	OTHER 2 <u>TCA</u>
E	TCA 55-9-202 MUFFLER LAW 106 <u>L</u> TCA 55-9-107 WINDOW TINT 199	T	TCA 55-12-139 FINANCIAL RESPONSIBILITY	110	
G	TCA 55-9- <u> </u> SEATBELT LAW <u>M</u> TCA 55-9-602 CHILD RESTRAINT DEVICE 393				

VIOLATION NARRATIVE: UNDERAGE ALCOHOL PURCHASE DURING ALCOHOL COMPLIANCE CHECK

201-920-7754

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW.

THIS 15 DAY OF NOV 2019 OFC JEREMY SISK ID# 51027 BADGE NO. 640

RANK _____ OFFICER NAME (PRINT) _____

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20 _____

[Signature] SIGNATURE OF OFFICER _____ JUDGE/CLERK

COURT

IN THE 6 GENERAL SESSIONS COURT OF: SUMNER COUNTY NO. _____ CITY GALLATIN NO. _____

OTHER _____ OF: _____

ON MON THE 13 DAY OF JAN 2020 TIME 0900 AM PM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST OR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS AND/OR A FINE UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (2,500).

I UNDERSTAND THE ABOVE NOTICE AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE X B.B. Patel

ER 36 (Rev. 10/11)

Beer Board Fine Recommendations

Recommendation for Selling to Minors

- 1st Offense
 - Maximum Fine of Up to \$1,000

- 2nd Offense in Two Years
 - Maximum Fine of Up to \$1,500

- 3rd Offense in Two Years
 - Maximum Fine of Up to \$2,500

- 4th Offense in Two Years
 - Revocation of license

Note: If fine is not paid within 7 days, license will be suspended until fine is paid in full unless otherwise authorized by the Beer Board. The offense dates are the date the violation occurred.

CHAPTER 2

BEER¹

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. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Revocation and suspension of beer permits.
- 8-213. Civil penalty in lieu of revocation or suspension.
- 8-214. Privilege tax.
- 8-215. Loss of clerk's certification for sale to minor.
- 8-216. Termination of business, or change in ownership, relocation of business or change in business.

8-201. Beer board established. There is hereby established a beer board to be composed of five (5) members appointed by the board of mayor and aldermen, one (1) of which shall be a member of the board of mayor and aldermen. Terms shall be for two (2) years except the first terms appointed shall be for one (1) and (2) years, with two (2) member's terms expiring each year. The board of mayor and aldermen's representative shall be for the duration of his term of office. A chairman shall be elected annually by the board from among its appointed members. All members of the beer board shall serve without compensation. The board of mayor and aldermen shall fill any vacancies that occur. (1979 Code, § 2-201, as replaced by Ord. #06-40, Nov. 2006, and Ord. #08-07, June 2008)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board may hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the

¹State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

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. (1979 Code, § 2-202, as replaced by Ord. #06-40, Nov. 2006)

8-203. Record of beer board proceedings to be kept. The city 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. (1979 Code, § 2-203, as replaced by Ord. #06-40, Nov. 2006)

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. Any member present but not voting shall be deemed to have cast a "nay" vote. (1979 Code, § 2-204, as replaced by Ord. #06-40, Nov. 2006)

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 municipality in accordance with the provisions of this chapter. (1979 Code, § 2-205, as replaced by Ord. #06-40, Nov. 2006)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt beverages having an alcoholic content of not more than eight percent (8%) by weight; 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 nonbeverage ingredients containing alcohol. (1979 Code, § 2-206, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Sept. 2007, and Ord. #17-32, Dec. 2017)

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 Tennessee Code Annotated, § 57-5-104(a), 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 City of White House. Each applicant must be a person of good moral

character and certify that he has read and is familiar with the provisions of this chapter. (1979 Code, § 2-207, as replaced by Ord. #06-40, Nov. 2006)

8-208. Classes of permits. Four (4) classes of permits may be issued by the beer board as follows:

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

(2) An "off-premises" 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. Drive in beer sales are authorized for off-site permit holders only. "Off-premises" permit holders shall be permitted to sell beer on a twenty-four (24) hour basis, seven (7) days a week.

(3) An "on-premises" permit to any person or legal organization engaged in the operation of a restaurant wherein in the sale of beer is for consumption on the premises. A restaurant is defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than forty percent (40%) of its income is from the sale of beer. For the purposes of this chapter, the term "on-premises consumption" shall mean consumption within the building or on any decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building for which the license is issued, except if this license is held by the proprietor of a golf course. For proprietors of golf courses, on-premises shall mean within the building or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. However, no consumption shall be permitted on any parking lot. Where on-premises consumption is permitted on a golf course, beer may be purchased either at the restaurant or from a beverage cart. Any "on-premises" permit holder shall follow the hours of sale for intoxicating liquors. No "on-premises" beer permit holder shall sell or give away beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and twelve o'clock noon (12:00 P.M.) on Sundays.

(4) A special event permit may be issued by the beer board on a case by case basis to bona fide charitable nonprofit or political organizations for a specific date and time. No more than two (2) special events permits will be granted during a calendar year.

It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It is likewise unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1979 Code,

§ 2-208, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #08-29, Jan. 2009, and Ord. #17-09, May 2017)

8-209. 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 schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred fifty (150) feet of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be stored, sold or manufactured. (1979 Code, § 2-209, as deleted by Ord. #05-41, Jan. 2006, as replaced by Ord. #06-40, Nov. 2006)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have 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. (1979 Code, § 2-210, modified, as amended by Ord. #97-11, Aug. 1997, and Ord. #02-06, April 2002, as replaced by Ord. #06-40, Nov. 2006)

8-211. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.
- (2) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- (3) Allow minors under twenty-one (21) years of age to congregate in or about his place of business.
- (4) Make or allow any sale of beer to any person reasonably believed by the seller to be intoxicated, insane, or otherwise mentally incapacitated.
- (5) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight.
- (6) Have been convicted of a felony within a calendar year (January-December), which may subject the permittee to revocation of license. (1979 Code, § 2-211, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, Ord. #14-09, June 2014, and Ord. #17-32, Dec. 2017)

8-212. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, 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. Temporary suspensions of a beer permit may not exceed six (6) months. Revocation/suspension proceedings may be initiated by the police chief.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's 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 Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in consecutive twelve (12) month period. The revocation shall be for three (3) years. (1979 Code, § 2-212, modified, as amended by Ord. 99-05, April 1999; and Ord. #02-27, Nov. 2002, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, and Ord. #17-32, Dec. 2017)

8-213. Civil penalty in lieu of revocation suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006." Tennessee Code Annotated, § 57-5-601 et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before

the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violations so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1979 Code, § 2-213, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Nov. 2007)

8-214. Privilege tax. There is hereby imposed on any holder of a permit under this chapter an annual privilege tax of one hundred dollars (\$100.00). At the time a new permit is issued, 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. All permit holders shall remit the tax between January 1st and February 1st of each year to the City of White House, Tennessee. Failure to pay the tax on or prior to February 1st shall result in immediate, temporary suspension of the holder's permit until further review by the beer board to consider imposition of civil penalties, revocation, suspension, or such other action permitted under this chapter. Upon timely payment of the tax each year, the City of White House will issue a renewal permit to the holder. (1979 Code, § 2-214, as replaced by Ord. #06-40, Nov. 2006, and Ord. #14-05, March 2014)

8-215. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #07-28, Nov. 2007)

8-216. Termination of business, or change in ownership, relocation of business or change in business name. A permit holder must return his/her permit to the board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name; provided that, regardless of the failure to return a permit, a permit shall expire upon termination of the business, change in ownership, relocation of interests in the business are transferred to a new owner. In the event of a change in ownership, relocation of the business or change of the business name, the permit holder may apply for a new permit. (as added by Ord. #12-04, June 2012)