

2/23/2022

MEMORANDUM

To: Beer Board Members
Gerald Herman, City Administrator
Pat Brady, Police Chief
Jason Barnes, Finance Director
Bethany Johnson, 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, March 8, 2022, 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: Fengguan Li, Fuji Steakhouse, Inc.
Sam Shalaby, White House Market 2

CITY OF WHITE HOUSE
Beer Board Meeting
Agenda
March 8, 2022
7:00 p.m.

1. Call to Order
2. Roll Call
3. Adoption of the Agenda
4. Approval of Minutes for the September 7, 2021 Beer Board meeting
5. Public Hearing
 - A. None
6. Reports
 - A. None
7. New Business
 - A. Consideration of an on-premises beer license application for Fuji Steakhouse, Inc. located at 520 Hwy 76 Suite 5.
 - B. Consideration of an off-premises beer license application for White House Market 2 located at 801 Hwy 76.
8. Adjournment

CITY OF WHITE HOUSE
Beer Board Meeting Minutes
September 7, 2021
7:00 p.m.

1. Call to Order

Meeting was called to order at 7:00pm by Chairman Bibb

2. Roll Call

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

3. Adoption of the Agenda

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

4. Approval of Minutes of June 2, 2020 Beer Board meeting

Motion was made by Ald. Corbitt, second by Mr. Paltzik to approve. A voice vote was called for with all members voting aye. **June 2, 2020 minutes were approved.**

5. Public Hearing

- A. Possible revocation of on-premises beer permit issued to Mr. Herbert Lord of Colorado Grill, located at 2747 Hwy 31W. *First Offense.*

No one spoke for or against.

6. Reports

- A. None

7. New Business

- A. Possible revocation of on-premises beer permit issued to Mr. Herbert Lord of Colorado Grill, located at 2747 Hwy 31W. *First Offense.*

Motion was made by Mr. Paltzik, second by Mr. Smith to impose a fine of \$500.00. A voice vote was called for with all members voting aye. **Colorado Grill was fined \$500.00 for selling to minors.**

- B. Consideration of special event beer license for the White House Area Chamber of Commerce for the 50th Anniversary Evening with the Arts event located at 412 Highway 76. Permit will expire at 11:59pm on September 18th, 2021.

Motion was made by Ald. Corbitt, second by Ms. Smith to approve a special event beer license for the White House Area Chamber of Commerce. A voice vote was called for with all members voting aye. **Motion passed.**

8. Adjournment

Meeting was adjourned at 7:30 pm.

ATTEST:

Farris Bibb, Chairman

Derek Watson, City Recorder

DRAFT

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

Application for (check all that apply):

- On-Premises Permit: serving and consumption of beer at location*
- On-Premises Permit: serving and consumption of wine at location*
- On-Premises Permit: serving and consumption of liquor at location*
- Off-Premises Permit: sale of package beer from location (BEER ONLY)*
- Manufacturer's or Distributor's Permit*
- Special Events Permit*

I hereby apply for a permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated Title 57, Chapter 4 and 5, and submit my application upon the answers to the following questions:

1. Full name of applicant(s) (owner and/or persons, firms, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business):

Applicant #1: Fengguan LI

Applicant #2: _____

Applicant #3: _____

2. Check all that apply: Person Firm Corporation. Syndicate
 Joint-Stock Company Association

3. Name of establishment: Fuji Steakhouse Inc

4. Name this establishment will operate under: Fuji Steakhouse

5. Location of the business by street address or other geographical description: 520 Hwy 76 Ste 5 White House TN 37188

6. Telephone Number of the business: _____

7. List name and address of property owner, if someone other than business owner: Hackmeyer White House Venture

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

8. Give current home address, date of birth, and social security number of applicant(s):

Applicant #1: Fengquan LI

Applicant #2: _____

Applicant #3: _____

9. List previous address(es) within last 10 years of applicant(s) (attach additional sheets if needed).

Applicant #1: _____

Applicant #2: _____

Applicant #3: _____

10. Specify the name and address to receive annual privilege tax notices and any other communication from the City: 520 Hwy 76 Ste 5 White House TN 37188

11. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Tennessee Code Annotated § 57-5-103(a)(4) within the same building?

Check one: Yes No If so, specify number: _____

List the names of the restaurants or other businesses and describe their location (attach additional sheets if needed). _____

12. Has any person having at least a 5% ownership interest listed in question 1, or any other employee of the business been convicted of any violation of beer or alcoholic beverage laws or any crime (other than minor traffic violations)?

Check one: Yes No If so, give details of each charge, court, and date convicted: _____

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

13. Has the applicant or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Check one: Yes No If so, please list the business name(s) and address(es):

14. Do you own / manage any other businesses in Tennessee that sell beer / alcohol?

Check one: Yes No If so, please list the business name(s) and address(es):

15. Have you previously owned / managed any establishments in Tennessee which have sold beer / alcohol?

Check one: Yes No If so, please list the business name(s) and address(es):

Happy Asian Bistro Inc
919 Conference Dr Ste 1 Goodlettsville TN 37072

16. Give the name, relationship to applicant (if applicable) and current address of the former beer permittee at this location: owner

17. What is the name and address of the church (or other place of worship) nearest to your business?

Northridge Church

18. What is the name and address of the school nearest to your business?

White House Elementary.

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

White House Municipal Code, Title 8, Chapter 2, Section 8-209: 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.

By signing below, I acknowledge receipt of Title 8 of the White House Municipal Code governing alcoholic beverages in the City of White House. I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in this distribution or sale of beer in my establishment, has been convicted of any violation of the beer or alcoholic beverage laws nor any crime involving moral turpitude. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety and morals.

By signing below, I also authorize the City of White House to investigate my background and secure additional information about me in order to verify my moral character. I hereby release from liability the City of White House and its representatives for seeking such information and all other persons, corporations or organizations for providing such information.

[Signature]
Signature of Applicant / Owner (or Authorized Corporate Officer)

12/28/21
Date

Sown to and subscribed before me this 28 day of December, 2021

(SEAL)

[Signature]
NOTARY PUBLIC



My commission expires: 10-23-23

THIS CHECK CONTAINS THE FOLLOWING SECURITY FEATURES: MULTI-COLOR PRINTING ON FACE, WATERMARK IN PAPER, AND MICROPRINTING ON BORDER.

CASHIER'S CHECK



50 Franklin Street
Clarksville, TN 37040
(800)-645-4199

100 336 641

241161

DATE 12/28/2021

PAY TO THE ORDER OF

CITY OF WHITE HOUSE

\$ 250.00

\$250.00

DOLLARS

FOR REMITTER

JIANHUA ZHUO

[Signature]
AUTHORIZED SIGNATURE

City of White House
105 College Street
White House, TN 37188
615-672-4950

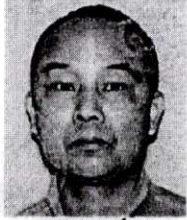
DATE : 12/28/2021 5:01 PM
OPER : DD
TKBY : Danny Davenport
TERM : 3
REC# :

MISC Misc 550.00
LI FENG GUAN 550.00
Beer and Liquor Application 550.00
110-32209 -550.00

Paid By: LI FENG GUAN
2- Check 250.00 REF: 241161 CC
Paid By: LI FENG GUAN
1- Cash 300.00 REF: CS

APPLIED 550.00
TENDERED 550.00
CHANGE 0.00

**TEMPORARY
DRIVER LICENSE**

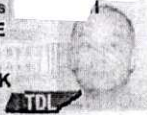


[Signature]

Tennessee
THE VOLUNTEER STATE

USA
TN

DL NO. DOB
EXP 05/06/2022 ISS
CLASS **XD** END **NONE**
REST **NONE**
SEX **M** HGT **4'-11"** EYES **BLK**
DD: '
LI
FENG GUAN



TDL



Bill Lee
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

02/07/2022

EREK R WATSON
05 COLLEGE STREET
WHITE HOUSE TN 37188

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW.
NOTE: All aliases submitted have been searched.

FENGGUAN LI
LI, FENG GUAN

Please be aware that, unless a fingerprint comparison is performed, it is impossible for the Tennessee Bureau of Investigation to be sure the record belongs to the individual you requested . A fingerprint comparison will only be performed in the event of a written appeal of criminal history results. The information you receive will be based on only those arrests which occurred within the state of Tennessee.

The Tennessee Bureau of Investigation found no Tennessee criminal history based on the information provided. No criminal record check was conducted for other states or for the Federal Bureau of Investigation.

Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

Application for (check all that apply):

- On-Premises Permit: serving and consumption of beer at location*
- On-Premises Permit: serving and consumption of wine at location*
- On-Premises Permit: serving and consumption of liquor at location*
- Off-Premises Permit: sale of package beer from location (BEER ONLY)*
- Manufacturer's or Distributor's Permit*
- Special Events Permit*

I hereby apply for a permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated Title 57, Chapter 4 and 5, and submit my application upon the answers to the following questions:

1. Full name of applicant(s) (owner and/or persons, firms, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business):

Applicant #1: Sam Shalaby

Applicant #2: _____

Applicant #3: _____

2. Check all that apply: Person Firm Corporation. Syndicate
 Joint-Stock Company Association

3. Name of establishment: _____

4. Name this establishment will operate under: Whitehouse market 2

5. Location of the business by street address or other geographical description: _____
801 Hwy 76, Whitehouse, TN-37188

6. Telephone Number of the business: _____

7. List name and address of property owner, if someone other than business owner: _____

Cassandra Spicer _____ until closing on 2-28-22

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

8. Give current home address, date of birth, and social security number of applicant(s):

Applicant #1: _____, Brentwood, TN-37027

Applicant #2: _____

Applicant #3: _____

9. List previous address(es) within last 10 years of applicant(s) (attach additional sheets if needed).

Applicant #1: _____, Dr, White House, TN-37188

Applicant #2: _____

Applicant #3: _____

10. Specify the name and address to receive annual privilege tax notices and any other communication from the City: _____

_____ Sam Shalaby
_____ White House, TN 37188

11. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Tennessee Code Annotated § 57-5-103(a)(4) within the same building?

Check one: Yes No If so, specify number: _____

List the names of the restaurants or other businesses and describe their location (attach additional sheets if needed). _____

12. Has any person having at least a 5% ownership interest listed in question 1, or any other employee of the business been convicted of any violation of beer or alcoholic beverage laws or any crime (other than minor traffic violations)?

Check one: Yes No If so, give details of each charge, court, and date convicted:

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

13. Has the applicant or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Check one: Yes No If so, please list the business name(s) and address(es):

14. Do you own / manage any other businesses in Tennessee that sell beer / alcohol?

Check one: Yes No If so, please list the business name(s) and address(es):

15. Have you previously owned / managed any establishments in Tennessee which have sold beer / alcohol?

Check one: Yes No If so, please list the business name(s) and address(es):

16. Give the name, relationship to applicant (if applicable) and current address of the former beer permittee at this location: newborn Charles

Cassandra Spicer

17. What is the name and address of the church (or other place of worship) nearest to your business?

18. What is the name and address of the school nearest to your business? _____

**CITY OF WHITE HOUSE, TENNESSEE
APPLICATION FOR BEER / LIQUOR PERMIT**

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By signing below, I also authorize the City of White House to investigate my background and secure additional information about me in order to verify my moral character. I hereby release from liability the City of White House and its representatives for seeking such information and all other persons, corporations or organizations for providing such information.



Signature of Applicant / Owner (or Authorized Corporate Officer)

2/2/22
Date

Sown to and subscribed before me this 2 day of February, 2022.

(SEAL)



NOTARY PUBLIC

My commission expires: 01/30/2024





The Farmers Bank
CASHIER'S CHECK
120 Village Dr. • Portland, TN 37148

THE FARMERS BANK
www.thefarmersbank.net

Date 02/02/2022

Pay to the City of White House
Order of

Amount \$250.00***

Two Hundred Fifty and 00/100**

Dollars

REMITTER: Sam Shalaby



Rachel S. CSR
AUTHORIZED SIGNATURE

For beer permit

City of White House
105 College Street
White House, TN 37188
615-672-4350

DATE : 2/2/2022 10:42 AM
OPER : DD
TKBY : Danny Davenport
TERM : 3
REC# : R00208556

MISC Misc 250.00
SAM SHALABY 250.00
Beer and Liquor Application 250.00
110-32209 -250.00

Paid By: SAM SHALABY
2- Check 250.00 REF: 242526

APPLIED 250.00
TENDERED 250.00
CHANGE 0.00

Security features: Details on back



Bill Lee
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

02/08/2022

EREK R WATSON
05 COLLEGE STREET
WHITE HOUSE TN 37188

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW.

NOTE: All aliases submitted have been searched.

SAM SHALABY

Please be aware that, unless a fingerprint comparison is performed, it is impossible for the Tennessee Bureau of Investigation to be sure the record belongs to the individual you requested. A fingerprint comparison will only be performed in the event of a written appeal of criminal history results. The information you receive will be based on only those arrests which occurred within the state of Tennessee.

The Tennessee Bureau of Investigation found no Tennessee criminal history based on the information provided. No criminal record check was conducted for other states or for the Federal Bureau of Investigation.

Tennessee Open Records Information Services

Tennessee Bureau of Investigation

901 R.S. Gass Blvd.

Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994

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 manufacture'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)