



City of Dayton

P.O. Box 226

399 1st Avenue

Dayton, TN 37321

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E-Mail: brandimc@daytontn.net

Attached you will find:

- a. City of Dayton Application for Beer Permit
- b. City of Dayton Beer Ordinance and Code

When you submit the application, the following information must be attached:

- a. \$250 non-refundable application fee.
- b. \$1000 Surety Bond. If you have not received your bond, it must be submitted prior to or when you pick up your permit.
- c. A copy of your sales tax certificate from the State of Tennessee. If you have not received your certificate, it must be submitted prior to or when you pick up your permit.

Applications are due by the 3rd Friday of each month to be considered for the following month's City Council meeting. The City Council meets the 1st Monday of each month, unless it falls on a holiday. The City Council will call for a Public Hearing to be held the following month. In the meeting following the Public Hearing the City Council will vote on the permit. Depending on when the application is turned in and the City Council meeting falls this process could take up to 45 days or more.

Any questions or to find out exact meeting dates and times please contact Brandi R. McSpadden at 423-775-1818 x 245 or via email at brandimc@daytontn.net.

Information:

- a. A privilege tax of \$100 per year is imposed on the business of selling, distributing, storing, or manufacturing beer in this state, effective January 1, 1994, and each successive January 1. Any holder of a beer permit issued after January 1st shall pay a pro rata portion of this annual tax when the initial permit is issued.
- b. Permits shall be issued to the owner of the business, whether a

person, firm, corporation, joint-stock company, syndicate, or association.

- c. A permit is only for a single location and is valid for all decks, patios, and other outdoor serving areas which are contiguous to the exterior of the building in which the business is located.
- d. A permit is only valid for the business of the owner named in the permit and cannot be transferred to another person. Permit cannot be transferred to another location.
- e. A permit holder must return a permit to the City within in fifteen (15) days of termination of the business, change in ownership, relocation of the business, or change of the business name. A change in ownership occurs for a corporate owner when at least fifty percent (50%) of the stock of the corporation is transferred to a new owner.
- f. Permit is only for the business operating under the name identified in the permit application.



Application for City of Dayton Beer Permit

The undersigned, hereinafter referred to as "APPLICANT", makes application for a permit to possess, store, sell, and/or distribute beer and/or ale of an alcohol content of not more than five percent (5%) by weight in the City of Dayton, Tennessee. In support of such application, the applicant makes the following statements and agreements.

1. Full Name of Applicant (owner): _____

2. Applicant's Social Security #: _____ Date of Birth: _____

Driver's License # & State Issued: _____

Home Phone: _____ Business Phone: _____

3. What is your present home address? _____

4. Previous address(es) within the last five (5) years: _____

5. Type of Ownership: Person Firm Corporation Joint-Stock Co.
 Syndicate Association

List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least 5% ownership (list percentages) interest in the business (attach additional sheet if needed). _____

6. Under what name will this business operate? _____

7. Location of business by street address or other geographical description and phone number of the business: _____

8. Specify the identity and address of the person to receive annual privilege tax notices and any other communication from the City: _____

9. Give the name and address of property owner, if other than business owner:

10. Has any person having at least 5% ownership interest, any of the managers, or any other Employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime (other than minor traffic violations) within the last ten (10) years? _____

11. Has this owner or the owner's organization had a beer permit revoked, suspended, fined, or denied in the State of Tennessee? Yes No
If so, specify where, when, and why: _____

12. What is the name and address of the church, school, or other place of public gathering nearest to your business? _____

13. Type of permit applied for: On Premises Off Premises
14. Type of Business: Restaurant Packaged Retail Sales Hotel/Motel
 Distributor Lodge Wholesale Club Other

DO NOT WRITE IN THIS BLOCK

For Use by City of Dayton Only.

Charters that have been issued by the State of Tennessee must be presented with this completed application in all cases of lodges, patriotic organizations, clubs. These charters will be examined by the City Recorder, Dayton, Tennessee, and returned to applicant at the time this application is presented.

Charter Presented: Yes No Charter Returned: Yes No

Issued by: _____ Date: _____

In what name: _____

Signature of City Recorder: _____

DO NOT WRITE IN THIS BLOCK

For Use by City of Dayton Only

Is requested location in a Nonconforming Conforming location under the zoning laws and ordinances of the City of Dayton?

Is requested location for distribution, wholesalers, manufacturers, warehouses in an area designated and zoned for manufacturing under laws and ordinances of the City of Dayton? Yes No

Signature of Code Enforcement Officer: _____

15. Do you possess a valid Business License issued by the City of Dayton?

Yes No Date of Issuance: _____

16. Do you now possess a beverage license to: Manufacture Sell
 Store Distribute

17. If you answer "yes" to Question 16, give complete address, name of business, and date and number of license. _____

GENERAL INFORMATION AND AGREEMENTS

The undersigned further states:

1. The Applicant will not engage in the sale, storage, manufacture, or distribution of beer or ale except at the place or places for which the license permit is issued to such applicant; that no sale, storage, manufacture, or distribution of such beverages will be made except in accordance with the permit granted.
2. No sale will be made to minors; the applicant will not permit minors or disorderly or disreputable persons, or persons heretofore connected with the violation of liquor laws, to loiter around the place of business and no minor shall be employed in the direct sale, storage, manufacture, or distribution of beer.
3. The applicant has not had a license for the sale, storage, manufacture, or distribution of legalized beer or ale revoked.
4. Neither the applicant nor any person employed or to be employed by him in the distribution, storage, manufacture, or sale of beer has ever been convicted of any violation of laws against the prohibition, sale, manufacture, storage, distribution, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years next preceding the filing of this application.
5. The applicant will conduct the business in person for himself, or, if he is acting as agent, the applicant shall state the person, firm, corporation, syndicate, association, or joint-stock company for whom the applicant intends to act.
6. No brewer, manufacturer, distributor, or warehouseman of legalized beer or ale has any interest in the business, financial or otherwise, or in the premises upon or in which the business to be licensed to sell beer at retail is to be carried on.
7. The applicant is willing to be fingerprinted by the City of Dayton Police Department and is willing to be investigated by municipal, county, state, and federal law enforcement agencies concerning the applicant's background and record.
8. The applicant agrees to comply with all the law of the United States, the State of Tennessee, and with all ordinances of the City of Dayton.

9. The storage, sale, or distribution of such beverages will be so handled and the business so conducted as not to cause congestion of traffic, or interfere with schools, churches, or other places of public gathering, or otherwise interfere with the public health, safety, and morals.
10. The applicant further states they have not been convicted of any violations of the laws against manufacturing, selling, transporting, storing, distributing, or possessing of intoxicating liquors, or of any crime involving moral turpitude, within ten (10) years of the date of this application.
11. The applicant will not sell or distribute such beverages to persons who are intoxicated, or under the influence of intoxicating beverages; or distribute such beverages to persons who are feeble-minded, insane, or otherwise mentally incapacitated; nor will the applicant sell or distribute such beverages at any places where gambling, or a dance hall is operated, or where dancing is allowed or permitted.
12. The applicant shall conduct the business for which this permit is issued so no loud, unusual, or obnoxious noises will be allowed and the applicant will conduct such place of business otherwise in an orderly, peaceful, and lawful manner.
13. The applicant further states by executing this application they acknowledge a copy of the beer ordinances for the City of Dayton.

Signature of Applicant/Owner (or Authorized Corporate Officer)

Printed Name of Applicant/Owner (or Authorized Corporate Officer)

Sworn to and subscribed to before me on this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

TITLE 8
ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Prohibited generally.
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the city recorder.
- 8-105. Sign restriction.

8-101. Prohibited generally. Except as authorized by applicable laws and/or ordinances, it shall be unlawful for any person or legal entity, regardless of its form of existence, i.e., corporation, limited liability company, sole proprietorship, partnership, etc., to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this municipality. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1988 Code, § 2-101, as replaced by Ord. #542, Feb. 2011)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive and any amendments thereto is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Dayton, Tennessee. It is the intent of the city council that the said title 57, chapter 4, inclusive, of the Tennessee Code Annotated and any amendments thereto, shall be effective in Dayton, Tennessee, the same as if said code sections were adopted and copied herein verbatim. (as added by Ord. #542, Feb. 2011)

¹State law reference
Tennessee Code Annotated, title 57

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, and any amendments thereto, there is hereby levied a privilege tax (in the same amounts as levied by Tennessee Code Annotated, § 57-4-301 for the City of Dayton General Fund to be paid annually as provided in this chapter) upon any person or legal entity regardless of its form of existence, i.e., sole proprietorship , corporation, limited liability company, partnership, etc. engaging in the business of selling at retail in the City of Dayton alcoholic beverages for consumption on the premises where sold. It is the intent of the city council that the said Tennessee Code Annotated, § 57-4-301, and any amendments thereto, shall be effective in Dayton, Tennessee, the same as if the said Tennessee Code Annotated section was adopted and copied herein verbatim. (as added by Ord. #542, Feb. 2011)

8-104. Annual privilege tax to be paid to the city recorder. Any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc. exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Dayton shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc., failing to make payment of the appropriate tax when due shall be subject to any penalty provided by law, including revocation of the privilege of selling alcoholic beverages for consumption on the premises in the City of Dayton. (as added by Ord. #542, Feb. 2011)

8-105. Sign restriction. Notwithstanding any provision in Tennessee Code Annotated, title 57, chapter 4, no outdoor sign, advertisement or display that advertises alcoholic beverages may be erected or maintained on or about the property from which alcoholic beverages for consumption on the premises is made other than one (1) sign, advertisement or display which makes reference to the fact that the establishment sells alcoholic beverages for consumption on the premises but does not use brand names, pictures, numbers, prices or diagrams relating to any particular type or brand of alcoholic beverages. (as added by Ord. #542, Feb. 2011)

CHAPTER 2

BEER

SECTION

- 8-201. Transportation, storage, etc., subject to regulation.
- 8-202. Application and permit required for selling, storing, etc.; notice .
- 8-203. Contents of application.
- 8-204. Licensees must be of good moral character, etc.

- 8-205. License to be issued.
- 8-206. Procedure for granting licenses.
- 8-207. Closing hours, etc.
- 8-208. License fees paid in advance; licenses to be displayed; sales by distributors, etc.; licenses not transferable.
- 8-209. Two (2) types of retail beer permits.
- 8-210. Application fees.
- 8-211. New permit required when location is moved.
- 8-212. Licensees required to give bonds.
- 8-213. Miscellaneous restrictions on persons engaged in beer business.
- 8-214. Hours of operation restricted.
- 8-215. Suspension or revocation of permits.
- 8-216. Permit required for possession of more than one (1) case of beer.
- 8-217. Possession of open cans of beer on streets, etc., prohibited.
- 8-218. Emergency closings by council authorized.
- 8-219. Inspection of beer places.
- 8-220. Violations.
- 8-221. Sign required - penalty for failure to comply.
- 8-222. Privilege tax.

8-201. Transportation, storage, etc., subject to regulation. The transportation, storage, distribution, possession, and/or manufacture of beer and/or ale of any alcoholic content of not more than 5% by weight within the corporate limits of Dayton, Tennessee, shall be subject to the regulations hereinafter set out and provided. (1988 Code, § 2-201)

8-202. Application and permit required for selling, storing, etc.; notice. (1) It shall be unlawful for any person to sell, store more than one case, distribute, or manufacture beer within the city without having first obtained a permit and license as provided in this chapter. Before any person is authorized to sell, store more than one case, distribute, or manufacture beer he shall make application to the city council, upon a form prescribed by it, for a permit to do so.

(2) Before the city council issues a license or permit under this section, it shall cause to be published in a newspaper of general circulation a notice including the name of the applicant, the address of the location for, the license or permit, and the date and time of its meeting at which the application will be considered. The notice shall be published not less than ten (10) days prior to the meeting. The meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a license or permit. (1988 Code, § 2-202)

8-203. Contents of application. The application shall state and establish:

- (1) The name and residence address of the applicant and how long the applicant has resided there.
- (2) The particular place for which a license is desired, designating it by street and number, if practicable, and if not, by such other apt description as definitely locates it.
- (3) The kind of license desired.
- (4) The name of the owner of the premises upon which the business

licensed is to be carried on.

(5) That the applicant will not engage in the sale, storage, manufacture, or distribution of beer except at the place or places for which the license permit is issued to such applicant; that no sale, storage, manufacture, or distribution of such beverage will be made except in accordance with the permit granted.

(6) That no sale will be made to minors; that the applicant will not permit minors or disorderly or disreputable persons, or persons heretofore connected with the violation of the liquor laws, to loiter around the place of business and that no minors shall be employed in the direct sale, storage, manufacture, or distribution of beer.

(7) That the applicant has not had a license for the sale, storage, manufacture, or distribution of legalized beer revoked.

(8) That neither the applicant nor any person employed or to be employed by him in the distribution, storage, manufacture, or sale of beer has ever been convicted of any violation of laws against the prohibition, sale, manufacture, storage, distribution, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten years next preceding the filing of such application.

(9) That the applicant will conduct the business in person for himself, or, if he is acting as agent, the applicant shall state the person, firm, or corporation, syndicate, association, or joint-stock company for whom the applicant intends to act.

(10) That no brewer, manufacturer, distributor, or warehouseman of legalized beer has any interest in the business, financial or otherwise, or in the premises upon or in which the business to be licensed to sell beer at retail is to be carried on.

(11) That the applicant is willing to be fingerprinted by the police department of the City of Dayton and is willing to be investigated by municipal, county, state, and federal law enforcement agencies concerning the applicant's background and record.

(12) That the applicant agrees to comply with all the laws of the United States, and of the State of Tennessee, and with all ordinances of the City of Dayton. The application shall be supported by an affidavit or oath that the facts stated therein are true.

(13) That no such beverages will be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches, or other places of public gatherings, or otherwise interfere with public health, safety and morals; further, such beverages shall not be sold within one hundred (100) feet of any school, church, or public gathering place (measured in a straight line, with the measuring points being front door to front door, between the establishment selling said beverages and the building housing a school, church, or other said place of public gathering). (1988 Code, § 2-203, as amended by Ord. #414, Nov. 2000, and Ord. #430, Sept. 2002)

8-204. Licenses must be of good moral character, etc. No permit or license shall be issued except to persons of good moral character who have not been convicted of any violation of the laws against manufacturing, selling, transporting, storing, distributing, or possessing of intoxicating liquors, or of selling or possessing beer illegally, or of any crime involving moral turpitude, within ten (10) years of the date of application; nor shall any permit or license be issued to any firm,

corporation, syndicate, joint stock company, or association, which has members, officers, stockholders, or employees who have had such convictions. (1988 Code, § 2-204)

8-205. License to be issued. Any applicant seeking a license or permit under this section and who complies with the conditions and provisions of this section shall have issued to him the necessary license or permit. In the event the license or permit is refused; the applicant shall be entitled to a hearing on his application for the issuance of a license or permit. The refusal to grant a license or permit, or the refusal to grant a hearing upon a person's application for a license or permit, may be reviewed by the Circuit or Chancery Court. (1988 Code, § 2-205)

8-206. Procedure for granting licenses. When an application is made to the city council for a license, the following procedure will apply:

(1) No application for a beer license will be approved without a public hearing to be conducted at the city hall as set out in § 8-202(2). The name of the applicant, name and address of his place of business, and the date of hearing will be announced in the local newspaper in Dayton, Tennessee.

(2) Permits shall be approved or disapproved by the city council in a regular meeting and, if approved, a license shall be issued by the recorder for the City of Dayton upon payment of the license fee provided by law.

(3) Permits so approved shall not be required to be renewed periodically; however, they are subject to revocation or suspension as set out in § 8-215. (1988 Code, § 2-206, as replaced by Ord. #528, Jan. 2010)

8-207. Closing hours, etc. All licensees holding a license to sell beer under this chapter shall observe the closing hours and dates as set out in section 8-214, except that the operator of the business who sells beer in conjunction with another business shall be given authority to operate the other business at hours other than those set out in § 8-214. However, when the other business is being operated, that portion where beer is sold shall be concealed by drapes or other means whereby beer is not in plain view to the public and signs shall be posted denoting that no beer shall be sold during the hours established by § 8-214. (1988 Cod, § 2-2.07)

8-208. License fees paid in advance; licenses to be displayed; sales by distributors, etc.; licenses not transferable. (1) All license fees shall be paid in advance and shall not be subject to refund in whole or in part for any reason. All permittees and licensees shall display and keep displayed their beer permits and beer licenses in a conspicuous place on the premises where they are licensed to conduct such business.

(2) No manufacturer, distributor, or warehouseman shall sell to anyone except to a licensed beer dealer.

(3) Permits and licenses shall not be transferable. (1988 Code, § 2-208)

8-209. Two (2) types of retail beer permits. Permits for the retail sale of beer issued by the city shall be of two types:

(1) On-premises permits shall be issued for the consumption of beer on the premises.

(2) Off-premises permits shall be issued for sale of beer to be consumed off the premises. (1988 Code, § 2-209)

8-210. Application fees. The city shall be entitled to demand and receive from each applicant an application fee of two hundred and fifty dollars (\$250.00) which shall be non-refundable, which shall be paid by the applicant to the recorder of the City of Dayton with the application.¹

¹State law reference

Tennessee Code Annotated, § 57-5-104(a).

This section shall in no way be construed to require the periodic renewal of beer permits or licenses. (1988 Code, § 2-210)

8-211. New permit required when location is moved. When any person moves the location of the place of business where such beverages are sold, then in all cases he shall be required to obtain from the city a new permit in the manner herein provided by application to the city therefor. (1988 Code, § 2-211)

8-212. Licensees required to give bonds. Every person, firm, corporation, or association, before being issued a license to sell at retail within the corporate limits of the City of Dayton any of such beverages permitted to be sold hereunder, shall make and deliver to the recorder to the City of Dayton, who shall be entitled to demand and receive a fee of \$2.00 therefor, a joint and several bond in the penalty of one thousand dollars (\$1,000.00) payable to the State of Tennessee. The bond shall be signed by some solvent surety company authorized to carry on a general surety business within the State of Tennessee or by solvent personal sureties and shall be conditioned that the principal thereof will pay any fine which may be assessed against such principal by any court of competent jurisdiction for any violation of the provisions of this chapter. (1988 Code, § 2-212, modified)

8-213. Miscellaneous restrictions on persons engaged in beer business. It is hereby declared to be a misdemeanor for any person, firm, corporation, or association engaged in the business regulated hereunder, to make or permit to be made any sales or distribution of such beverages to minors; to employ minors directly in the sale or distribution of such beverages to minors; to employ minors directly in the sale or distribution of such beverages or to permit minors to loiter on the premises; to sell or distribute such beverages to persons intoxicated or under the influence of intoxicating beverages; to sell or distribute such beverages to persons who are feeble-minded, insane, or otherwise mentally incapacitated; to sell or distribute such beverages at any place where gambling or a dance hall is operated or where dancing is allowed or permitted; to employ any person who has been convicted of any violation of the state statutes prohibiting the possession, sale, manufacture, or transportation of intoxicating liquor, or any other crime involving moral turpitude within the past ten (10) years. Upon conviction of any of the above violations, the person or firm shall be fined under the general penalty clause for this code. (1988 Code, § 2-213)

8-214. Hours of operation restricted. It is declared to be a misdemeanor for any person, firm, corporation, or association to sell or distribute beer, ale, or other beverages with an alcoholic content of not more than 5% by weight within the corporate limits of the City of Dayton, Tennessee, between the hours of five o'clock A.M. (5:00 A.M.) and eight o'clock A.M. (8:00 A.M.) on weekdays or between the hours of five o'clock A.M. (5:00 A.M.) and twelve o'clock noon (12:00 P.M. on Sundays. (1988 Code, § 2-214, as replaced by Ord. #541, Feb. 2011)

8-215. Suspension or revocation of permits. The city council may suspend or revoke any permit and shall hear and determine complaints brought for that purpose. Any violation of this chapter shall constitute sufficient grounds for the suspension or revocation of any other permit.

Complaints brought for the purpose of suspending or revoking beer permits shall be made in writing and filed with the mayor. He shall thereupon give or cause to be given written notice, accompanied by a copy of the written complaint, commanding the person, persons, firm, corporation, or association to appear at a time and place designated in the notice before the council to show cause why the permit should not be suspended or revoked. The notice shall be served either by registered letter or by a police officer of the City of Dayton at least ten (10) days prior to the date of the hearing when the person, persons, firm, corporation, or association is cited to appear. At the hearing the city council shall publicly hear and determine the nature and merits of the complaint. The mayor is authorized to compel the attendance of witnesses by subpoena. After the hearing the city council may for proper cause suspend or revoke any permit.

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 (1) year from the date the revocation becomes final and effective.

The city council, acting as the beer board, may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed one thousand five hundred (\$1,500.00) dollars for each offense of making or permitting to be made any sale to minors, or, a civil penalty not to exceed one thousand (\$1,000.00) dollars 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. [(1988 Code, § 2-215)

8-216. Permit required for possession of more than one (1) case of beer. It shall be unlawful for any person to possess in the City of Dayton more than one case of beer without a permit or license. A case of beer, for the purpose of this section, is defined as being the quantity contained in 24-twelve ounce cans or containers, or the equivalent thereof. (1988 Code, § 2-216)

8-217. Possession of open cans of beer on streets, etc., prohibited. It shall be unlawful for any person to possess open cans, bottles, or containers of beer in motor vehicles in the City of Dayton, or upon the public streets, sidewalks, or other public places in the City of Dayton, not otherwise permitted by this chapter. (1988 Code, § 2-217)

8-218. Emergency closings by council authorized. The city council by resolution may in times of emergency close temporarily any businesses licensed hereunder. (1988 Code, § 2-218)

8-219. Inspection of beer places. The police department of the City of Dayton, or any special police officers appointed by the city manager, shall inspect the places of business and premises of the holders of permits and licenses under this chapter. It shall be unlawful for any permittee or licensee to refuse to permit any such inspection during any time the place is open for business. (1988 Code, § 2-219)

8-220. Violations. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and may be fined under the general penalty clause for this code for such violation. Furthermore, any permittee or licensee violating any provision of this chapter shall be cited to the city council for a suspension or revocation of the permit or license.

Each day's violation of any provision of this chapter by any permit holder or licensee, and each sale made in violation of any provision of this chapter shall constitute a separate offense which shall be punishable by a fine or by suspension or revocation. (1988 Code, § 2-220)

8-221. Sign required-penalty for failure to comply. (1) Each holder of a license or permit to sell, at retail, beer of alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, shall display in a prominent place at the location where such sales are permitted a sign, at least six (6) inches high and fourteen (14) inches wide stating:

FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF FIVE (5) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED \$2,500.00 FOR CARRYING WEAPONS WHERE ALCOHOLIC BEVERAGES ARE SOLD OR SERVED.

(2) Failure by the licensee to comply with the provisions of subsection (.1) shall subject the licensee to a fine in accordance with the general penalty clause for this code of ordinances. (1988 Code, § 2-221)

8-222. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer, an annual privilege tax of one hundred (\$100.00) dollars. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacturer of beer shall remit the tax on January 1, 1994 and each successive January 1, to the City of Dayton, Tennessee. At the time a new permit is issued to any business, subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1988 Code, § 2-222)

ORDINANCE NO. 541

AN ORDINANCE TO AMEND AND REVISE TITLE 8, ALCOHOLIC BEVERAGES, CHAPTER 2, BEER, SECTION 8-214, HOURS OF OPERATION RESTRICTED, OF THE MUNICIPAL CODE FOR THE CITY OF DAYTON, TENNESSEE

WHEREAS, the City of Dayton, Tennessee residents and property owners voted at the November 2, 2010 election by referendum to approve sales of liquor by the drink within the city limits of Dayton, Tennessee.

WHEREAS, as a result of the passage of liquor by the drink in the city limits of Dayton, the City Council for the City of Dayton, Tennessee finds it necessary to amend and revise the hours of operation for the sales of beer, ale, or other beverages with an alcoholic content of not more than 5% by weight within the city limits of Dayton, Tennessee in order to be in compliance with the laws of the State of Tennessee.

Therefore, pursuant to Sections 2-12 through 2-16 of the Charter for the CITY OF DAYTON, TENNESSEE, **IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAYTON THAT:**

Section 1: That Title 8, Alcoholic Beverages, Chapter 2, Beer, Section 8-214 of the Municipal Code for the City of Dayton is hereby amended and replaced to read as follows:

“Section 8-214. Hours of operation restricted. It is declared to be a misdemeanor for any person, firm, corporation, or association to sell or distribute beer, ale, or other beverages with an alcoholic content of not more than 5% by weight within the corporate limits of the City of Dayton, Tennessee, between the hours of five o’clock A.M. (5:00 a.m.) and eight o’clock A.M. (8:00 a.m.) on weekdays or between the hours of five o’clock A.M. (5:00 a.m.) and twelve o’clock (12:00) noon on Sundays.”

Section 2: This Ordinance shall take effect ten (10) days from and after its final passage, the public welfare requiring it.


Bobby D. Vincent, Mayor

ATTEST:

BY: 
Thomas W. Solomon, City Recorder

PASSED First Reading on this the 3rd day of January, 2011.

PASSED Second Reading on this the 7th day of February, 2011.

PUBLISHED in the Herald News on this the 19th day of December, 2010.

PUBLIC HEARING held on this the 3rd day of January, 2011.