

ORDINANCE NO. 291

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, SECTIONS 8-219(a)(2) AND 8-219(b) OF THE CODE OF ORDINANCES RELATING TO THE SALE OF BEER; TO ESTABLISH A PENALTY FOR THE VIOLATION THEREOF; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

SECTION I. That the Town of Mount Carmel Municipal Code, Title 8, *ALCOHOLIC BEVERAGES*, Chapter 2, *BEER*, Section 8-219(a)(2), is hereby amended to read as follows:

Sec. 8-219(a)(2). Restaurants and eating places. The issuance of beer permits for restaurants and eating places pursuant to this article and the operation of such establishments shall be subject to the following:

1. Permits for the retail sale of beer for on-premises consumption shall be issued subject to the approval of the beverage board to the owner or operator of any regularly conducted restaurant or eating place. The applicant shall fulfill all other general requirements for the retail sale of beer prescribed in this article.
2. In addition, the restaurant or eating place shall be classified with a value of not less than passing as judged by appropriate state authorities.
3. No permit shall be issued to the owner or operator of any restaurant unless such owner or operator is the holder of a current, valid business license issued by the city.
4. If, after the issuance of a permit for on-premises consumption, the grade of passing is reduced by the appropriate state agency responsible for the grading of restaurants, the beverage board shall notify the permittee to appear before the beverage board to show cause why his permit should not be revoked. The beverage board shall have the authority to grant a temporary extension, not to exceed 90 days, for the permittee to make the corrections necessary and have the numerical grade increased to at least passing.

5. If it is shown that any permittee's premises are no longer kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served or provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for the permittee's guests, the beverage board may cancel and revoke the permit.
6. No beer shall be served at tables, stools or booths or in any other manner or place outside of the building, except with specific written permission of the beverage board.

SECTION II. That the Town of Mount Carmel Municipal Code, Title 8, *ALCOHOLIC BEVERAGES*, Chapter 2, *BEER*, Section 8-219(b), is hereby amended to read as follows:

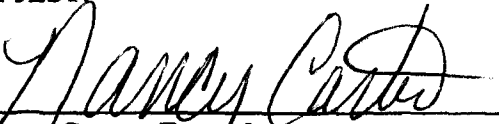
Sec. 8-219(b) Merchants. Off-premises permits shall be issued only to bona fide merchants who have been licensed to conduct a merchandising business in the city. For the purpose of this subsection, the term "bona fide merchants" shall mean persons regularly operating and conducting business to serve the public on a regular basis, with regular business hours of operation.

SECTION III. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation.

SECTION IV. That this ordinance shall take effect from and after its date of passage, as the law directs, the public welfare of the Town of Mount Carmel demanding it.


Gary W. Lawson, Mayor

ATTEST:


Nancy Carter, Recorder

Passed First Reading

1-25-05

Passed Second Reading

2-22-05

Published On

FIRST READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Tresa Mawk	✓		
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	✓		
Alderman Wanda Worley	✓		
Mayor Gary Lawson	✓		
TOTALS	7	0	0

PASSED FIRST READING 1-25-05

SECOND READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Tresa Mawk	✓		
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	✓		
Alderman Wanda Worley	✓		
Mayor Gary Lawson	✓		
TOTALS	7	0	0

PASSED SECOND READING 2-22-05

DATE PUBLISHED: <u>3-22-05</u>
NEWSPAPER: <u>Kingsport Times</u>

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN April 4, 2005

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 3-22-05, and appearing 1 consecutive weeks/times, as per order of _____

Town of Mount Carmel

Signed Karen C. Mulkey

THE following Ordinances were passed by the Mount Carmel Board of Mayor and Alderman on February 22, 2005: 1. Ordinance 289. Amends Title 15, Section 14-1501 through 14-1503 of the Code of Ordinances relating to zoning. 2. Ordinance 290. Amend Title 12, "Building, Utility, Etc. Codes," Chapter 6, "Substandard properties" Section 12-625, "Limitations" 3. Ordinance 291. Amend Title 8, Chapter 2, Sections 8-219(a) 2 and 8-219(b) of Ordinance relating to sale of beer, defining a bona fide business. If you have any questions, please call 357-7311. Thank you.

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 1st day of April 2005, Karen C. Mulkey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards
NOTARY PUBLIC

My commission expires 6-26-07

