

ORDINANCE NO. 12612

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTIONS 5-84 AND 5-85, RELATIVE TO THE BEER BOARD OF CHATTANOOGA AND RECIPROCAL SUSPENSION OR REVOCATION OF PERMITS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 5, Section 5-84, be and is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

**Sec. 5-84. Notification to Tennessee alcoholic beverage commission of beer board suspension or revocation of a beer permit of an establishment that holds a license issued by the Tennessee alcoholic beverage commission.**

- (a) Whenever the beer board finds violations, as defined in Tennessee Code Annotated, Title 57, Chapter 5, in the sale of beer or malt beverages consumed on-premises that result in the beer board suspending the operation of or revoking the permit of the establishment where the violation occurred, the beer board is authorized to notify the alcoholic beverage commission by certified mail, return receipt requested, of the action taken by the beer board. Such notice shall include the record of evidence and the determination made by the beer board in suspending or revoking the permit.
- (b) The suspension or revocation decision of the beer board is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with Tennessee Code Annotated, Title 57, Chapter 5.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 5, Section 5-85, be and is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

**Sec. 5-85. Beer board action upon notification by Tennessee alcoholic beverage commission of suspension or revocation of license.**

- (a) If, pursuant to T.C.A. § 57-4-202(c), the alcoholic beverage commission sends a certified letter, return receipt requested to the beer board providing notice that the commission has suspended or revoked the license of an establishment for a violation of Tennessee Code Annotated, Title 57, Chapter 4, upon receipt of the certified letter, the beer board shall:
  - (1) Schedule a hearing for the next regularly scheduled meeting of the beer board to be held at least fourteen (14) days following the date the beer board receives the certified letter to provide an opportunity for the permit holder to appear and show cause why the permit to sell beer on the premises should not be suspended or revoked for violations of Tennessee Code Annotated, Title 57, Chapter 5, based on actions taken by the alcoholic beverage commission pursuant to T.C.A. § 57-4-202(c); and
  - (2) Notify the individual or business entity, which is listed as the permit holder at the same location where the alcoholic beverage license had been suspended or revoked, of the date and time of the hearing.
- (b) If the beer board finds that a sufficient violation or violations of Tennessee Code Annotated, Title 57, Chapter 5 have occurred at such location, then the beer board shall suspend or revoke the permit to the same extent and at least for the same period of time as the alcoholic beverage commission has suspended or revoked the license of the establishment pursuant to T.C.A. § 57-4-202(c).
- (c) If the permit holder fails to appear or decides to surrender the permit to the beer board in lieu of appearing at the hearing, the permit shall be suspended or revoked by the beer board and, no permit to sell beer or malt beverages on the premises shall be issued by the beer board to any person for the location where the alcoholic beverage commission had suspended or revoked the license or permit pursuant to T.C.A. § 57-4-202(c) for the period of time included in the decision of the alcoholic beverage commission.
- (d) The decision of the beer board is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with Tennessee Code Annotated, Title 57, Chapter 5.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately upon passage.

PASSED on Second and Final Reading

June 12, 2012. Peter B. May  
Vice CHAIRPERSON

APPROVED: x DISAPPROVED: \_\_\_\_\_

DATE: June 18, 2012 2012

[Signature]  
MAYOR

KJR/mms