

**Anderson County, Tennessee**  
**Board of Commissioners**

**RESOLUTION NO. 14-07-505**

**RESOLUTION REQUIRING MINIMUM MANDATORY TRAINING  
REQUIREMENTS FOR EMPLOYEES OF BEER PERMIT HOLDERS**

**WHEREAS**, in order to protect the health, safety and welfare of Anderson County citizens, the Anderson County Beer Board desires to adopt minimum mandatory training requirements for all employees of beer permit holders; and

**WHEREAS**, *Tennessee Code Annotated, Section 57-5-105 (j)* provides that:

A county legislative body may impose training or certification restrictions or requirements on employees of a permit holder, but such restrictions or requirements shall not apply to any employee who is possessed of a server permit issued by the alcoholic beverage commission pursuant to chapter 3, part 7 of this title.

**WHEREAS**, the Beer Board passed this resolution by unanimous vote on May 27, 2014 and strongly encourages the Board of Commissioners approve this measure for the safety of all citizens.

**NOW THEREFORE, BE IT RESOLVED** by the Anderson County Board of Commissioners meeting in regular session this 21<sup>st</sup> day of July 2014 that:

**Section 1:** No person holding a permit or license to sell beer in the county, outside the municipal limits of Oak Ridge, Clinton, Oliver Springs, Lake City and Norris shall allow any employee to sell or serve beer unless that employee has attended and completed a program of alcoholic beverage sale or server instruction approved and certified by the Tennessee Alcoholic Beverage Commission.

**Section 2:** No employee of a person holding a beer permit or license to sell beer in the county, outside the municipal limits of Oak Ridge, Clinton, Oliver Springs, Lake City and Norris shall be allowed to sell or serve beer unless that person has attended and completed a program of alcoholic sale or server instruction approved and certified by the Tennessee Alcoholic Beverage Commission.

- A) New employees of permit holders will have thirty (30) days to obtain proper certification from the date of hire.
- B) Certificate of training is transferable between alcohol outlets except for outlets that are certified Responsible Vendors by the Tennessee Alcoholic Beverage Commission.

C) Employees holding a valid Tennessee Alcoholic Beverage Commission certification or license shall be exempt from the terms of this resolution.

**Section 3:** Employees of permit holders shall annually complete a program of alcoholic sale or server instruction approved and certified by the Tennessee Alcoholic Beverage Commission.

**Section 4:** Documentation demonstrating compliance with the terms of this resolution shall be maintained on premises and shall be available for inspection by proper authorities at all times.

**Section 5:** The Anderson County Beer Board may issue Show Cause Orders to any permit holders or employees to command their presence and answer charges before the Board upon information and belief received that a violation of this resolution has occurred.

**Section 6:** Failure to comply with annual training requirements will result in the suspension of a beer permit for up to ten (10) days, or in the alternative, the imposition of a monetary fine. Underage sales violation shall be punishable by permit suspension, revocation and/or monetary fines commensurate with the attached *Exhibit 1*.

**Section 7:** The Anderson County Clerk shall cause a copy of this resolution to be mailed to all beer permit holders within thirty (30) days of passage and all new applicants shall be provided a copy of this resolution at the time of application.

**Section 8:** The terms of this resolution are hereby incorporated by reference in the Anderson County Beer Board Rules and Regulations.

**Section 9:** If any provision of this resolution shall be invalidated by a court of law the remaining sections shall remain valid, effective and enforceable.

**Section 10:** This resolution shall take effect ninety (90) days from the date of passage of this Resolution.

**DULY RESOLVED, PASSED AND APPROVED** this 21<sup>st</sup> day of July 2014.

  
Chuck Fritts, County Commission Chair

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Mayor Terry Frank, County Mayor



ATTEST:

  
\_\_\_\_\_  
Jeff Cole, County Clerk



**EXHIBIT 1**

A vendor whose agent sells or distributes beer to a minor shall be guilty of an offense and shall be punished by the Anderson County Beer Board as follows:

- (1) For a first offense:
  - (a) a vendor who has received certification from the Alcoholic Beverage Commission pursuant to the Tennessee Responsible Vendor Act of 2006 shall be fined not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars in lieu of suspension; or,
  - (b) a vendor who has not received certification from the Alcoholic Beverage Commission shall be fined not less than five hundred (\$500.00) dollars nor more than two thousand, five hundred (\$2,500.00) dollars in lieu of suspension.
- (2) For a second offense:
  - (a) a vendor who has received certification from the Alcoholic Beverage Commission pursuant to the Tennessee Responsible Vendor Act of 2006 shall be fined one thousand (\$1,000.00) in lieu of suspension; or,
  - (b) a vendor who has not received certification from the Alcoholic Beverage Commission shall be fined not less than one thousand (\$1,000.00) dollars nor more than two thousand, five hundred (\$2,500.00) dollars in lieu of suspension.
- (3) A vendor who is guilty of an offense shall not be considered a repeat or multiple offender and subject to the enhanced penalties described in this section if twenty-four (24) or more months have elapsed between the date of the present offense and the date of any preceding violations.
- (4) A Responsible Vendor's certification shall be revoked if it has two (2) offenses within a twelve (12) month period.
- (5) All fines shall be paid within seven (7) calendars days of assessment or permit will be suspended on the 8<sup>th</sup> day.