OAK RIDGE BEER PERMIT BOARD
RULES AND PROCEDURES

The following rules duly adopted by the Oak Ridge Beer Permit Board (the "Board") shall govern the procedures before the Board in all proceedings for granting or revoking permits for the sale of beer and all other actions by the Board:

1. Officers of the Board

   A. The Chairperson of the Board shall be the person duly elected to that office. The Chairperson's term of office shall be for one year, and his or her successor shall be elected at the first meeting of the Board held in the month of January of each year. Whenever a vacancy occurs in the office of Chairperson, the Board shall elect one of its members to fill out the unexpired portion of the term.

   B. The Chairperson of the Board shall preside at all meetings of the Board and shall have a vote on all matters, but no veto power. In the Chairperson's absence, a Chairperson Pro Tem shall be elected by the members present, provided there is a quorum, who shall preside for that meeting.

   C. The Secretary of the Board shall be the person duly elected to that office. The Secretary's term of office shall be for one year and his or her successor shall be elected at the first meeting of the Board held in the month of January of each year. Whenever a vacancy occurs in the office of Secretary, the Board shall elect one of its members to fill out the unexpired portion of the term.

   D. The Secretary shall assist the Chairperson in any manner requested and shall attest by his or her signature to the correctness of the minutes which shall be kept in the custody of the City Clerk and shall be available for public inspection at all times.

   E. In the absence of the Secretary, the Board shall fill the office temporarily in the same manner as the office of the Chairperson is filled when he or she is absent.

2. Meetings

   A. The Oak Ridge Beer Permit Board shall meet in regular meetings upon the second Monday of each month at 12:00 noon. All meetings shall be at the Municipal Building, Oak Ridge, Tennessee.

   B. Special meetings of the Board may be held upon request of the Chairperson or any two members of the Board. Said call shall be made by personal notices sent by the Secretary or the Legal Department, at least three days before the time of convening said meetings, which call or notice shall specify the objects and purposes for which said special meeting is called, and no other business but that embraced by said call shall be transacted during the sitting of said special meeting.

   C. Ten (10) days notice of a hearing on each application for a permit shall be made by publishing the same in a newspaper of general circulation.

   D. All Board meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Board shall exercise its powers only at public meetings.
E. A quorum shall consist of four members of the Board and no action may be taken in the absence of a quorum.

F. The concurring vote of a majority of the members present shall be necessary to the approving or revocation of any permit or any other matters duly before the Board.

3. Applications

A. All applications for permits shall be made on a form prescribed by the Board and shall be completed in full for each business location and shall be signed and sworn to by the applicant or applicants before they will be considered by the Board.

B. Each application shall indicate clearly the class of permit desired as such classes are defined in Chapter 4, Article III of the Code of Ordinances, City of Oak Ridge, Tennessee.

C. All applications shall be filed with the Legal Department, and the date of filing shall be noted thereon and no permits or notarized supplements thereto shall be considered by the Board until it has been so filed.

D. All applications on file in the Legal Department shall be open for examination as other public records. Only one notarized copy need be filed by the applicant. The Legal Department shall provide the Board with a copy of all applications by placing said applications in the Board’s agenda packet.

E. No application, having been once filed, shall be withdrawn or removed from the custody of the Legal Department.

F. Each applicant shall be notified by mail by the Legal Department at least two (2) days prior to the meeting and the applicant must be present to have the application considered unless the ordinance provides for another person to stand in the place of the applicant at the meeting.

G. Any person shall be competent to testify for or against any application, but no evidence shall be received either for or against an application except in person and in the presence of the applicant, unless the applicant shall waive such right.

H. The action of the Board shall be noted upon the application in each instance and shall be certified to by the Secretary. If the application is approved for a permit by the Board, the City Manager shall thereupon issue such permit to the applicant within a reasonable amount of time.

I. No applicant for a beer permit at a given location shall apply again for a beer permit at said given location within the six-month period immediately following the Board’s refusal to grant such permit, except that any applicant so refused a permit may file a new application to be heard at the Board’s next regularly scheduled meeting following the denial of said permit, provided that the aggrieved applicant has sufficient new information to submit which might alter the original decision of the Board.

4. Show Cause Hearings

A. No notice of a show cause hearing shall be issued to any permittee for the suspension or revocation of any permit until it shall have been authorized at a duly constituted meeting of the Board.
B. Not less than ten (10) days written notice of any suspension or revocation procedure shall be given unto the permit holder whose permit is the subject of the show cause hearing. Such notice shall be served by an Oak Ridge Police Department officer who shall deliver a copy of the same to the permit holder if he or she may be found or by leaving a copy of the same at his or her place of business. Due return shall be made by the person serving the same.

C. The Board will interpret Code of Ordinances, City of Oak Ridge, Tennessee, Chapter 4, Article III in such manner as to hold the owner or operator of a place of business authorized hereunder to sell beer solely responsible not only for the sale of beer to minors on the premises, but it shall also be his or her responsibility to prevent the consumption of beer by minors on the premises when the same may have been legally purchased by others. This obligation shall extend to all the premises, both inside and outside any building located thereon, and shall apply to minors occupying or riding in any type of vehicle. As is provided in state law and city ordinance, the burden of ascertaining the age of any minor customer or consumer shall be upon the owner or operator of such place of business.

D. Procedure in show cause hearings shall be conducted as nearly in accordance with the procedure in judicial tribunals as practicable.

5. Permits

A. The Legal Department shall keep a current list of all valid beer permits.

B. On revocation of any beer permit, it shall be the duty of the Legal Department to immediately issue pick-up orders, and the permit shall be picked up as soon as practicable after the Board’s action.

6. Photograph of Owner/Manager

A. Upon approval of an application for a beer permit, the Board shall require a photograph of the owner(s) to be taken by the Oak Ridge Police Department officer in attendance at the meeting, or by another individual should an officer be absent. For establishments owned by corporations or other large organizations, the owner representative present at the Board meeting shall be photographed. The purpose of the photograph is to assist the Oak Ridge Police Department during its inspections of establishments with beer permits for compliance with the requirements of the City Code and the Board.

B. Upon approval of an application for manager approval, the Board shall require a photograph of the manager(s) to be taken by the Oak Ridge Police Department officer in attendance at the meeting, or by another individual should an officer not be absent. The purpose of the photograph is to assist the Oak Ridge Police Department during its inspections of establishments with beer permits for compliance with the requirements of the City Code and the Board.

7. Amendments

A. The rules and procedures may be amended by a vote of five (5) members at any Board meeting and shall become effective after approval by City Council.
This the 8th day of September 2008.

[Signature]
Chairman, Oak Ridge Beer Permit Board

[Signature]
Secretary, Oak Ridge Beer Permit Board

Approved by Council by Resolution 10-91-08
Effective date: October 20, 2008