

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. REGULATIONS AND LOCATIONS OF DISTILLERIES, BREWERIES AND WINERIES

**CHAPTER 1****INTOXICATING LIQUORS****SECTION**

- 8-101. Definition of "alcoholic beverages."  
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**8-101. Definition of "alcoholic beverages".** As used in this chapter, unless the context indicates otherwise: "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content as defined in *Tennessee Code Annotated*, § 57-5-101 (Ord. #651-20, Jan. 2021, modified)

**8-102. Consumption of alcoholic beverages on premises.** *Tennessee Code Annotated*, title 57, chapter 4, and as subsequently amended, 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 Algood, Tennessee. It is the intent of the city council that *Tennessee Code Annotated*, title 57, chapter 4, and as subsequently amended, shall be effective in Algood, Tennessee, the same as if said code sections were copied herein verbatim. (Ord. #651-20, Jan. 2021)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 57.

**8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to *Tennessee Code Annotated*, § 57-4-301, and subsequently amended, there is hereby levied a privilege tax (in the same amounts levied by *Tennessee Code Annotated*, title 57, chapter 4, section 301, and as subsequently amended, for the City of Algood General Fund to be paid annually as provided herein this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Algood alcoholic beverages for consumption on the premises where sold. (Ord. #651-20, Jan. 2021)

**8-104. Annual privilege tax to be paid to the City Clerk.** Any person, firm, corporation, joint stock company, syndicate, or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Algood shall remit annually to the city clerk 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, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #651-20, Jan. 2021)

**8-105. Concurrent sales of liquor by the drink and beer.** Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Algood, pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall, notwithstanding the provisions of §§ 8-207 to 8-211 of the Ordinances of the City of Algood, qualify to receive a beer permit from the city. (Ord. #651-20, Jan. 2021)

**8-106. Special events permits.** A permit to sell beer may be obtained from the city clerk for special events not to exceed three (3) days in duration. An applicant for a special events permit must meet all requirements for an on-premises beer permit except such an event may be permitted without being located in a permanent structure, and shall not have to comply with §§ 8-207 to 8-212 of this code. A special events permit fee in the amount of one hundred dollars (\$100.00) per twenty-four (24) hour period shall be paid to the city clerk upon application for such permit. Special events permits may only be issued to bona fide charitable or nonprofit organizations as defined in *Tennessee Code Annotated*, § 57-4-102, and as subsequently amended, and to the City of Algood. Special events permits shall not be issued for the sale, storage or manufacture of beer on any public property, right-of-way or street, except at special events located within city and/or county public parks, and separately, additionally at any City of Algood sponsored or co-sponsored events at any location(s) as may

be designated by the City of Algood City Administrator. (Ord. #651-20, Jan. 2021)

**8-107. Locations; zoning.** Alcoholic beverages may be sold at such location as permitted in accordance with *Tennessee Code Annotated*, title 57, chapter 4, where such an establishment is otherwise allowed to operate in the Algood Zoning Code in the CA-General Commercial zone and CB-Central Business District zone, or otherwise allowed in accordance with § 8-106 of this Code, or *Tennessee Code Annotated*, § 13-7-208. (Ord. #651-20, Jan. 2021)

**8-108. Violations and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Revocation of beer permits.
- 8-213. Violations and penalty.

**8-201. Beer board established.** There is hereby established a beer board to be composed of five (5) members, who shall be the same persons serving as mayor and members of the city council, who shall serve during their terms on the city council. Members shall serve without additional compensation. (Ord. #661-21, April 2021)

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman; provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1997 Code, § 8-202)

**8-203. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of

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<sup>1</sup>State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in *Watkins v. Naifeh*, 635 S.W.2d 104 (1982).

each member thereon; and the provisions of each beer permit issued by the board. (1997 Code, § 8-203)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1997 Code, § 8-204)

**8-205. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1997 Code, § 8-205)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101.

**8-207. Permit required for engaging in beer business.**<sup>1</sup> It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated*, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Algood. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

**8-208. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1997 Code, § 2-208)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 57-5-103.

**8-209. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within three hundred feet (300') of any school, church or other such place of public gathering, measured using a straight line between the two (2) buildings at the closest points of each building. (1997 Code, § 8-209, as amended by Ord. #421, May 2004)

**8-210. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1997 Code, § 8-210)

**8-211. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week; between the hours of 3:00 A.M. and 12:00 Noon on Sunday.

(4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(5) Make or allow any sale of beer to a minor under twenty-one (21) years of age.

(6) Allow any minor under twenty-one (21) years of age to loiter in or about his place of business.

(7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(8) Allow drunk or disreputable persons to loiter about his premises.

(9) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than the definition in *Tennessee Code Annotated*, § 57-5-101.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1997 Code, § 8-211, as amended by Ord. #511-08, Jan. 2009, modified)

**8-212. Revocation of beer permits.** The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the municipal governing body. (1997 Code, § 8-212)

**8-213. Violations and penalty.** Violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

## CHAPTER 3

### REGULATIONS AND LOCATIONS OF DISTILLERIES, BREWERIES AND WINERIES

#### SECTION

8-301. Performance standards.

8-302. Definitions.

8-303. Review process.

**8-301. Performance standards.** There is hereby established performance standards for breweries, micro-breweries, distilleries, wineries, and micro-wineries that are newly constructed as follows:

(1) There shall be compliance with all applicable requirements of the City of Algood Municipal Code and building codes.

(2) There shall be confirmation of approval by all applicable state and federal agencies authorized to regulate wineries, breweries and distilleries.

(3) Only products manufactured on-premise at any of the manufacturing facilities enumerated herein shall be consumed on-premise as permitted by applicable state law.

(4) Any such entity enumerated herein shall obtain approval by the City of Algood water and sewer authorities for the operation of such business consistent with the capacity and regulations prevailing for said water and sewer service.

(5) Any site for a facility enumerated herein shall be at least two hundred fifty feet (250') herein from a church or school measured from building to building.

(6) There shall be a submittal and approval in accordance with the Algood zoning and building code applicable to site plan review.

(7) There shall exist off street parking provided at one (1) space for each two-hundred fifty (250) square feet of floor space and one (1) space per employee of any establishment enumerated herein.

(8) There shall be the required for approval and issuance of a special use permit specifying the conditions of approval for any conditions opposed by the board of zoning appeals and specified on the special use permit.

(9) Restaurants shall be allowed as an accessory use not to exceed thirty percent (30%) of gross floor area should any such establishment permitted by state law elect to operate a restaurant facility.

**8-302. Definitions.** (1) "Brewery." Facility that primarily manufactures and sells wholesale high alcohol content ales, beer or malt beverages in quantities of ten thousand (10,000) barrels or more per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.



(2) "Brew pub." A restaurant as the principal use that includes a micro-brewery integrated into the restaurant operation as an accessory use. Such facility devotes at least seventy percent (70%) of the gross floor area for the preparation, dining and sale of food. The manufacture of ales, beer or malt beverages shall not exceed thirty percent (30%) or five thousand (5,000) square feet in area whichever is greatest.

(3) "Distillery." An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(4) "Micro-brewery." Facility that primarily manufactures high alcohol content ale, beer or malt liquor in quantities of less than ten thousand (10,000) barrels per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(5) "Micro-distillery." An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(6) "Micro winery." An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities. Winery producing up to two thousand (2,000) cases per year with a maximum site area of one (1) acre. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(7) "Winery." An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities that produces over two thousand (2,000) cases per year with each case containing two thousand three hundred seventy-eight (2,378) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

**8-303. Review process.** (1) There is hereby required a new construction review process which shall include the following:

(a) Site plan approval from planning commission for permitted use-by-right.

- (b) (i) Board of zoning appeals for special exception,
- (ii) Site plan approval from planning commission.

(2) Existing building review process is as follows: As a permitted use-by-right an in house administrative review by staff and a local representative of the town is conducted to confirm that compliance with off street parking and other zoning requirements have been met.

(3) Wineries and micro-wineries shall be permitted in the following locations: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(4) Micro-winery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.

(5) Distillery and micro-distillery locations shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(6) Micro-distillery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.

(7) Brewery and micro-brewery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(8) Micro-brewery and brew pub shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.