

**TITLE 8****ALCOHOLIC BEVERAGES****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

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

8-101. Prohibited generally.

**8-101. Prohibited generally.** Except as authorized by applicable laws<sup>1</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. "Beer" shall be defined pursuant to *Tennessee Code Annotated*, § 57-5-101.

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 39-17-701, *et seq.*

## CHAPTER 2

### BEER

#### 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. Beer permits shall be restrictive.
- 8-208. Issuance of permits to aliens prohibited.
- 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. Permit required for engaging in beer business.
- 8-214. Privilege tax.
- 8-215. Civil penalty in lieu of suspension.
- 8-216. Loss of clerk's certification for sale to minor.
- 8-217. Violations and penalty.

**8-201. Beer board established.** There is hereby established a beer board to be composed of all the members of the governing body. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1964 Code, § 2-201)

**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 following each regular meeting of the governing body at the city hall whenever there is business to come before the beer board. A special meeting of the beer board may be called by its chairman, provided he gives a reasonable notice thereof to each board member, and the board may adjourn a meeting at any time to another time and place. (1964 Code, § 2-202)

**8-203. Record of beer board proceedings to be kept.** The recorder shall make a separate 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 each member thereon; and the provisions of each beer permit issued by the board.

**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 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. (1964 Code, § 2-204)

**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. (1964 Code, § 2-205)

**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. 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. (1964 Code, § 2-208)

**8-208. Issuance of permits to aliens prohibited.** No permit to engage in the beer business shall be granted by the beer board to any person not a citizen of the United States nor to any syndicate or association unless all of the members thereof are citizens of the United States. (1964 Code, § 2-209)

**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 five thousand feet (5,000') of any school, church, or other such place of public gathering, measured along street rights-of-way. (1964 Code, § 2-210)

**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. (1964 Code, § 2-211)

**8-211. Prohibited conduct or activities by beer permit holders.**

- (1) It shall be unlawful for any beer permit holder to:
  - (a) 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;
  - (b) Employ any minor under twenty-one (21) years of age in the sale, storage, distribution or manufacture of beer;
  - (c) Make or allow any sale of beer on Sunday except between the hours of 12:00 P.M. and 10:00 P.M.; or anytime except between 5:00 A.M. to 10:00 P.M. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday;
  - (d) Allow any loud, unusual or obnoxious noises to emanate from his premises;
  - (e) Make or allow any sale of beer to a minor under twenty-one (21) years of age;
  - (f) Allow any minor under twenty-one (21) years of age to loiter in or about his place of business;
  - (g) Allow drunk or disreputable persons to loiter about his premises;
  - (h) Serve, sell or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than that defined in *Tennessee Code Annotated*, § 57-5-101;
  - (i) Allow gambling on his premises;
  - (j) Allow dancing on his premises;
  - (k) Allow pool or billiard playing in the same room where beer is sold and/or consumed; and/or
  - (l) Fail to provide and maintain separate sanitary toilet facilities for man and women.
- (2) Beer shall not be consumed on the premises of the dispenser, in motor vehicles nor on public property in the City of Adams, Tennessee.
- (3) Beer in containers larger than one (1) liter shall not be stored or sold within the City of Adams, Tennessee.
- (4) Only signs lettered on the windows of the premises of the licensed dispenser shall be allowed.
- (5) No signs advertising the sale of beer shall be legal within the City of Adams.
- (6) In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within five hundred feet (500') of any school, church, or other such place of public gathering, measured along street rights-of-way. (1964 Code, § 2-212, as amended by Ord. #38, Oct. 1982, Ord. #2004-01, June 2004, and Ord. #2007-05, July 2007, 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 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 beer board. (1964 Code, § 2-213)

**8-213. Permit required for engaging in beer business.** (1) It shall be unlawful for any persons to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board.

(2) The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated*, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00).

(3) Said fee shall be in the form of a cashier's check payable to the City of Adams.

(4) Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #59, Nov. 1993)

**8-214. Privilege tax.** (1) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00).

(2) Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1 of each year to the City of Adams, Tennessee.

(3) At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #59, Nov. 1993)

**8-215. Civil penalty in lieu of revocation or suspension.** (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," *Tennessee Code Annotated*, § 57-5-601, *et seq.*

(2) Penalty, revocation or suspension.<sup>1</sup> The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

**8-216. Loss of clerk's certification for sale to minor.**<sup>2</sup> If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated*, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

**8-217. Violations and penalty.** Except as provided in § 8-216, 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. Each day a violation shall be allowed to continue shall constitute a separate offense.

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-108(2).

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-607.