

**TITLE 8****ALCOHOLIC BEVERAGES**<sup>1</sup>**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 and/or ordinances<sup>2</sup>, 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 which contain more than five percent (5%) of alcohol by weight. (1988 Code, § 2-101)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference  
Tennessee Code Annotated, title 39, chapter 17.

## CHAPTER 2

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

#### SECTION

- 8-201. Beer board established.
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- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Suspension and revocation of beer permits.

**8-201. Beer board established.** There is hereby established a board which shall be known and designated as the beer board. The beer board shall consist of five (5) members appointed by the mayor subject to approval by the board. The term of each member shall be two (2) years. (Ord. #93-3, April 1993)

**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. (Ord. #93-3, April 1993)

**8-203. Record of beer board proceedings to be kept.** (1) The members of the beer board shall elect from among themselves a member who shall serve as chairman of the board who shall preside at all meetings. The members of the beer board shall elect from among themselves a member who shall serve as secretary of the board and shall make a record of the proceedings of all meetings.

- (2) The record shall contain at least the following:
  - (a) The date of each meeting;

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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).

- (b) The names of the board members present and absent;
- (c) The names of the members making and seconding motions;
- (d) The vote of each member on motions; and
- (e) The type and restrictions placed upon each beer permit issued. (Ord. #93-3, April 1993)

**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. (1988 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 city in accordance with the provisions of this chapter. (1988 Code, § 2-205)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1988 Code, § 2-206)

**8-207. Permit required for engaging in beer business.** 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 shall be accompanied by a two hundred and fifty dollar (\$250.00) non-refundable application fee. 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. (1988 Code, § 2-207, modified)

**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 board of mayor and aldermen 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 board of mayor and aldermen. (1988 Code, § 2-208)

**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 hospitals,

schools, or churches or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture, storage, or sale, of beer within fifty (50) feet of any hospital, school, or church. The distance shall be measured in a straight line from the nearest point of the building from which the beer will be sold, manufactured, or stored to the nearest point on the property line of the hospital, school, or church. (1988 Code, § 2-209.)

**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. (1988 Code, § 2-210)

**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) Make or allow any sale of beer during such hours and at such times prohibited by the laws of the State of Tennessee, in compliance with Tennessee Code Annotated, § 57-5-301(b)(1), and any amendments thereto.

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

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

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

(6) Allow drunk persons to loiter about his premises.

(7) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight. (1988 Code, § 2-211, as amended by Ord. #\_\_, March 2003)

**8-212. Suspension and revocation of beer permits.** The beer board shall have the power to suspend or 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 suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the board of mayor and aldermen. (1988 Code, § 2-212)