

**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 acting for himself or for any other 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.

(1974 Code, § 2-101; Amended 12/17/2002)

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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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- 8-205. Powers and duties of the beer board.
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- 8-207. Permit required for engaging in beer business.
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- 8-211. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders.
- 8-213. Revocation of beer permits.

**8-201. Beer board established.** There is hereby established a beer board to be composed of all the members of the eight (8) aldermen and mayor of the governing body. All members of the beer board shall be citizens of the municipality. They shall serve during their terms as mayor and aldermen. The mayor shall serve as chairman of the beer board and shall vote only in case of a tie. Members of the beer board shall serve without compensation.

(1974 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 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.

(1974 Code, § 2-202)

**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 each member thereon; and the provisions of each beer permit issued by the board.

(1974 Code, § 2-203)

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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).

**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.  
(1974 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.  
(1974 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.  
(1974 Code, § 2-206)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, or distribute for sale 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. 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. An application for a beer permit must be filed thirty (30) days prior to the date of the hearing on such application.  
(1974 Code, § 2-207; Amended 03/07/1978)

**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, and distributing. 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.  
(1974 Code, § 2-208)

**8-209. 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.  
(1974 Code, § 2-209)

**8-210. 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, cemeteries, 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 two thousand (2000) feet of any school, church or other such place of public gathering, measured in a direct line.

(1974 Code, § 2-210; Amended 12/17/2002)

**8-211. 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.

(1974 Code, § 2-211)

**8-212. Prohibited conduct or activities by beer permit holders.** 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) 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.)
- (c) Make or allow any sale of beer at any time on Sunday, on election days before and while the polls are lawfully open, on Thanksgiving Day and on Christmas Day.
- (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) of age to loiter in or about his place of business.
- (g) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (h) Allow drunk or disreputable persons to loiter about his premises.
- (i) 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.

- (j) Allow gambling on his premises.
- (k) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (l) Fail to provide and maintain separate sanitary toilet facilities for men and women.
- (m) Allow any beer to be sold for on premises consumption on Thanksgiving Day or Christmas Day.  
(1974 Code, § 2-212; Amended 03/07/1978; 04/06/1993; 12/17/2002)

**8-213. 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 beer board.  
(1974 Code, § 2-213)