

## TITLE 2

ALCOHOLIC BEVERAGES<sup>1</sup>

## CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

## CHAPTER 1

INTOXICATING LIQUORS

## SECTION

2-101. Prohibited generally.

2-101. Prohibited generally. Except as authorized by applicable laws and/or ordinances, 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 the City of Moscow. "Intoxicating liquor" shall be defined to include whiskey, wines, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five per cent (5%) of alcohol by weight. (1979 Code, sec. 2-101)

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<sup>1</sup>For provisions prohibiting minors in beer places and prohibiting drinking beer, etc., on the streets, etc., see title 10.

For general provisions in the state law, see title 57 of the Tennessee Code Annotated.

## CHAPTER 2

BEER<sup>1</sup>

## SECTION

- 2-201. Beer board.
- 2-202. Powers and duties of the beer board.
- 2-203. "Beer" defined.
- 2-204. Permit required for engaging in beer business.
- 2-205. Beer permits shall be restrictive.
- 2-206. Issuance of permits to aliens prohibited.
- 2-207. Interference with public health, safety, and morals prohibited.
- 2-208. Issuance of permits to persons convicted of certain crimes prohibited.
- 2-209. Prohibited conduct or activities by beer permit holders.
- 2-210. Revocation of beer permits.

2-201. Beer board. For the purposes of administering the provisions of this chapter, the board of mayor and aldermen is hereby designated as the beer board. (1979 Code, sec. 2-201)

2-202. 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 the City of Moscow in accordance with the provisions of this chapter. (1979 Code, sec. 2-202)

2-203. "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 per cent (5%) by weight. (1979 Code, sec. 2-203)

2-204. 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

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<sup>1</sup>For a leading case in Tennessee on a municipality's authority to regulate beer, see the 1947 Tennessee Supreme Court decision in Grubb et al. v. Mayor and Aldermen of Morristown et al., 185 Tenn. 114, 203 S.W. 2d 593.

For general business regulations, see title 5 in this code; for applicable tax provisions, see title 6; for miscellaneous provisions prohibiting minors in beer places and prohibiting drinking beer on streets, etc., see title 10.

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. (1979 Code, sec. 2-204)

2-205. 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. (1979 Code, sec. 2-205)

2-206. 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. (1979 Code, sec. 2-206)

2-207. 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 (300) feet of any school, church, or other such place of public gathering, measured along street rights of way. (1979 Code, sec. 2-207)

2-208. 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. (1979 Code, sec. 2-208)

2-209. 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.
- (3) Make or allow any sale of beer between the hours of 12:00 midnight and 6 a.m. during any night of the week; at any time on Sunday; or on election days before and while the polls are lawfully open.
- (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 eighteen (18) years of age.
- (6) Allow any minor under eighteen (18) 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 five per cent (5%) by weight.
- (10) Allow gambling on his premises.
- (11) Allow dancing on his premises.
- (12) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (13) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1979 Code, sec. 2-209)

2-210. 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. (1979 Code, sec. 2-210)