

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

1. ALCOHOLIC BEVERAGES - IN GENERAL.
2. BEER - GENERALLY.
3. LICENSE AND PERMIT.

CHAPTER 1**ALCOHOLIC BEVERAGES - IN GENERAL****SECTION**

- 8-101. Intoxicating liquor - defined; sale, transport, delivery prohibited.
- 8-102. Intoxicating liquor - certain uses permitted.
- 8-103. Consumption of beer, other alcoholic beverages in motor vehicles prohibited.
- 8-104. Purchase, possession or transportation by minors prohibited.
- 8-105. Use of false identification by minors.
- 8-106. Penalty for violation of §§ 8-103, 8-104 and 8-105; disposition of minors.
- 8-107. Unobstructed view into licensed premises required.

8-101. Intoxicating liquor - defined; sale, transport, delivery prohibited. It shall be unlawful for any person to solicit orders for, receive, possess, store, transport, sell or furnish any intoxicating liquor within the municipality. "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. (Ord. #___, April 1986)

8-102. Intoxicating liquor - certain uses permitted. Nothing in the preceding section shall make it unlawful:

(1) **Sacramental purposes.** For any priest or minister of any religious denomination or sect to receive and possess wines for sacramental purposes, or for any common or other carrier, to ship or transport wine for said purposes to any priest or minister of any religious denomination or sect.

(2) **Medicines, extracts, perfumery.** For druggists to receive and possess alcohol and other intoxicating liquors and such preparations as may be sold by druggists for the special purposes and in the manner as provided by law, for manufacturers of medicines that conform to the provisions of the law applicable to pure food and pure drugs, or for bona fide hospitals, and for manufacturing of such medicines or flavoring extracts, or perfumery or toilet

articles, or for any common or other carrier to ship or transport such liquor, or alcohol for said purposes to such druggists or hospitals, or manufacturers of medicines, or of flavoring or of perfumery or toilet articles.

(3) Thermostatic devices. For any person engaged in the manufacture of thermostatic devices or temperature regulators to import alcohol into this municipality for use in the manufacture and charging of said devices and regulators.

(4) Scientific, therapeutic purposes. For bona fide educational institutions to receive and possess alcohol for scientific and therapeutical purposes, or for any common or other carrier to ship or transport such alcohol for said purposes to such bona fide educational institutions. (Ord. #____, April 1986)

8-103. Consumption of beer, other alcoholic beverages in motor vehicles prohibited. It shall be unlawful for any person to consume beer or other alcoholic beverage in any automobile within the corporate limits of the town. (Ord. #____, April 1986)

8-104. Purchase, possession or transportation by minors prohibited. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess or transport beer or other alcoholic beverage within the corporate limits of the town. (Ord. #____, April 1986)

8-105. Use of false identification by minors. It shall be unlawful for any person under the age of twenty-one (21) years to present or offer to any licensed retailer of beer or alcoholic beverage any written evidence of his age which is false, or not actually his own, for the purpose of purchasing or attempting to purchase or otherwise procure or attempting to procure beer or other alcoholic beverage. (Ord. #____, April 1986)

8-106. Penalty for violation of §§ 8-103, 8-104 and 8-105; disposition of minors. Acts in violation of any one or more of the provisions of §§ 8-103, 8-104 or 8-105 shall be deemed guilty of a misdemeanor, and if eighteen (18) years or older shall be tried by the city court; if seventeen (17) years of age or less, such violation shall be taken before the County juvenile judge. The provisions of Tennessee Code Annotated, § 57-5-301 relative to expungement of records shall apply. (Ord. #____, April 1986)

8-107. Unobstructed view into licensed premises required. It shall be unlawful for any person to, in any way or manner, obstruct the vision of any glass window or door in any public building within the corporate limits of the town in which beer is sold or pool is played, at a distance lower than thirty-six

(36) inches from the bottom of such glass in the window or door. (Ord. #____, April 1986)

CHAPTER 2

BEER - GENERALLY

SECTION

8-201. Authority of council to prohibit the sale, storage, or keeping of beer in certain designated areas.

8-202. Sale, etc., of beer not over five (5%) percent permitted.

8-203. Hours of sale; generally.

8-204. Sales on Sunday prohibited.

8-205. Consumption on premises prohibited.

8-201. Authority of council to prohibit the sale, storage, or keeping of beer in certain designated areas. The mayor and board of aldermen, hereinafter referred to as the city council, shall have the authority to designate such areas of the town as they deem necessary wherein it shall be unlawful to sell, or to store or keep for the purpose of selling, any beer, and the mayor and board of aldermen of the Town of Rutherford, Tennessee, shall serve as the beer commission for said town. In any event, beer shall not be sold within two hundred (200) feet of a public gathering place. Public gathering place is defined as a church, school, cemetery, or public park. (Ord. #____, April 1986)

8-202. Sale, etc., of beer not over five (5%) percent permitted. It shall be unlawful for any person to have, possess, transfer, keep, store, sell and distribute beer in any quantity whatsoever containing more than five (5%) percent alcohol by volume within the corporate limits of the town. (Ord. #____, April 1986)

8-203. Hours of sale; generally. It shall be unlawful to sell or offer for sale any beer, ale or other malt beverages in the municipality between the hours of 11:00 P.M. and 6:00 A.M. of the following morning. (Ord. #____, April 1986)

8-204. Sales on Sunday prohibited. It shall be unlawful to sell or offer for sale beer, ale, or other malt beverages in the town between the hours of 11:00 P.M. on Saturday night and 6:00 A.M. on Monday morning of each week. (Ord. #____, April 1986)

8-205. Consumption on premises prohibited. It shall only be lawful to sell beer for consumption off the premises within the Town of Rutherford, Tennessee. It shall be unlawful to sell beer for consumption on the premises anywhere within the Town of Rutherford, Tennessee. (Ord. #____, April 1986)

CHAPTER 3

LICENSE AND PERMIT

SECTION

- 8-301. Privilege tax.
- 8-302. Qualifications of applicants prior to issuance.
- 8-303. Permit required for engaging in beer business.
- 8-304. No license to be issued for less than twelve (12) months.
- 8-305. Duration; revocation, grounds.
- 8-305. Revocation for running undesirable place of business.
- 8-307. Unlawful to sell, distribute without license.
- 8-308. Selling when license revoked.

8-301. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). 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, 1994, and each successive January 1, to the Town of Rutherford, Tennessee. 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. #1993-9, _____)

8-302. Qualifications of applicants prior to issuance. Such licenses and permits shall only be granted to persons of good moral character and conducting peaceable and orderly places of business within the corporate limits of the town which shall be made to satisfactorily appear to the city council as herein set out. (Ord. #____, April 1988)

8-303. 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. Any person applying for a permit and license to sell, keep or store for sale beer for consumption off the premises within the corporate limits of the town shall file with the mayor or board of aldermen an affidavit stating the character of business in which he is engaged the location of such business and the manager thereof, whether the individual has at any time been convicted of a violation of any of the liquor laws of the state, and that he will not permit any boisterous or disorderly conduct in his place of business where such beer is kept, stored, sold or distributed. In addition thereto, he shall furnish a certificate by two (2) reputable citizens of the town of good moral character, concerning the applicant and the reputation and character of the place of business proposed to

be operated by the applicant, and no license or permit shall be issued until the provisions of this chapter have been complied with. Pursuant to Tennessee Code Annotated, § 57-5-101(b), such application 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 Town of Rutherford. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this title. (Ord. #1993-9, _____)

8-304. No license to be issued for less than twelve (12) months. No license shall be issued for a shorter period of time than twelve (12) months. (Ord. #____, April 1986)

8-305. Duration; revocation, grounds. The license mentioned in the above section shall be good for a period of twelve (12) months from the date of its issuance. At any time upon sufficient cause being shown to the city council, the city council shall have the right to revoke and cancel any license that may have been issued under the provisions of this chapter, and in the event any license issued shall be revoked, the person to whom said license was issued shall cease immediately, upon notice to him of such fact, to sell, keep, distribute, or store such beer. (Ord. #____, April 1986)

8-306. Revocation for running undesirable place of business. Any license issued under this chapter may be revoked and cancelled by the city council at any time when the judgment and opinion of the city council, the person holding such license runs, operates, or permits to be run or operated, a loud, boisterous or undesirable place of business, or conducts the same such that in the opinion and judgment of the city council, such place has become a menace to public morals or is about to become a nuisance and an undesirable place of business. (Ord. #____, April 1986)

8-307. Unlawful to sell, distribute without license. It shall be unlawful for any person within the corporate limits of the town to keep or store any beer for sale or distribution without having first applied for and obtained a license and permit from the city council. (Ord. #____, April 1986)

8-308. Selling when license revoked. It shall be unlawful for any person whose license has been revoked as herein stated, to continue thereafter to keep or store for the purpose of sale or to sell such beer. (Ord. #____, April 1986)