

**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 when he affirmatively shows that he has express authority under the state law<sup>2</sup>, it shall be unlawful for any person to receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this 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. (1963 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

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- 8-222. Violations.
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**8-201. Beer business lawful but subject to regulation.** It shall hereafter be lawful to transport, store, sell, distribute, possess, receive, or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Union City, subject to all of the regulations, limitations and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (1963 Code, § 2-201)

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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).

**8-202. Beer permit board--creation and membership.** There is hereby created a board of three members, to be known as the beer permit board of the City of Union City, Tennessee. The city manager and the chief of police of the city shall be two of the members of such board, and the third member, representing the general public, shall be appointed by the mayor, subject to the approval of the city council, for a term of one year. The appointed member shall be a resident of the city who has been such a resident for at least one full year next preceding his appointment. Such member shall be appointed, subject to the right of the mayor, with the approval of the city council, to terminate such appointment at any regular meeting of the city council. (1963 Code, § 2-202)

**8-203. Beer board members to take oath.** The members of the beer permit board shall, upon their appointment being duly approved by the city council, take an oath before the city clerk to faithfully perform the duties imposed upon them without fear or favor, and in full accordance with the constitution and laws of the State of Tennessee, and the ordinances of the City of Union City. (1963 Code, § 2-203)

**8-204. Beer permit required for engaging in beer business.** No person shall engage in the storing, selling, distributing or manufacturing of beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowable by the statutory laws of the State of Tennessee, or other beverages of like alcoholic content, within the corporate limits of the City of Union City, until he shall receive a permit to do so from the beer permit board of the City of Union City, which permit shall at all times be subject to all of the limitations and restrictions herein provided. (1963 Code, § 2-204)

**8-205. When beer permit will not be issued.** No permit shall be issued to sell any beverage coming within the provisions of this section:

- (1) In violation of any provisions of the state law.
- (2) In violation of the zoning ordinance of the City of Union City.
- (3) Where such sales will cause congestion of traffic, or interference with schools, churches or other places of public gathering, or otherwise with the public health, safety or morals. (The judgment of the beer permit board on such matters shall be final except as the same is subject to review at law.)
- (4) To an applicant whose principal business is the operation of a filling station or other business engaged in servicing motor vehicles with gasoline or other motor fuels, or providing maintenance for such vehicles.
- (5) To an illegal alien. (1963 Code, § 2-205, modified)

**8-206. Application for a beer permit.** Before any permit is issued by the beer permit board, the applicant therefor shall file with the beer permit board a sworn petition in writing, on forms prescribed by and furnished by the board, and shall establish the following:

(1) The location of the premises at which the business shall be conducted.

(2) The owner or owners of such premises.

(3) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer permit board has issued a permit or permits to such applicant.

(4) That no sale of such beverages will be made except in accordance with the permit granted.

(5) That if the application is for a permit to sell "not for consumption on the premises" that no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof.

(6) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business.

(7) That the premises which the application covers meet the requirements of § 8-222 of this code. (The beer permit board may require the applicant to secure a certificate or a statement from the health officer to this effect.)

(8) That the applicant will not allow gambling or gambling devices on his premises.

(9) That the applicant will not allow any liquor having an alcoholic content of more than .05 (5%) percent by weight to be possessed, sold or consumed on the premises.

(10) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale of such beverage has ever been convicted of any violation of the law against possession, sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(11) That the applicant will conduct the business in person, for himself, or if he is acting as agent, he shall name the persons, firms or corporations, syndicates, associations or joint stock companies for whom and only for whom, he intends to act. (1963 Code, § 2-206, as amended by Ord. #18-00, March 2000, modified)

**8-207. Suspension or revocation of beer permits.** All permits issued by the beer permit board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

The board created in this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be revoked for violation of the provisions of this chapter or the provisions of the state beer act.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board.

When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said suspected violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the City of Union City. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject only to review by the court, as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one year from the date said revocation becomes final. (1963 Code, § 2-207)

**8-208. Beer permits for hotels, clubs and lodges.** It shall be lawful for the beer permit board to issue a permit for the sale of any beverage coming within the provisions of this section, to hotels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all limitations and restrictions contained in the permit provided for by this chapter and any ordinance amendatory hereof. (1963 Code, § 2-208)

**8-209. Display of beer permit.** The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1963 Code, § 2-210)

**8-210. Duration of beer permits.** Permits issued under the provisions of this chapter shall be issued for one (1) year beginning with the date of issuance of the permit. (1963 Code, § 2-211)

**8-211. Beer permits not transferable.** Permits issued under the provisions of this chapter are not transferable, either as to location or as to successors by purchase, or otherwise, of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein. (1963 Code, § 2-212)

**8-212. Sales prohibited to persons who are intoxicated or feeble-minded, etc.** No person shall make, or permit to be made, any sale or distribution of any beverage regulated by this chapter to any person who is

intoxicated, feeble-minded, insane, or otherwise mentally incapacitated. (1963 Code, § 2-213)

**8-213. Premises to have proper sanitary facilities.** No person shall fail to provide proper sanitary facilities where beverages regulated by this chapter are permitted to be consumed on the premises. (1963 Code, § 2-214)

**8-214. Sales prohibited in pool or billiard parlors.** No person shall sell or distribute any beverage regulated by this chapter at any place where pool or billiards are played, unless the sale or distribution of such beverage is made in the front of such room or place where a partition wall separates the place from the pool or billiard parlor. (1963 Code, § 2-215)

**8-215. Retail premises to be on street level and have glass fronts.** No license to permit the retail sale or distribution of beverages coming within the provisions of this chapter shall be issued for the operation of any place except one on street level and with so much of the front enclosed in glass and of such design that the interior can be easily seen from the sidewalk or street in front of such place. Chartered clubs may be exempt from the provisions of this section at the discretion of the beer permit board. (1963 Code, § 2-216)

**8-216. Unlawful to obstruct view into retail beer premises.** It shall be unlawful for any permittee to install, maintain or use any curtain, drape, shade, blind, screen or other thing that in any way hinders a clear and unobstructed view of the whole interior of a retail beer place from any point on the sidewalk or street in front of such place. (1963 Code, § 2-217)

**8-217. Sales of beer to be on ground floors only—exceptions.** In any building or on any premises where the retail sale of beverages coming within the provisions of this chapter is permitted, no alcoholic beverage shall be sold, served or consumed in any basement room or room other than on the ground floor, except in hotel bedrooms. Chartered clubs may be exempt from the provisions of this section at the discretion of the beer permit board. (1963 Code, § 2-218)

**8-218. Beer wholesalers, etc., to deal only with licensed retailers.** It shall be unlawful for any wholesaler, distributor or manufacturer of beer, or any salesman or representative thereof, to sell or deliver beer enroute, or from delivery vehicles, to any persons other than the holders of valid retail beer permits. It shall be the duty of such wholesaler, distributor, or manufacturer, or such salesman or representative, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (1963 Code, § 2-219)

**8-219. Minors.** It shall be unlawful for any minor to purchase or attempt to purchase, or for any person to purchase for a minor, any beverage regulated hereunder, and it shall be unlawful for any minor to possess any such beverage upon the premises of an on-premises permittee.

It shall be unlawful for any minor to present or offer to permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure such beverage.

Any minor who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine under the general penalty clause for this code; if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition.

Any other person who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be subject to a fine under the general penalty clause for this code. (1963 Code, § 2-220)

**8-220. Hours of sale.** It shall hereafter be unlawful and it is hereby declared to be a misdemeanor for any person, persons, firm or corporation or association to sell or distribute any of beverages regulated hereunder, within the corporate limits of the City of Union City, between the hours of 3:00 A.M. and 6:00 A. M. Monday through Saturday, and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. No such beverage shall be consumed or opened for consumption on the premises of a permittee, in either bottle, glass, or other container, after 3:15 A.M. (Ord. #8-03, Dec. 2002)

**8-221. Sanitation requirements for on-premises retailers.** Any person holding a permit under this chapter which authorizes the sale of beer for consumption on the premises, shall keep and maintain the premises in a clean and sanitary condition. The sanitation requirements for such places shall be the equivalent of that required for a rating of Class "B," better, as established by the Tennessee State Department of Conservation, Division of Hotel and Restaurant Inspections. The city health officer or any properly authorized person is hereby authorized to enter the premises of any on-premises permittee, at all reasonable hours, for the making of such inspections as may be necessary. The determination of sanitary conditions is solely a question for the City of Union City. (1963 Code, § 2-222)

**8-222. Violations.** Each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine under the general penalty clause for this code and/or by suspension or revocation of the permit issued hereunder. (1963 Code, § 2-223)

**8-223. Liability of employees for violations.** Any employee of any permittee, either retailer or wholesaler, who violates the provisions of this chapter or any provision of the state beer act while so employed by such permittee shall be guilty of a misdemeanor which shall be punishable by a fine under the general penalty clause for this code. (1963 Code, § 2-224)