

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws², it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the City of Watertown. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. (1974 Code, § 2-101)

¹Municipal code reference

Drinking beer, etc., on streets, etc.: title 11.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER

SECTION

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8-201. Scope of chapter. This chapter shall govern the storage, transportation, sale, distribution, possession, receipt and/or manufacture of beer of alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content in the City of Watertown. In this chapter beer shall mean and include beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine.

Nothing in the chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight, or more, and no ordinance related thereto is modified by this chapter. (as added by Ord. #03-___, Oct. 2003)

8-202. Beer board membership, organization, meeting and quorum. The beer board Watertown, Tennessee, shall consist of five (5)

members, appointed by the mayor and approved by the city council, who shall hold office at the pleasure of the mayor and city council for a term of three (3) years.

Members of the beer board shall select one of their number to act as chairman. It shall be the chairman's duty to preside at meetings of the beer board. The city recorder shall see that accurate and detailed records are kept of the board's proceedings.

The beer board shall hold meetings as necessary at such places and 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 and to the public. The board may adjourn a meeting at any time to another time and place.

At all meetings of the beer board, a majority shall constitute a quorum but the board shall act only by vote of a majority of all its members. The chairman may vote in all cases and an affirmative vote of three (3) members shall be required for any action. (as added by Ord. #03-___, Oct. 2003)

8-203. Issuance of beer license authorized. The city recorder shall issue a license for the transportation, storage, sale distribution, possession, receipt and/or manufacture of beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, when the applicant therefore pays the license fee as prescribed in this chapter after a beer permit has been issued in accordance with the provisions of this chapter by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-204. Applications for and issuance of permits; record of permits issued; investigation of applications. It shall be the duty of the City Recorder of Watertown, Tennessee, to receive all applications for beer permits and licenses in Watertown, Tennessee. It shall then be his/her and the beer board's duty to act in all matters regarding the same as this chapter provides.

All applications for permits shall be filed and preserved by the city recorder.

No permit shall be granted by the beer board except in strict conformity with the requirements and provisions of this chapter and of Tennessee Code Annotated, § 57-5-101 et seq.

It shall be the duty of the beer board, among other things, to require all applications for permits to be made in writing and properly verified, and no permit shall be issued until the permit fee prescribed in this chapter has been paid to the city, such payment to be evidenced by the production of a receipt of the city recorder stamped paid.

Each application shall set forth the following:

- (1) Full name of applicant;
- (2) Age of applicant;
- (3) Residence address of the applicant, if an individual;

- (4) The full name, age, and residence address of each partner if the applicant is a partnership;
- (5) If the applicant is a corporation:
 - (a) The names and addresses of the principal officers;
 - (b) Whether the corporation is organized under the laws of Tennessee or of some other and what state;
 - (c) Whether it is duly authorized to transact business in Tennessee; and
 - (d) The address of its principal office in this state;
- (6) Place where the business is to be conducted, giving street and number, or other apt and definite description;
- (7) The kind of permit desired, whether "manufacturer's" permit, "off-premises consumption" permit, or "on-premises consumption" permit;
- (8) Whether the applicant will conduct business in person, or acting as agent for any other person, firm, corporation;
- (9) Whether or not the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any felony or any crime involving moral turpitude within the past ten years;

Every application shall be dated and signed and shall be verified by affidavit sworn to before a notary public. The application shall be signed and verified by the applicant, if an individual, otherwise by a member of the firm, or an officer of the corporation.

Each permit shall show upon its face the correct name of the individual, corporation, partnership or limited liability company to whom issued; the date of issuance; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit; the serial number of the permit; a statement that it is not transferable either as to the person to whom issued or the place where the business is to be conducted.

The city recorder shall keep a book in which shall be entered separate lists of each class or character of permits issued by the beer board. This record shall show the serial numbers of the permits of each class; the date of issue; the name of the individual, corporation, incorporated club, or incorporated lodge, to whom issued; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit. In the case of a partnership, the record shall show the names of the partners and the firm name and style of the partnership.

This book shall be kept up to date by the city recorder and shall be a public record.

It shall be the duty of the beer board to make an investigation in the case of each written application, and to satisfy itself before granting a permit that the granting of the permit will be in strict conformity with the provisions and requirements of this chapter and with the provisions and requirements of

Tennessee Code Annotated, § 57-5-101 et seq. (as added by Ord. #03-___, Oct. 2003)

8-205. Issuance of "on-premises consumption" permits is prohibited. "On-premises consumption" permits are prohibited. (as added by Ord. #03-___, Oct. 2003)

8-206. Revocation and suspension of beer permits. Any permits or licenses issued under this chapter by the beer board may be revoked or suspended by the beer board.

Such revocation or suspension shall be made for any violation of any provision of this chapter or any state or federal statute or regulation regarding the sale, possession, or manufacturing of alcoholic beverages or whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit or license under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety and morals.

No permit or license shall be revoked on the grounds the operator or any person working for him sells beer to a minor over the age of eighteen (18) years of such minor exhibits as identification, false or otherwise, indicating his age to be twenty-one (21) or over, if his appearance as to maturity is such that he might reasonably be presumed to be of such age and is unknown to such person making the sale. The license or permit may be suspended for a period not to exceed ten (10) days. (as added by Ord. #03-___, Oct. 2003)

8-207. Revocation of permits for false statements in applications. The making of any false statement by an applicant for a permit in his application shall be sufficient ground, reason, and cause for the revocation of the permit issued to him by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-208. Restrictions on issuance of permit to applicant who has had permit revoked. No holder of a permit whose permit has been revoked by the beer board for any false statement made in his application shall be eligible to be granted another permit within ten (10) years from such revocation.

The holder of a permit whose permit has been revoked by the beer board for some ground, cause, or reason other than the making of a false statement in his application, may be granted another permit by the beer board after the lapse of two (2) years from the revocation of the first permit. (as added by Ord. #03-___, Oct. 2003)

8-209. Restrictions on issuance of permit at same location after revocation. Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date the revocation becomes

final and effective, except the board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such permit is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession. (as added by Ord. #03-___, Oct. 2003)

8-210. License fee forfeited upon revocation of permit. No claim shall be made for refund of any part of a license fee paid by the holder of permit issued by the beer board, nor shall any right to a refund of any part of such license fee accrue to such holder, upon the revocation of such permit by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required. (1) There shall be two (2) classes or kinds of permits issuable by the beer board as follows, to wit:

(a) A "manufacturer's" permit to a manufacturer of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer, not to be consumed by the purchaser upon or near the premises of the manufacturer, may be issued by the beer board for any plant, building, and premises located within the corporate limits of Watertown, Tennessee, which may be lawfully devoted to a commercial or industrial use.

(b) An "off-premises consumption" permit to a wholesaler, dealer, or agent of a manufacturer, or to a person, partnership, or corporation conducting a lawful business and paying privilege taxes for the conduct of the lawful business, for the receipt, possession, storage, sale, distribution, and transportation of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, not to be consumed by the purchaser upon or near the premises of the permittee.

(2) No temporary or special event permits shall be issued by the Watertown Beer Board.

(3) No permit of any kind shall be issued by the beer board to a person under twenty-one (21) years of age.

No permit of any kind shall be issued to any corporation, limited liability company or limited partnership unless the same is chartered and organized under the laws of the State of Tennessee or domesticated, and duly authorized to transact business in the State of Tennessee, conducting a lawful business, and paying the privileges taxes.

(4) No permit of any kind shall be issued by the beer board unless it shall be made to appear from the written and verified application of the

applicant that neither the applicant nor any person employed or to be employed by him in the distribution or sale of such beer or such other beverage is under the age of eighteen (18) or a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years. (as added by Ord. #03-___, Oct. 2003)

8-212. Beer permit to be posted. The beer permit shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted. No person shall engage in the manufacture or sale of beer within the city limits of Watertown, Tennessee, without obtaining a permit as herein provided. (as added by Ord. #03-___, Oct. 2003)

8-213. Premises subject to inspection. The place of business and premises of the holder of any permit issued by the beer board shall be open to inspection and investigation by any police officer of Watertown, Tennessee, at any time that such place is open for business. Any refusal by the holder of such permit or by his agents, servants, or employees to permit any police officer to enter upon, inspect, and investigate any house, building, room, or rooms wherein business authorized by any permit issued by the beer board is conducted, within the hours that such house, building, room or rooms are open for business, shall be grounds for suspension or revocation of the holder's beer permit. (as added by Ord. #03-___, Oct. 2003)

8-214. Unlawful to engage in beer business without paying license fee and obtaining permit. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for any person, partnership, corporation, association, incorporated club or incorporated lodge to manufacture, possess, store, receive, sell, distribute or transport any beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, within the corporate limits of Watertown, Tennessee, without having first paid the license fee prescribed in this chapter and without first having obtained a permit issued by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-215. License and permit to be posted. The privilege license issued by the city recorder, showing the payment of the license fee, and the permit issued by the beer board shall be conspicuously posted in the house, building, room or place where the business authorized by the permit is conducted. (as added by Ord. #03-___, Oct. 2003)

8-216. Brewers and wholesalers prohibited from having interest in retail business. It shall be unlawful and a misdemeanor, punishable under

the general penalty clause for this code, for any brewer or any wholesaler of any beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, or the agent or agents of any such brewer or wholesaler, to make any loan or furnish any fixtures of any kind to, or have any interest, direct or indirect, in the business of, or in the premises occupied by, any retailer holding a permit issued by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-217. Regulation of beer sales. (1) No permittee or his agent or employee shall:

(a) Sell and/or serve or give to any minor in the place of business of such permittee, at any time, any beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content.

(b) Sell or permit the selling of beer to any person who is in an intoxicated condition.

(c) Permit or allow any agent, servant, employee, or other person engaged in the operation or management of any business place so selling beer to drink any intoxicating beverages, liquor, wine, ale, or beer while so engaged.

(2) Hours of sale. Permittees shall not sell beer between the hours of twelve o'clock midnight, (12:00 A.M.) and eight o'clock A.M. (8:00 A.M.) Monday through Saturday nor between the hours of twelve o'clock midnight (12:00 A.M.) and twelve o'clock noon (12:00 noon) on Sunday.

(3) Permittees not to employ minors or persons convicted of certain offenses. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for the holder of any kind of permit issued by the beer board or employ in the sale and distribution of any beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, any minor under the age of eighteen (18) or any person who has been convicted of any violation of laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years.

(4) Regulation of beer permits. Permits may only be issued on property located in areas zoned B-3 and SC. (as added by Ord. #03-___, Oct. 2003)

8-218. Penalties. (1) Any violation of this chapter shall:

(a) Be subject to prosecution in the Watertown City Court as Class C misdemeanor.

(b) Be grounds for denial, suspension or revocation of an application or beer permit.

(c) Be subject to prosecution under appropriate state or federal jurisdiction if state or federal laws are violated.

(2) Separate offense. Each day a violation continues shall constitute a separate offense.

(3) Revocation/suspension. Based upon the nature and the severity of any violation or non-compliance with the provisions set forth herein, and other applicable statutes and law, the Watertown City Beer Board shall after a full and fair hearing:

(a) Deny applicant's request for a beer permit.

(b) Suspend a permittee's license for a specified period of time not to exceed ninety (90) days.

(c) Revoke a permittee's license beer permit for a period not to exceed ten (10) years.

(4) Appeal. Any such action by the beer board shall be final and appealable only as provided by state law. No appeal from any action of the Watertown Beer Board shall lie to either the Watertown City Court or to the Watertown City Council. (as added by Ord. #03-___, Oct. 2003)

8-219. Severability. The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exception, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this chapter shall remain in full force and effect, it being the intent now declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included therein. (as added by Ord. #03-___, Oct. 2003)