

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Defined; sale, transport, and delivery prohibited.
- 8-102. Certain uses permitted.

8-101. Defined; sale, transport, and delivery prohibited. It shall be unlawful for any person to solicit orders, receive, possess, store, transport, sell, or furnish any intoxicating liquor within the city except as otherwise provided in this chapter. "Intoxicating liquor" shall be defined to include whisky, 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. (1983 Code, § 2-101)

8-102. Certain uses permitted. Nothing in § 8-101 shall make it unlawful:

(1) 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) 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 manufacturers of perfumery and toilet articles and flavoring extracts to receive and possess alcohol for use of bona fide patients of such hospitals, or in the manufacturing of such medicines, 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, hospitals, or manufacturers of medicines, flavoring, perfumery, or toilet articles.

¹State law reference

Tennessee Code Annotated, title 57.

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

(4) 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. (1983 Code, § 2-102)

CHAPTER 2

BEER¹

SECTION

- 8-201. "Beer" defined.
- 8-202. Application for permit and license.
- 8-203. Qualifications required of applicants.
- 8-204. Term of permit and license.
- 8-205. Interference with public health, safety, and morals prohibited.
- 8-206. Revocation of permit and license.
- 8-207. Examination of records of permittees and licensees.
- 8-208. Unlawful activities.

8-201. "Beer" defined. The term "beer" as used in this chapter shall mean beer or any other alcoholic beverage of alcoholic content of not more than five percent (5%) by weight. (1983 Code, § 2-201)

8-202. Application for permit and license. Any person applying for a permit and license to sell, keep, or store for sale or distribution such beer within the corporate limits shall file with the city council in addition to the application 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 reputable citizens of the city 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. (1983 Code, § 2-202)

8-203. Qualifications required of applicants. Permits and licenses shall be granted only to persons of good moral character and conducting peaceable and orderly places of business within the corporate limits, which shall be made satisfactorily to appear to the city council as set out in this chapter. (1983 Code, § 2-203)

¹State 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. Term of permit and license. No permit or license shall be issued or be valid for a shorter period of time than twelve (12) months. This permit or license shall require a fee of two hundred fifty dollars (\$250.00) annually. (1983 Code, § 2-204)

8-205. 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 two thousand (2000) feet of any school, church, or other such place of public gathering, measured along street rights of way. (1983 Code, § 2-205)

8-206. Revocation of permit and license. (1) At any time upon sufficient cause being shown to the city council, the council shall have the right to revoke and cancel any permit and license that may have been issued under the provisions of this chapter, and in the event any permit and license issued shall be revoked, the person to whom said permit and license was issued shall cease immediately, upon notice to him of such fact, to sell, keep, distribute, or store such beer.

(2) Any permit and license issued under this chapter may be revoked and cancelled by the city council at any time when in the judgment and opinion of the city council, the person holding such permit and 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 had become a menace to public morals or is about to become a nuisance and an undesirable place of business. (1983 Code, § 2-206)

8-207. Examination of records of permittees and licensees. Any person to whom this chapter applies shall make available all books and records of such person to the recorder or other agents of the city at all reasonable times and places, and shall keep all invoices and records of sales and purchases of beer for a period of not less than two (2) years unless sooner authorized to destroy them by the recorder. Failure to keep proper books and records shall be prima facie evidence of bad character so as to bar such person, association of persons, or corporations from receiving a license to sell beer in the future. (1983 Code, § 2-207)

8-208. Unlawful activities. It shall be unlawful:

(1) For any person within the corporate limits 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.

(2) For any person whose permit and license has been revoked, as provided in this chapter, to continue thereafter to keep a store for the purpose of sale or to sell such beer.

(3) To sell or offer for sale any beer in the city between the hours of 11:00 P.M. and 6:00 A.M. of the following morning.

(4) To sell or offer for sale beer in the city between the hours of 11:00 P.M. on Saturday night and 6:00 A.M. on Monday morning of each week.

(5) For any person in any way to obstruct the vision of any glass window or door in any public building within the corporate limits in which beer is sold, at a distance lower than thirty-six (36) inches from the bottom of such glass in the window or door.

(6) For any person to consume beer in any automobile within the corporate limits.

(7) 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.

(8) For any person under the age of twenty-one (21) years to present or offer any licensed retailer of beer 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.

If any person seventeen (17) years of age or less shall violate subsection (6), (7), or (8) above, he shall be taken before the county juvenile judge. (1983 Code, § 2-208)