

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

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1****INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

**8-101. Prohibited generally.** Except as authorized by applicable laws<sup>1</sup> and/or ordinances, 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 St. Joseph. "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. (1978 Code, § 2-101)

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<sup>1</sup>State law reference

Tennessee Code Annotated § 39-17-701, et seq.

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

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**8-201. Title.** This chapter, including future amendments hereof, shall be known, designated, and cited as the "St. Joseph Beer Ordinance." (1978 Code, § 2-201)

**8-202. Definitions.** As the same are used in this chapter, and future amendments hereto:

(1) "The word "beer" shall include beer of alcoholic content of not more than five percent (5%), by weight, or other beverages of like alcoholic content.

(2) The words "sale of beer" shall include the sale, possession, possession for sale, storage, storage for sale, transportation, receipt, serving, dispensing, distribution, manufacture and/or disposition of such beer.

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<sup>1</sup>Municipal code references

Minors in beer places, etc.: title 11, chapter 1.

Tax provisions: title 5.

(3) The words "sell beer" shall include the selling, possessing, possessing for sale, storing, storing for sale, transporting, receiving, serving, dispensing, and distributing, manufacturing and/or disposing of such beer.

(4) The words "retail sale of beer" and "sell beer at retail" shall mean and include the selling, serving, dispensing and/or delivering of such beer, at retail, to the customer thereof.

(5) The words "corporate limits of the City of St. Joseph" or "City of St. Joseph," shall mean if the same refers to or the context indicates same to be, the city as a municipality or the area within the corporate limits of the City of St. Joseph, and include the area presently within the corporate limits of the City of St. Joseph, Tennessee, or as the same may hereafter be changed.

(6) The words "commissioner" or "commissioners" shall mean and include the mayor or any commissioner, or the board of commissioners of the City of St. Joseph, according to the context as a member or members thereof, or as the governing body of the City of St. Joseph under its present corporate or charter acts or future amendments thereof, or under any future corporate or charter acts relating to such city.

(7) The words "beer board" shall mean the board of commissioners of the City of St. Joseph when acting as the beer board.

(8) The word "person," except when the context indicates otherwise, shall mean or include any person, persons, firm, partnership, corporation, joint stock company, syndicate or association, engaged in the sale of beer, or retail sale of beer, as the same are hereinabove defined, in the City of St. Joseph.

(9) The phrase "off-premises consumption" means the beer is sold or delivered on the premises where same is sold and/or stored for sale, at retail, for consumption outside the main building where same is sold or delivered and off the premises of such retailer.

(10) The word "acts" shall mean, unless the context indicates otherwise, the legislative enactments of the General Assembly of the State of Tennessee.

(11) The word and figures "Chapter 69" shall mean chapter 69 of the public acts of the General Assembly of the State of Tennessee for the year 1933, as amended (Tennessee Code Annotated, §§ 57-201 through 57-239 as amended) and as both may hereafter be amended.

(12) The word and figures "Chapter 76" shall mean chapter 76 of the public acts of the General Assembly of the State of Tennessee for the year 1953, as amended (Tennessee Code Annotated, §§ 57-301 through 57-320 as amended) and as both may hereafter be amended.

(13) The word "shall" shall be construed to be mandatory and not directory or permissive. (1978 Code, § 2-202)

**8-203. Sale of beer lawful; conditions; regulations adopted by reference.** The City of St. Joseph hereby adopts the general law provisions applicable to beer, found at Tennessee Code Annotated, § 57-5-101, et seq. It shall be lawful for persons to sell, possess, store, manufacture, distribute and/or

dispose of beer provided the municipal code of St. Joseph and the general law provisions are complied with by such persons.

**8-204. Beer board established.** There is hereby established a beer board to be composed of all the members of the board of commissioners. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation. (1978 Code, § 2-204)

**8-205. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall 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. The board may adjourn a meeting at any time to another time and place. (1978 Code, § 2-205)

**8-206. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following:

- (1) The date of each meeting;
- (2) The names of the board members present and absent;
- (3) The names of the members introducing and seconding motions and resolutions, etc., before the board;
- (4) A copy of each such motion or resolution presented;
- (5) The vote of each member thereon; and
- (6) The provisions of each beer permit issued by the board. (1978 Code, § 2-206)

**8-207. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1978 Code, § 2-207)

**8-208. Powers and duties of the beer board.**<sup>1</sup> 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 St. Joseph in accordance with the provisions of this chapter. (1978 Code, § 2-208)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-5-106.

**8-209. Permit required; hours of sale restricted.** The sale at retail, possession for sale and/or storage for sale at retail, or sale by any person who does not have a valid unexpired permit for such sale, is expressly prohibited, and any such sale and purchase is declared to be unlawful. It shall be unlawful for any person to sell, purchase or receive beer at any establishment between the hours of 2:00 A.M. and 6:00 A.M., Monday through Saturday, or on Sunday from 2:00 A.M. until 12:00 noon. Any person violating this section shall be subject to punishment, and revocation of his, or its, permit. (Ord. #95, March 2015)

**8-210. Board to adopt forms, process applications; permit requirements.** It shall be the duty of the St. Joseph Beer Board to prepare or adopt forms of applications for permits to sell beer to be issued by them, also forms of permits to sell beer, including renewals of such permits, and to receive and act upon applications for permits to sell beer at retail in the City of St. Joseph, for renewals of such permits, and to issue permits for the retail sale of beer and renewals of such permits, and to issue permits for the retail sale of beer and renewals of such permits for retail sale of beer within the City of St. Joseph, and any such permit so issued shall show upon its face whether for on-premises consumption or off-premises consumption, or for both, and shall give a brief description, the house number and street being sufficient therefor, where such beer is to be sold at retail, and the holder of such permit shall post same in a conspicuous place in his place of business, and keep same so posted. (1978 Code, § 2-210)

**8-211. Duration of permit and expiration date.** All permits, including renewal permits, shall be issued for a period of one (1) year only, and the permit shall show the expiration date of same, and all permits and renewals of same shall be signed by the chairman of said beer board and countersigned by the secretary thereof. (1978 Code, § 2-212)

**8-212. Procedure after approval of permit.** If the applicant for such permit or renewal of permit to sell beer at retail is approved, such approval shall be endorsed on the application, dated the day of such approval, and the applicant notified of such approval, and the approval shall be signed by the chairman of said beer board and countersigned by its secretary. After the approval of such application, and before any permit for the retail sale of beer thereunder, the applicant shall execute and file all bonds required by chapters 69 and 76. (1978 Code, § 2-213)

**8-213. Permits not transferrable.** The holder of any such permit is prohibited from removing the place of business of the retail sale of beer from the place set out in the permit to another place. (1978 Code, § 2-214)

**8-214. Rules for hearings on applications, revocations, etc.** The said beer boards shall adopt rules and regulations for holding hearings on applications for permits or renewal of permits to sell beer, and for the revocation of permits or renewal permits for the sale of beer, and kind and length of time of notice of such hearings, and shall record such rules and regulations on their minutes, and shall post and keep posted in the city hall a copy of such rules and regulations. (1978 Code, § 2-215)

**8-215. Beer board's right to deny issuance or renewal of permit; revocation; reasons.** The beer board shall have the right to refuse to issue any permits applied for the sale of beer at retail, or to renew any permit applied for such sale, or to revoke any permit issued for the sale of beer at retail, in the City of St. Joseph, first giving the applicant for such permit ten (10) days' notice of such intention to refuse to issue such permit, or first giving to the holder of any permit ten (10) days' notice of such intention to revoke such permit, giving such applicant or holder the right to ask for a hearing thereon; if the beer board refuses to issue any permit or renewal permit or revokes any permit or renewal permit so issued, they shall endorse upon the application the reasons for their refusal to issue such permit, and shall endorse upon the duplicate of such permit or renewal of such permit, the reasons for such revocation, and enter upon their minutes such reasons, etc., but their action shall be subject to review by the courts. (1978 Code, § 2-216)

**8-216. Factors warranting refusal or revocation of permit; hearing required for revocation.** If it is satisfactorily made to appear to the beer board that any applicant applying for or retailer holding a permit to sell beer within the City of St. Joseph, or any employee engaged in the sale or handling of beer, is guilty of making any false statement or representation in his application or has been during the preceding ten (10) years convicted of violating the liquor or beer laws or statutes of the State of Tennessee or the ordinances of this city or any other city of the State of Tennessee relating to the possession or sale of beer, or who is a minor under the age of eighteen (18) years, or employs a person who is not a native born citizen of the United States or a person who is a minor under the age of eighteen (18) years, in the sale and/or delivery of such beer, or who operates the premises of such retail sale of beer in a disorderly manner or in such manner to disturb the patrons of such retailer or those living nearby, or as to be detrimental to public health, safety or morals, or who sells, or permits the sale on said premises, of whiskey or similar intoxicating alcoholic beverages, or who violates the provisions of said chapter 69, or the provisions of this chapter or any future amendments hereof, the beer board is authorized to decline or refuse to grant or renew the permit of such applicant or retailer, and in the case of a permit holder, under procedure adopted by said beer board after preferring charges and holding a hearing thereon, to revoke the permit of any such permit holder to sell beer at retail.

Revocation proceedings may be initiated by the police chief or any member of the beer board. (1978 Code, § 2-217, modified)

**8-217. 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 five hundred feet (500') of any school, church, or other such place of public gathering, measured along street rights-of-way. (1978 Code, § 2-218, modified)

**8-218. Waiting period.** A permit to sell beer or a renewal permit to sell beer at retail shall not be issued to any applicant therefor whose permit is revoked under the provisions of this chapter, or whose application for a renewal of a permit to sell beer is refused or denied, until the expiration of a period of one (1) year after such revocation or refusal or denial of a permit or a renewal permit to sell beer. (1978 Code, § 2-219)

**8-219. Number of permits limited.** The number of permits issued by the beer board under the provisions of this chapter shall not exceed ten (10). (1978 Code, § 2-220, modified)

**8-220. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(2) Make or allow any sale of beer, or make, cause, or allow to be made any gift thereof, to a minor under the age of eighteen (18) years of age, or permit such sale by any employee or any person in any way connected with his place of business. The holder of a beer permit shall be held strictly accountable for the violation of this subsection and the burden of ascertaining the age of any customer shall be upon the owner or operator of such place of business and he shall be held strictly accountable for all acts of his employees.

(3) Allow any minor under eighteen (18) years of age to loiter in his place of business. The burden of ascertaining the age of any person shall be upon the owner or operator of such place of business and he shall be held strictly accountable for any action of his employees for the violation of this subsection.

(4) Make or allow any sale of beer, or make, cause, or allow to be made any gift thereof, to any intoxicated person.

(5) Allow drunk or intoxicated persons to loiter on his premises.

(6) Have gambling on his premises.

(7) Allow dancing on his premises unless specified in his license application.

(8) Allow pool or billiard playing in the same room where beer is sold or consumed. Beer may be sold in a pool room only if a partition or wall separates the place of sale from the pool room.

(9) Fail to provide and maintain adequate separate sanitary toilet facilities for men and women.

(10) Allow any sale or delivery of beer for consumption on his premises outside of the building occupied by the holder of the permit. Any sales for consumption on the premises but outside of the building from which the business is operated shall be made from within the building, it being the intention of this subsection to prohibit the sale of beer by what is commonly called "curb sales."

(11) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight. (1978 Code, § 2-221)