



Distilleries

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Distilleries

Reference Number: MTAS-1784

Tennessee Code Annotated, §§ 57-2-103 and 57-3-202 permit the legal manufacture of intoxicating liquors, intoxicating drinks (including high-alcohol content beer), or both, in the following jurisdictions:

- A city or county that has approved the manufacture of intoxicating liquors or intoxicating drinks, or both, via a public referendum;
- A city or county that has approved both retail package sales and consumption of alcoholic beverages on the premises through a referendum;
- A city or county with a premier tourist resort district in which it is lawful to sell alcoholic beverages for on premises consumption;
- A city with a population of less than 1,000 that is located in a county in which any jurisdiction within the county has approved retail package sales through referendum and any jurisdiction within the county has approved consumption of alcoholic beverages on the premises through referendum; or
- A city with a population of less than 1,000 that is located in a county that is included in a Tennessee River Resort District and has approved retail package sales through referendum.

Pursuant to the law, distilleries and the manufacture of alcoholic beverages became lawful in August 2013. However, a city that wishes to continue to prohibit the manufacture of alcohol can do so via a resolution which removes application of this law. Such a resolution must be passed before any person files an official notice with the city of his intent to pursue all lawful avenues to manufacture alcohol within the city limits.

Resolution: Remove Allowance of the Manufacture of Alcoholic Beverages

Reference Number: MTAS-1785

RESOLUTION NO. ____

A RESOLUTION TO REMOVE THE MUNICIPALITY FROM THE APPLICATION OF MANDATORY ALLOWANCE OF THE MANUFACTURE OF ALCOHOLIC BEVERAGES

WHEREAS, Tennessee Code Annotated, § 57-2-103, makes it lawful to manufacture intoxicating liquors or intoxicating drinks, or both, within the boundaries of certain jurisdictions; and

WHEREAS, Tennessee Code Annotated, § 57-2-103, allows a municipality to adopt a resolution to remove the municipality from the application of such provisions;

WHEREAS, no written notification has been filed with the legislative body of the municipality expressing an intent to pursue all lawful avenues to manufacture intoxicating liquors or intoxicating drinks, or both, within the boundaries of the municipality;

NOW, THEREFORE, BE IT RESOLVED BY THE _____ [governing body]
OF THE CITY OF _____ THAT:

SECTION 1. Pursuant to Tennessee Code Annotated, § 57-2-103(d)(3) the _____ [governing body] elects to remove the city/town from the application of Tennessee Code Annotated, § 57-2-103(d). Upon the effective date of this resolution the manufacture of intoxicating liquors or intoxicating drinks, or both, within the boundaries of the City of _____ shall not be lawful.

SECTION 2. This Resolution shall take effect on the date of its passage, the public welfare requiring it.

Adopted this ____ day of _____, 20__.

Attested to:

Mayor

Recorder

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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