

**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 as authorized by applicable laws<sup>2</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 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. (1984 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

- 8-201. Beer board established.
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- 8-214. Prohibited conduct or activities by beer permit holders.
- 8-215. Revocation or suspension of beer permits.
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**8-201. Beer board established.** There is hereby established a beer board to be composed of the Adamsville City Commission. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without compensation. (Ord. #87120701, Jan. 1988, as replaced by Ord. #04191003, April 2010)

**8-202. 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. (Ord. #87120701, Jan. 1988)

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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).

**8-203. Record of beer board proceedings to be kept.** The city recorder shall serve as secretary of the board and shall make a record of the proceedings of all meetings. The record shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members making and seconding motions; the vote of each member on motions; and the type and restrictions placed upon each beer permit issued. (Ord. #87120701, Jan. 1988)

**8-204. 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. (Ord. #87120701, Jan. 1988)

**8-205. Powers and duties of the beer board.** The beer board shall regulate the selling, storing for sale, distributing for sale, and manufacturing of beer in accordance with the provisions of this chapter. (Ord. #87120701, Jan. 1988)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #87120701, Jan. 1988)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Adamsville. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #93091301, Oct. 1993)

**8-208. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994 and each successive January 1, to the City of Adamsville, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to

pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93091301, Oct. 1993)

**8-209. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Selling at retail permits shall be further restricted so as to allow sales only for off-premises consumption or to allow sales only for on-premises consumption. Permits for on-premises consumption may be issued only to firms whose primary business is 51% the serving of prepared meals. It shall be unlawful for any permit holder to engage in any aspect of the beer business not expressly authorized by his permit or to fail to comply with any restrictions written into his permit by the board. The application shall be made on such form as the board shall prescribe and/or furnish. The application shall be accompanied by a fee \$100.00 which shall be non-returnable. Each applicant must be a person of good moral character and he must certify that he is familiar with the provisions of the chapter.

For the purposes of this chapter, the term "on premises consumption" shall mean consumption within the building for which the license is issued, except if the license is held by the proprietor of a golf course, on premises shall mean within the building and/or on the course. However, no consumption shall be permitted on any parking lot. (Ord. #87120701, Jan. 1988, as amended by Ord. #95050101, May 1995)

**8-210. Issuance of permits to aliens prohibited.** No permit to engage in the beer business shall be granted by the beer board to any person not a citizen of the United States nor to any syndicate or association unless all of the members thereof are citizens of the United States. (Ord. #87120701, Jan. 1988)

**8-211. 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. (Ord. #87120701, Jan. 1988)

**8-212. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (Ord. #87120701, Jan. 1988)

**8-213. Permit not transferable.** Permits shall not be transferable from one person to another or from one location to another or from one type to

another. Requests for changes in ownership, location, or type of permit shall be submitted to the beer board in the form of a new application. (Ord. #87120701, Jan. 1988)

**8-214. Prohibited conduct or activities by beer permit holders.**

It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Make or allow any sale of beer to any person under twenty-one (21) years of age.

(3) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(4) Serve or sell on his premises any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(5) Sell, deliver or dispense beer to any person unless the person enters the building of the permittee. No beer shall be sold through a drive-up window.

(6) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. on Mondays through Saturdays and between 12:00 Midnight and 12:00 Noon on Sundays by any permittee restricted to off-premises consumption sales.

Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. on Mondays through Saturdays and at any time on Sundays by any permittee restricted to on-premises consumption sales.

(7) Allow any loud, unusual or obnoxious noises to emanate from his premises. (Ord. #87120701, Jan. 1988)

**8-215. Revocation or suspension of beer permits.** The beer board may suspend or revoke any beer permit when the holder thereof is guilty of making false statement or misrepresentation in his application or of violating any of provisions of the chapter. No permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the parties known to have an interest in the permit. Suspension or revocation proceedings may be initiated by any member of the city commission, or by any member of the beer board. When a permit is revoked, no new permit shall be issued to the same permittee until the expiration of one year from the date the revocation becomes final. (Ord. #87120701, Jan. 1988)

**8-216. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative

to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #93091301, Oct. 1993)