

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS²

SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Application for certificate.
- 8-103. Applicant to agree to comply with laws.
- 8-104. Applicant to appear before board of mayor and aldermen; duty to give information.
- 8-105. Action on application.
- 8-106. Applicants for certificate who have criminal record.
- 8-107. Number of retail licenses to be held by retailer.
- 8-108. Where establishments may be located.
- 8-109. Retail stores to be on ground floor; entrances.
- 8-110. Limitation on number of retailers.
- 8-111. Sales for consumption on-premises.
- 8-112. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-113. Inspection fee.
- 8-114. Consumption of alcoholic beverages on-premises prohibited generally.
- 8-115. Advertisement of alcoholic beverages.
- 8-116. Violations and penalty.

8-101. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate

¹Municipal code reference

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

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Tennessee Code Annotated, § 57-3-701, *et seq.*

limits of the Town of Alamo except as provided by *Tennessee Code Annotated*, title 57. (modified, as replaced by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-102. Application for certificate.¹ Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, a request in writing shall be filed with the recorder, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years residence at applicant's address
- (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years.
- (4) The location of the proposed store for the sale of alcoholic beverages.
- (5) The name and address of the owner of the store.
- (6) Financial capability of the applicant to open a store.
- (7) If the applicant is a partnership, the name, age and address of each partner. If the applicant is a corporation, the name, age and address of the executive officers, or those who will be in control of the package store.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (as added by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-103. Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the town and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages. (as added by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-104. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character is required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-105. Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the town attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed.

¹State law reference

Tennessee Code Annotated, § 57-3-208.

The board of mayor and aldermen may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen.

All such applications, whether issued or denied shall be kept on file with the town recorder. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-106. Applicants for certificate who have criminal record. No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-107. Number of retail licenses to be held by retailer.¹ No retail licensee shall, directly or indirectly, hold more than two (2) retail licenses. In no event shall a retail licensee, directly or indirectly, hold more than fifty percent (50%) of the licenses authorized for issuance in the Town of Alamo. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-108. Where establishments may be located. (1) It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the Town of Alamo except within one of the town's B-1 or B-2 zoning districts, or where retail is a permitted use.

(2) A retail liquor package store shall not be located outside the town's B-1 or B-2 zoning districts, or where retail is a permitted use.

(3) A retail liquor package store shall not be located within one hundred fifty feet (150') of any school, church, park, playground, ballpark, hospital, nursing home, or day care facility.

(4) A retail liquor package store shall not be located within five hundred feet (500') of any existing retail liquor package store.

(5) In determining the distances from any property used as a school, church, park, playground, ballpark, hospital, nursing home, day care facility, or existing retail liquor package store, the distances shall be measured in a direct line from the center of the front door of the proposed retail liquor package store. The town may make such measurements using electronic mapping services such

¹State law reference

Tennessee Code Annotated, § 57-3-406.

as the Tennessee Property Viewer or Google maps. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-109. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the city/town except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.¹ (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-110. Limitation on number of retailers.² No limit on the number of retail licenses for the sale of alcoholic beverages under this chapter. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-111. Sales for consumption on-premises. No alcoholic beverages shall be sold for consumption on the premises of a retail seller. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-112. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-113. Inspection fee. The Town of Alamo hereby imposes an inspection fee in the maximum amount allowed by *Tennessee Code Annotated*, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the Town of Alamo. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-114. Consumption of alcoholic beverages on-premises prohibited generally. The on-premises consumption of alcoholic beverages under this chapter is prohibited. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

¹State law reference
Tennessee Code Annotated, § 57-3-404(f).

²State law reference
Tennessee Code Annotated, § 57-3-208(c).

8-115. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-116. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the Town of Alamo Municipal Judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

CHAPTER 2

BEER

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Power and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. On-premises consumption permits.
- 8-210. Off-premises permit.
- 8-211. Limitation on number of permits.
- 8-212. Issuance of permits to illegal aliens prohibited.
- 8-213. Interference with public health, safety, and morals prohibited.
- 8-214. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-215. Permissible hours for sale of beer by beer permit holders.
- 8-216. Prohibited conduct or activities by beer permit holders.
- 8-217. Revocation of beer permits.

8-201. Beer board established. There is hereby established a beer board to be composed of the Board of Mayor and Aldermen of the Town of Alamo. The mayor shall serve as chairperson of the beer board. Members of the beer board shall serve without compensation. (Ord. #2017-10, Aug. 2017)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold annual meetings in the Alamo town 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 chairperson, provided that a reasonable notice thereof is provided to each member. The board may adjourn a meeting at any time to another place and time. (Ord. #2017-10, Aug. 2017)

8-203. Record of beer board proceedings to be kept. (1) The town recorder shall make a record of the proceedings of all meetings of the beer board.

(2) The record shall be a public record and shall contain at least the following information:

- (a) The date and time of each meeting;
- (b) The names of the board members present and absent;
- (c) The names of the members introducing and seconding motions and resolutions, etc. before the board;

- (d) A copy of each such motion or resolution presented;
 - (e) The vote of each member thereon; and
 - (f) The provisions of each beer permit issued by the board.
- (Ord. #2017-10, Aug. 2017)

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 "no" vote. (Ord. #2017-10, Aug. 2017)

8-205. Powers and duties of the beer board. The beer board shall have the power, and is hereby directed, to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the Town of Alamo, in accordance with the provisions of this chapter. (Ord. #2017-10, Aug. 2017)

8-206. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101. (Ord. #2017-10, Aug. 2017)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person, group of persons, business, or corporation to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. Such application shall be made on such form as the board shall prescribe or furnish. Each applicant must be a person of good moral character and must certify that he has read and is familiar with the provisions of this chapter. As specified in *Tennessee Code Annotated*, § 57-5-104(a), each applicant for a beer permit shall be required to pay an application fee of two hundred fifty dollars (\$250.00) to the Town of Alamo. No portion of the application fee shall be refunded to the applicant, notwithstanding whether an application is approved or denied. Pursuant to *Tennessee Code Annotated*, § 57-5-104(b), there is hereby imposed on the business selling, distributing, storing or manufacturing beer in the Town of Alamo a privilege tax of one hundred dollars (\$100.00) per year. (Ord. #2017-10, Aug. 2017)

8-208. Beer permits shall be restrictive. (1) All beer permits shall be restrictive as to the type of beer business authorized under them.

(2) Separate permits shall be required for selling at retail, storing, distributing, or manufacturing, it shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit, it shall likewise be unlawful for any permit holder to fail to comply

with any and all express restrictions or conditions which may be written into his permit by the beer board.

(3) No permit issued by the beer board under the provisions of this chapter shall be transferred from one (1) person or business entity to another. (Ord. #2017-10, Aug. 2017)

8-209. On-premises consumption permits. The Town of Alamo shall issue permits for the sale of beer for on-premises consumption of beer to bona fide restaurants according to the following regulations.

(1) Each "on-site" consumption location shall keep and maintain the premises in a safe, clean and sanitary condition as required for a rating of ninety (90) or better as established by the Tennessee Department of Health, Division of Environmental Health.

(2) "Bona fide" restaurant beer permits shall be determined as follows.

(a) Seventy-five percent (75%) of the gross income of such restaurants is derived from the sale of food.

(b) The seating capacity is at least twenty-five (25) persons.

(c) The restaurant has commercial cooking equipment.

(d) Restaurant has a minimum of six hundred (600) square feet of dining area.

(e) The front or main door shall face the adjacent street. (Ord. #2017-10, Aug. 2017)

8-210. Off-premises permit. (1) An off-premises beer permit shall be issued for the consumption of beer only off the premises of the permittee.

(2) To qualify for an off-premises permit, an establishment must, in addition to meeting the other regulations and restrictions of this chapter:

(a) Be a grocery store or a convenience type market; and

(b) In either case, be primarily engaged in the sale of grocery, tobacco products, personal, and home care and cleaning articles, but also may sell gasoline.

(3) In addition, the monthly beer sales of any establishment which holds an off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment.

(4) Any establishment which for two (2) consecutive months, or for three (3) months in any calendar year, has beer sales exceeding twenty-five percent (25%) of its gross sales, shall have its beer permit revoked. (Ord. #2017-10, Aug. 2017)

8-211. Limitation on number of permits. There shall be no limit to the number of permits issued by the Town of Alamo for off-premises consumption sales, storage, distribution, or manufacture of beer. (Ord. #2017-10, Aug. 2017)

8-212. Issuance of permits to illegal aliens prohibited. No permit to engage in the beer business shall be granted by the beer board to any alien determined to be illegally in the United States of America. (Ord. #2017-10, Aug. 2017)

8-213. Interference with public health, safety, and morals prohibited. (1) No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with the operation of schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

(2) No permit shall be issued for the retail sale of beer to be removed from the premises of the permit holder unless such premises are located entirely within one of the town's B-1 or B-2 zoning districts.

(3) No permit shall be issued for the retail sale of beer to be removed from the premises of the permit holder if such premises are located within one hundred feet (100') of any school, church, park, playground, ball park, hospital, nursing home, or is outside the limits of the town's B-1 or B-2 zoning districts. The distance herein above established shall be as measured in a direct line from the center of the front door of the permittee's place of business. The town may make such measurements using electronic mapping services such as the Tennessee Property Viewer or Google maps. (Ord. #2017-10, Aug. 2017)

8-214. 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 illegal possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude, within the ten (10) year period preceding the date of application for a beer permit. (Ord. #2017-10, Aug. 2017)

8-215. Permissible hours for sale of beer by beer permit holders. Holders of beer permits issued by the Town of Alamo may legally make or allow the sale of beer only during the days and times specified in the following schedule:

| Day | Opening Time | Closing Time |
|-----------|--------------|--------------|
| Sunday | 12:30 P.M. | 11:00 P.M. |
| Monday | 5:00 A.M. | 11:00 P.M. |
| Tuesday | 5:00 A.M. | 11:00 P.M. |
| Wednesday | 5:00 A.M. | 11:00 P.M. |
| Thursday | 5:00 A.M. | 11:00 P.M. |

| Day | Opening Time | Closing Time |
|----------|--------------|--------------|
| Friday | 5:00 A.M. | 11:00 P.M. |
| Saturday | 5:00 A.M. | 11:00 P.M. |

(Ord. #2017-10, Aug. 2017)

8-216. 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 illegal possession, sale, manufacture, or transportation of intoxicating liquor, or a crime involving moral turpitude within ten (10) years of such person's employment with the permittee;
- (2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer;
- (3) Make or allow any sale of beer except during those days and hours specified in § 8-215 of this chapter;
- (4) Allow any loud, unusual, or obnoxious noises to emanate from the permittee's premises;
- (5) Make or allow any sale of beer to any person under twenty-one (21) years of age;
- (6) Allow any minor under the age of eighteen (18) years of age to loiter in or about the permittee's place of business;
- (7) Make or allow any sale of beer to any intoxicated person;
- (8) Allow intoxicated or disruptive persons to loiter about the permittee's premises;
- (9) To sell, manufacture, store, or transport any alcoholic beverage having an alcoholic content greater than eight percent (8%) by weight;
- (10) Allow gambling on the permittee's premises;
- (11) Allow pool or billiard playing in the same room where beer is sold and/or consumed;
- (12) Fail to provide and maintain separate sanitary toilet facilities for men and women; or
- (13) Exhibit signage of alcoholic beverages where displayed in windows or the exterior of the premises. (Ord. #2017-10, Aug. 2017)

8-217. Revocation of beer permits. (1) The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter.

(2) However, no beer permit shall be revoked until a public hearing is held by the board after giving reasonable notice to all the known parties of interest.

(3) Revocation proceedings may be initiated by the police chief or by any member of the municipal governing body. (Ord. #2017-10, Aug. 2017)