TITLE 2

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

2-101. Prohibited generally. Except as authorized by applicable laws 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 Town of Gibson. "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.

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1For provisions prohibiting drinking beer, etc., on the streets, etc., see title 10 in this code.

For general provisions in the state law, see title 57 of the Tennessee Code Annotated.

2See particularly title 39, chapter 25, of the Tennessee Code Annotated.
CHAPTER 2

BEER

SECTION
2-201. Legalizing manufacture and sale of beer.
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2-201. Legalizing manufacture and sale of beer. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive and/or manufacture beer of alcoholic content of not more than five (5) percent by weight or any other beverage of like alcoholic content within the corporate limits of the Town of Gibson, subject to all regulations, limitations, and restrictions provided by sections 57-501, et. seq., Tennessee Code Annotated, or other laws of the state and subject to the rules, regulations, limitations, and restrictions hereinafter provided or hereafter promulgated. (as replaced by ord. No. 3)

2-202. Permit required. No person, firm, corporation, syndicate, or association shall engage in the storing, selling, distributing, and/or manufacturing of beer of alcoholic content of not more than five (5) percent by weight or other beverage of like alcoholic content within the corporate limits of the Town of Gibson until he shall have received a permit or license to do so from the mayor, which license shall at all times be subject to all the limitations and restrictions hereinafter provided. The mayor shall not issue such license unless and until he is instructed to do so by the board of mayor and aldermen as hereinafter provided. (as added by ord. No. 3)

2-203. Regulations. No license shall be issued to sell beer or other beverage coming within the provisions of this chapter or in violation of any

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1For a leading case in Tennessee on a municipality’s authority to regulate beer, see the 1947 Tennessee Supreme Court decision in Grubb et al. v. Mayor and Aldermen of Morristown et al., 185 Tenn. 114, 203 S.W.2d 593.

For general business regulations, see title 5 in this code; for miscellaneous provisions prohibiting drinking beer on streets, etc., see title 10.
provisions of the state law, or where such sale will cause congestion of traffic or interfere with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, or morals. The judgment of the board of mayor and aldermen on such matters shall be final except that same is subject to review at law. No license shall be issued to sell any beverage coming within the provisions of this chapter for consumption on the premises. (as added by ord. No. 3)

2-204. **Conditions precedent.** Before any license is issued by the mayor, the applicant therefor shall file with the board of mayor and aldermen a sworn petition in writing establishing the following facts which are hereby made conditions of any permit issued thereunder, and any misstatement of fact shall be sufficient cause for the revocation of such license.

1. The applicant shall be a citizen of the United States or if a firm, syndicate, or association, the members thereof shall be citizens of the United States. The application shall designate the location of the premises where the business will be conducted and shall name the owner or owners of such premises.

2. No person shall be employed in the sale of such beverages except at the place or places for which the board of mayor and aldermen has issued a license or licenses to said applicants.

3. No sale shall be made to minors. Applicant shall not permit minors or any disorderly or disreputable person or persons previously convicted of violation of the liquor laws to loiter around or frequent his place of business.

4. Applicant shall not allow any liquors or beverages of alcoholic content greater than five (5) percent by eight to be brought into his premises for consumption therein.

5. Neither the applicant nor any person employed by him in the distribution, sale or manufacture of beer shall have been convicted of any violation of the laws of the State of Tennessee against the sale, manufacture, possession, or transportation of beer or intoxicating liquors or of any crime involving moral turpitude within the past ten years.

6. Applicant shall conduct the business in person for himself. If applicant is acting as agent, the application shall state the person, firm, corporation, syndicate, association, or joint stock company for whom the applicant intends to act.

7. Applicant shall not purchase beer except from manufacturers or distributors, licensed to manufacture or distribute such beverage in this state. No manufacturer or distributor shall sell beer for resale except to those who have been licensed by the board of mayor and aldermen.

Applicant shall submit with his application satisfactory evidence that he has registered and received from the Commissioner of Finance and Taxation of
the State of Tennessee a certificate showing such registration and that he has
filed with said commissioner of finance and taxation a bond securing the
payment of the state taxes.

The board of mayor and aldermen shall consider the applications filed
and grant or refuse the license according to its best judgment of the facts and
circumstances. The action of the board of mayor and aldermen in granting or
refusing a license shall be final except as same is subject to review at law. (as
added by ord. No. 3)

2-205. License revocable. Licenses issued pursuant to the authority of
the board of mayor and aldermen shall be revocable at the discretion of said
board of mayor and aldermen. Whenever it shall be brought to the attention of
said board of mayor and aldermen that any declaration of fact contained in the
application is false, or that there has been any violation thereof, or that the
limitations and conditions of the license have been violated, or that the licensee
permits minors to frequent or loiter around his place, or permits liquor or other
beverages of alcoholic content greater than five (5) percent by weight to be
brought on his premises or consumed thereon, or permits any drunken,
disreputable, or disorderly person or persons heretofore connected with the
violating of liquor laws to make his establishment a place of visitation or resort,
fails to file a report or pay any tax or license fee required, or otherwise violates
the provisions or restrictions of the state law or of any ordinance, said board of
mayor and aldermen shall revoke such license. the revocation shall become
final after five (5) days notice, unless the licensee within said five (5) days
demands a hearing before the board of mayor and aldermen. At this hearing
the burden shall be upon the licensee to show that he has not violated the
declarations of fact or statements contained in his application and that he has
not violated the state law or the provisions of this chapter. The action of the
board of mayor and aldermen in affirming or setting aside its revocation of such
license shall be final except as same is subject to review at law.

The board of mayor and aldermen shall have the right, in its discretion,
where there has been a violation of the conditions specified in this section, to
suspend licenses or permits for the sale of beer for a period of time not to exceed
three (3) months before taking final action on the revocation of such permit or
license; providing, however the licensee shall have a right to demand a hearing
within five (5) days following the suspension and the action of the board in
suspending the license or permit shall be subject to review at law.

Where a permit or license has been revoked by the board, no new license
or permit shall be issued to permit the sale of beer on the same premises until
after the expiration of one (1) year from the date said revocation becomes final
and effective, unless there has been a bona fide change or transfer of title and
ownership in and to the business and fixtures used in said business; provided,
further, that if there be a bona fide sale of the business and fixtures thereof, a
sale or transfer of the real property on which said premises are located shall not
be necessary.  (as added by ord. No. 3)

2-206.  Approval of application.  Applications for license shall be filed
with the mayor who shall make an investigation. The police department may
assist in the investigation. Upon completion of said investigation, the mayor
shall submit the application and recommendations to the board of mayor and
aldermen at its next meeting. The board of mayor and aldermen shall consider
the applications and shall endorse its actions thereon. If approved, the mayor
shall issue a license.  (as added by ord. No. 3)

2-207.  Hours of sale.  No sale of any beverage coming within the
provisions of this chapter shall be made between the hours of 12 o'clock
midnight and 7:00 A.M. on weekdays or between the hours of 12 o'clock
midnight on Saturday and 7:00 A.M. on Monday.  (as added by ord. No. 3)

2-208.  Suspension of license. The mayor may suspend a license issued
under the provision of this chapter for violation of sections 2-203, 2-204 and
2-205. Upon finding a violation, the mayor shall serve notice to the licensee
stating the violation and shall require the licensee to show cause why the
license shall not be suspended. The licensee shall have 24 hours in which to
request a hearing. The police department shall post a notice of the suspension
on the door of the premises and take whatever steps may be necessary to carry
out this provision. No beer shall be sold on the premises during the suspension.
(as added by ord. No. 3)