

**TITLE 8****ALCOHOLIC BEVERAGES**<sup>1</sup>**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. LIQUOR FOR CONSUMPTION ON THE PREMISES.

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

- 8-101. Purpose of chapter.
- 8-102. Location of licensed premises restricted.
- 8-103. Number of licenses limited.
- 8-104. Applications and certificates of good moral character.
- 8-105. Inspection fee.
- 8-106. Residence requirements for licensees.

**8-101. Purpose of chapter.** This chapter is enacted for the purpose of regulating the location of retail liquor establishments, the permissible number thereof, the procedure for licensing such establishments, and the imposition of an inspection fee thereon. (1972 Code, § 2-101)

**8-102. Location of licensed premises restricted.** No license shall be issued for a location which is in violation of any zoning or planning regulation of the city or which is within three hundred feet (300') of a church or one thousand feet (1,000') of a school measured in a straight line from the front entrance door of the permittee to the front entrance door of the church or school. (1972 Code, § 2-102, as amended by Ord. #1435, Sept. 2014, and replaced by Ord. #1558, July 2018 *Ch20\_5-7-19*)

**8-103. Number of licenses limited.** Not more than one (1) license shall be issued for each twenty-five hundred (2,500) persons or fraction thereof within the corporate limits of the city, according to the last certified federal or state census, whether regular or special. (1972 Code, § 2-103)

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<sup>1</sup>Municipal code reference

Drinking beer, etc., on streets, etc.: title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

**8-104. Applications and certificates of good moral character.**

Every applicant for a license shall submit to the board of mayor and aldermen a copy of his application to the state's alcoholic beverage commission, along with a copy of any supplemental or additional forms required by said commission. The board of mayor and aldermen shall make a careful investigation of the application and of the general character of the applicant or applicants who are to be in actual control of said business. If the applicant or applicants are found to be of good moral character the board of mayor and aldermen shall issue a certificate signed by a majority of the board of mayor and aldermen certifying that said applicant or applicants, who are to be in actual charge of said business, are of good moral character and in their opinion the applicant or applicants will refrain from the violation of the applicable statutes of Tennessee governing sales of intoxicating liquors. (1972 Code, § 2-104)

**8-105. Inspection fee.** There is hereby levied upon every retailer, as defined in the Tennessee Code Annotated, § 57-3-103, within the city an inspection fee of eight (8) percent. Said fee shall be collected by the wholesaler as provided by general law.

All fees subject to collection by authority of the general law or this chapter shall be levied and collected in the same manner as specified in the general law. (1972 Code, § 2-105)

**8-106. Residence requirements for licensees.** All licensees shall have been bona fide residents of Coffee County, Tennessee and residing therein for a period of at least two (2) years prior to the issuance of their licenses, and each licensee shall remain a bona fide resident of Coffee County so long as he holds said license.

For the purposes of this section, "licensees" means sole owners, all partners in any partnership, and all stockholders in any corporation holding a license under this chapter. (1972 Code, § 2-106)

## CHAPTER 2

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

#### SECTION

- 8-201. Business lawful but subject to regulation.
- 8-202. Creation and membership of beer board.
- 8-203. Oath required of beer board members.
- 8-204. Organization, records, and meetings of the beer board.
- 8-205. Beer permit required.
- 8-206. When beer permit will not be issued.
- 8-207. Application requirements for a beer permit.
- 8-208. Suspension or revocation of beer permits.
- 8-209. Issuance of beer permits to hotels, clubs, etc.
- 8-210. Display of beer permits.
- 8-211. Beer permits not transferable.
- 8-212. Sales to intoxicated persons, etc.; failure to provide sanitary facilities;  
sales where pool is played.
- 8-213. Wholesalers, etc., to make deliveries to licensed retailers only.
- 8-214. Minors not to purchase, attempt to purchase, or possess beer.
- 8-215. Hours of sale.
- 8-216. Sanitation requirements for premises covered by on-premises permit.
- 8-217. Employees liable for violations.
- 8-218. Special event beer permit.

**8-201. Business lawful but subject to regulation.** It shall hereafter be lawful to transport, store, sell, distribute, possess, receive, or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Manchester, subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (1972 Code, § 2-201)

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<sup>1</sup>Municipal code reference

Wholesale beer tax: title 5.

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).

**8-202. Creation and membership of beer board.** The board of mayor and aldermen is hereby established as the beer board for the purposes of this chapter. (1972 Code, § 2-202)

**8-203. Oath required of beer board members.** The members of the beer board shall take an oath before the finance director or the mayor to faithfully perform the duties imposed upon them without fear or favor and in full accordance with the constitution and laws of the State of Tennessee and the ordinances of the City of Manchester. (1972 Code, § 2-203, as amended by Ord. #808, Jan. 1998)

**8-204. Organization, records, and meetings of the beer board.** Ten (10) days after its election the beer board shall meet for the purpose of affecting its organization. It shall select one of its number to act as chairman. The chairman shall preside at all meetings of the beer board and keep detailed accurate records of its actions.

Meetings of the beer board shall be held at such times as designated by it and on call of the chairman when necessary and proper to effectually carry out the provisions of this chapter. (1972 Code, § 2-204)

**8-205. Beer permit required.** No person shall engage in the storing, selling, distributing or manufacturing of beer or other beverage of like alcoholic content within the corporate limits of the City of Manchester, until he shall receive a permit to do so from the beer board. Such permit shall at all times be subject to all of the limitations and restrictions herein provided. (1972 Code, § 2-205)

**8-206. When beer permit will not be issued.** No permit shall be issued to sell any beverage coming within the provisions of this chapter:

- (1) In violation of any provisions of the State law.
- (2) In violation of the zoning ordinance of the City of Manchester.
- (3) The distance requirements of this section shall not apply to those locations which have a valid beer license on the date of the passage of this ordinance, nor shall the distance requirements apply to any restaurant granted a permit to sell alcoholic beverages on premise by the State of Tennessee, Alcoholic Beverage Commission.

(4) Distances imposed by this section shall be measured in a straight line between the main entrance door of the permit location and the main entrance door of the church or school. (1972 Code, § 2-206, as amended by Ord. #756, Feb. 1996, Ord. #1184, Oct. 2007, Ord. #1336, Sept. 2012, Ord. #1525, April 2017, and Ord. #1558, July 2018 *Ch20\_5-7-19*)

**8-207. Application requirements for a beer permit.** Before any permit is issued by the beer board, the applicant shall file a sworn petition in

writing, on forms prescribed by and furnished by the board, and shall establish the following:

- (1) The name of the applicant.
- (2) The applicant's address.
- (3) The applicant's home telephone number and date of birth.
- (4) Any other addresses of the applicant during the past five years.
- (5) Name of applicant's business and telephone number.
- (6) Location where the business will be conducted and the distances from the business to the nearest church and school, identifying each location.
- (7) The persons, firms, corporations or associations having at least a five (5%) percent ownership interest in the business.
- (8) The name of the applicant's representative to receive annual tax notices or any other communication from the beer board.
- (9) Whether the application is for sale of beer for on-premises consumption, off-premises consumption or both.
- (10) That no firm, person, corporation or association having at least a 5% ownership interest in the business or any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past 10 years and that they agree to abide by the ordinances of the City of Manchester, Tennessee and the laws of the State of Tennessee regulating the possession, sale, manufacture or transportation of beer or other alcoholic beverages and agrees that compliance with that law is a condition of the license, if issued.
- (11) That a \$250 fee required by state law and a \$30 applicant investigation fee to the City of Manchester has been paid to the Finance Director of the City of Manchester or that the applicant is grandfathered because a license had been issued to the same person prior to the passage of this section.
- (12) The individual applicant or representative authorized to act on behalf of any corporate applicant shall personally appear at the meeting of the beer board at which the application is scheduled to be considered. (1972 Code, § 2-207, as amended by Ord. #808, Jan. 1998, Ord. #1138, June 2006, and Ord. #1351, Dec. 2012)

**8-208. Suspension or revocation of beer permits.** All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the beer board for the violation of any of the provisions of the State Beer Act or any of the provisions of this chapter.

The beer board is vested with full and complete power to investigate charges against any permit holder and to cite him to appear and show cause why his permit should not be revoked for the violation of any provision of this chapter or the State Beer Act.

Complaints filed against any beer permit holder for the purpose of suspending or revoking his permit shall be made in writing and filed with the beer board. When the beer board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or the State Beer

Act, the beer board is authorized, in its discretion, to notify the permittee of the alleged violation and to cite the permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. The notice to appear and show cause shall state the alleged violation and shall be served upon the permittee either by registered letter or by a city policeman. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the beer board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the beer board may, in its discretion, suspend or revoke the beer permit. The action of the beer board in all such hearings shall be final, subject only to review by the court as provided in the State Beer Act. When a beer permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one year from the date said revocation becomes final. (1972 Code, § 2-208)

**8-209. Issuance of beer permits to hotels, clubs, etc.** It shall be lawful for the beer board to issue permits for the sale of any beverage coming within the provisions of this chapter to hotels, clubs, or lodges, subject to such limitations and restrictions as the beer board may see fit to prescribe. (1972 Code, § 2-209)

**8-210. Display of beer permits.** The permit required by this chapter shall be posted in a conspicuous place on the premiss of the permit holder. (1972 Code, § 2-211)

**8-211. Beer permits not transferable.** Any permits issued under the provisions of this chapter must be issued to an individual, and not a business or corporation and are not transferable either as to location or holder. (1972 Code, § 2-213)

**8-212. Sales to intoxicated persons, etc.; failure to provide sanitary facilities; sales where pool is played.** Hereafter, it shall be unlawful and it is hereby declared to be a misdemeanor for any person, firm, corporation, or association, engaged in the business regulated hereunder, to make, or to permit to be made, any sale or distribution of such beverage to persons intoxicated, feeble minded, insane, or otherwise mentally incapacitated; to fail to provide proper sanitary facilities where such beverage is permitted to be consumed on-premises, or to sell or distribute such beverage at any place where pool or billiards are played, unless the sale or distribution of such beverage is made in the front of such room or place where a partition wall separates the place from the pool or billiard parlor. (1972 Code, § 2-214)

**8-213. Wholesalers, etc., to make deliveries to licensed retailers only.** It shall be unlawful for wholesalers, distributors, or manufacturers of beer, or any of their salesmen or representatives, to sell or deliver beer to persons other than the holders of valid retail beer permits. It shall be the duty of such wholesalers, distributors and manufacturers, their salesmen and representatives, to ascertain whether or not purchasers are holders of valid retail beer permits. (1972 Code, § 2-218)

**8-214. Minors not to purchase, attempt to purchase, or possess beer.** It shall be unlawful for any minor to purchase or attempt to purchase any beverage regulated hereunder, and it shall be unlawful for any minor to possess any such beverage upon the premises of an on-premises permittee.

It shall be unlawful for any minor to present or offer to any permittee, his agent or employee, any false or fraudulent written evidence of his age for the purpose of purchasing or attempting to purchase or otherwise procure such beverage.

Any minor who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine under the general penalty clause of this code; if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition. (1972 Code, § 2-220)

**8-215. Hours of sale.** It shall hereinafter be unlawful and it is hereby declared to be a misdemeanor for any beer permittee to sell or distribute beer within the corporate limits within the hours of three o'clock A.M. and eight o'clock A.M. on weekdays or between the hours of three o'clock A.M. and twelve o'clock noon on Sundays, however, it shall not be unlawful for a permittee having a permit for off-premises consumption to sell beer for off-premises consumption at any time when it is lawful for a permittee of the Tennessee Alcoholic Beverage Commission located in the corporate limits of the City of Manchester to sell beer for off-premises consumption.

No such beverage shall be consumed or opened for consumption on or about the premises of a permittee in either bottle, glass or other container, after 3:15 o'clock A.M. (1972 Code, § 2-221, as amended by Ord. #1557, July 2018 *Ch20\_5-7-19*)

**8-216. Sanitation requirements for premises covered by on-premises permit.** Any person holding a permit under this chapter for the sale of beer for consumption on the premises, shall keep and maintain the premises in a clean and sanitary condition. The requirements shall be the equivalent of that required for a rating of Class "B," or better, as established by the Tennessee State Department of Conservation, Division of Hotel and Restaurant Inspections. The city health officer or any properly authorized person is hereby authorized to enter the premises of an on-premises permittee

at any reasonable hour for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the City of Manchester. (1972 Code, § 2-222)

**8-217. Employees liable for violations.** Any employee of any permittee, either retailer or wholesaler, who violates any provision of this chapter or any provision of the State Beer Act shall be guilty of a misdemeanor. (1972 Code, § 2-223)

**8-218. Special event beer permit.** The beer board may issue a special event beer permit to any applicant who would qualify for a regular permit under this title. Said special event beer permit shall be issued for on premises consumption and only for a limited duration, as specified in the permit. In addition to the requirements set forth in § 8-207, the following requirements must be met before a special event beer permit will be issued:

(1) The applicant will have obtained a special event permit under title 16 chapter 4 with adequate provision for insurance, clean-up, sanitation and security, as required by that chapter, including the posting of any required bond.

(2) Submitted an application including the information set forth in § 8-207.

(3) Set forth the days, times, locations and a description of the premises where beer will be sold. The beer board may further restrict the hours of sale of beer under a special event beer permit but may not expand the hours beyond those set forth in § 8-215.

(4) Pays a special event beer permit fee of seventy-five dollars (\$75.00).

(5) Provides proof of registration with the Tennessee Department of Revenue for payment of any taxes due.

(7) If the premises are not owned by the applicant; proof of a contract or lease allowing the applicant to use the premises for the duration of the permit.

(8) The beer board shall specify the premises upon which sales and consumption are allowed.

(9) Acknowledges that numerous state laws apply to the sale of beer other than the requirements of City of Manchester ordinances.

(10) If the applicant already possesses a permit for on premises consumption at another location; subsections (2), (5) and (8) shall not be required. (as added by Ord. #1525, April 2017)



### CHAPTER 3

#### LIQUOR FOR CONSUMPTION ON THE PREMISES

##### SECTION

8-301. Privilege taxes for sale of alcoholic beverages at retail.

8-302. Application requirements for liquor for consumption on the premises.

8-303. [Repealed].

**8-301. Privilege taxes for sale of alcoholic beverages at retail.**

There is hereby levied against all retail establishments selling at retail in this city any alcoholic beverages for consumption on the premises, a privilege tax pursuant and identical to the provisions of Tennessee Code Annotated, § 57-4-301, which is incorporated herein by reference as though the same were fully set forth herein, and those privilege taxes provided in that section are levied at the same amounts by the City of Manchester, Tennessee. This section shall apply to private clubs as well as hotels and motels and all other establishments enumerated in that statute. (Ord. #748B, Oct. 1995)

**8-302. Application requirements for liquor for consumption on the premises.** Before any person, firm or organization may sell liquor for consumption on the premises in the City of Manchester pursuant to a license issued by the State of Tennessee Alcoholic Beverage Commission, the seller must have executed and filed with the Finance Director of the City of Manchester, an application for liquor permit on a form provided and approved by the finance director. (Ord. #748B, Oct. 1995, as amended by Ord. #808, Jan. 1998)

**8-303. [Repealed].** (Ord. #748B, Oct. 1995, as repealed by Ord. #1153, Oct. 17, 2006)