

TITLE 8**ALCOHOLIC BEVERAGES**¹**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 or ordinances², it shall be unlawful for any person acting for himself or for any other person, to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this city. "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. (1983 Code, § 2-101)

¹Municipal code reference
Alcohol: title 11, chapter 2.

State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹

SECTION

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8-201. Definition. 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. (1983 Code, § 2-201)

8-202. Beer board established. There is hereby established a beer board to be composed of all members of the Board of Mayor and Aldermen of the Town of New Market, Tennessee. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. It will follow the general procedures outlined herein. (1983 Code, § 2-202)

8-203. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regularly scheduled meeting of the board of mayor and aldermen when there is business for the board to consider. A special meeting of the beer board may be called by its chairman; provided that he gives reasonable notice thereof to each board member and provided further that all notice requirements of the statutes of the State of Tennessee are fulfilled. Said meetings may be adjourned at any

¹State 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).

time to any place within the corporate limits of the Town of New Market. (1983 Code, § 2-203)

8-204. Record of beer board proceedings to be kept. The recorder of the Town of New Market shall also act as recorder for the beer board and shall keep a separate record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1983 Code, § 2-204)

8-205. Requirements for beer board quorum. 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. (1983 Code, § 2-205)

8-206. Powers and duties of the beer board, generally. The beer board shall regulate the selling, storing for sale, distributing for sale and manufacturing of beer within the Town of New Market in accordance with the provisions of this chapter. (1983 Code, § 2-206)

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. In this application, the applicant shall certify that he has read and is familiar with the provisions of this chapter and the state law regarding alcoholic beverages. (1983 Code, § 2-207)

8-208. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall be unlawful for any 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 him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1983 Code, § 2-208)

8-209. Issuance restricted to those qualified under state law. No beer permit shall be issued to any person who cannot qualify for same under the restrictions of the alcoholic control statutes of the State of Tennessee, said restrictions to specifically include a prohibition of issuing a beer permit to any person who has been convicted of any crime involving abuse of the alcoholic control statutes of the State of Tennessee or any other state or of any crime involving moral turpitude within the past ten (10) years. (1983 Code, § 2-210)

8-210. Restrictions as to location of premises. No permit authorizing the sale of beer shall 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. In no event shall a permit be issued authorizing the storage, sale or manufacture of beer at places within two thousand feet (2,000') of any school, church or other such place of public gatherings. (1983 Code, § 2-212)

8-211. Revocation of beer permits. 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 violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board, giving reasonable notice to all known parties in interest. Revocation proceedings maybe initiated by the city peace officer or any member of the beer board. (1983 Code, § 2-212)

8-212. Collection of taxes. The recorder is hereby directed to take appropriate action to assure the payment to the municipality of any/and all taxes due said municipality under state law. (1983 Code, § 2-213)

8-213. Number of outlets. There shall be no more than two (2) outlets for off-premises consumption of beer of other light alcoholic beverages within the corporate limits of the Town of New Market. (Ord. #95-1-2, Feb. 1995, modified)

8-214. Prohibited conduct or activities by holders of beer permits. 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) 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 between the hours of 12:00 midnight and 8:00 A.M. during any night of the week, at any time on Sunday or on election days before and while the polls are lawfully open.

(4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

- (5) Make or allow any sale of beer to a minor under eighteen (18) years of age.
- (6) Allow any minor under eighteen (18) years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane or otherwise mentally incapacitated person.
- (8) Allow drunk or disreputable persons to loiter about his premises.
- (9) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
- (10) Allow gambling on his premises.
- (11) Allow pool or billiard playing in the same room where beer is sold or consumed.
- (12) Fail to provide and maintain separate sanitary toilet facilities for men and women where the permit is issued for on-premises consumption.
- (13) Do or perform any other act prohibited by the statutes of the State of Tennessee. (1983 Code, § 2-215)

8-215. Penalties. Violation of any of the provisions of this chapter can result in revocation of the beer permit by the beer board, and/or a fine of not more than fifty dollars (\$50.00) for each violation of this chapter or the conviction of said violation in the City Court for New Market, Tennessee. (1983 Code, § 2-216)