TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

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8-101. Definitions. "Alcoholic beverages" shall mean alcohol, liquor, spirits, wine, and every liquid containing alcohol, liquor, spirits, and wine capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two contain an alcoholic content of five percent (5%) by weight or less. (1967 Code, § 2-101, as replaced by Ord. #470, May 2007)

8-102. Scope of chapter. This chapter shall govern the sale of intoxicating liquor through retail package stores and consumption on premises (liquor-by-the-drink) of alcoholic beverages in the City of Ripley. This chapter is to be read and interpreted in line with Tennessee Code Annotated, title 57 as well as the rules and regulations of the Tennessee Alcoholic Beverage Commission. If any provision of this chapter is found to exceed or be contrary to the authority provided in the same, said ordinance provision will be superseded.

Nothing in this chapter regulates the distribution, possession, receipt of, sale, storage, tax upon, or transportation upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (as added by Ord. #470, May 2007)

1 State law reference
Tennessee Code Annotated, title 57.
8-103. **State laws to be complied with.** No association, corporation, firm, partnership, or person shall engage in the wholesale, retail or on-premises-consumption ("liquor by the drink") liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #470, May 2007)

8-104. **Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of the City of Ripley except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #470, May 2007)

8-105. **Specific rules governing retail package stores.**

1. **Application for certificate of good moral character.** Before any character 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, or by any aldermen, an application in writing shall be filed with the city recorder on a form to be provided by the City of Ripley, giving, inter alia, the following information:
   a. Name, age and address of applicant.
   b. Number of years residence in Lauderdale County.
   c. Occupation or business and length of time engaged in such occupation or business.
   d. Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
   e. If employed, the name and address of employer.
   f. If in business, the kind of business and location thereof.
   g. The location of the proposed store for the sale of alcoholic beverages.
   h. The name and address of the management of the store.
   i. If the applicant is a partnership, the name, age and address of each partner, and his or her occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders, and their degrees of ownership of stock in the corporation.

   Each application shall be accompanied by a non-refundable investigation fee of two hundred and fifty dollars ($250.00).

   An application for certificate of compliance must be submitted by all owners, partners, stockholders and directors of the store, whether same is a firm, partnership or corporation and the failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, or as a stockholder, officer or director on more than one application, or hold any interest in more
than one permit at the same time.

A copy of each application form, questionnaire, partnership agreements or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. 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. All applications submitted in accordance with this chapter shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting.

2. 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 city and rules and regulations of the Alcoholic Beverage Commission of the State for sale of alcoholic beverages.

3. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. Before the issuance of any character certificate or a renewal of the same, an applicant may be required to tender requested documentation for review and or inspection by the board of mayor and aldermen.

4. 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 city recorder for review, who shall submit their findings to the board of mayor and aldermen.

The mayor or a majority of the board of mayor and aldermen may, in its sole discretion, issue a certificate of moral character to any qualified applicant.

5. Residency requirement. The applicant for a certificate of good moral character shall have been a bona fide resident of Lauderdale County, Tennessee for not less than two (2) years prior to the time the application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Lauderdale County, Tennessee not less than two (2) years prior to the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204, for seven (7) consecutive years.

6. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise.

7. Where establishments may be located. 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 city except at locations zoned for that purpose, (which include B-2 and B-5) but in no event shall any establishment be located within three hundred (300) feet of a hospital, church, school, day care, or any public park, measured in a straight line between the nearest point on the property line upon which sits the building from which the alcoholic beverages will be sold, stored or distributed, and the nearest point on the property line of the hospital, school, church, day care, or public park.

8. **Limitation on number of retailers.** No more than three (3) retail licenses for the sale of alcoholic beverages shall be issued by the City of Ripley under this chapter.

9. **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.

10. **Inspection fee.** The City of Ripley 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 city. Said inspection fee shall be collected and administered in line with Tennessee Code Annotated, §§ 57-3-502 and 57-3-503.

11. **Violations.** The license holders are responsible at all times for the conduct of their business and all are at all times directly responsible for the conduct of all employees. Any violation of this chapter or of Tennessee or federal law which regulates intoxicating liquors shall constitute a civil offense and shall, upon conviction, be punishable by a penalty as enumerated under the general penalty provisions of this code as well as state and federal law.

12. **Selection of qualified applicants.** Whenever there has been determined to be more qualified applicants than licenses available the City of Ripley shall use a lottery system to choose between such qualified applicants, in a manner as decided by the mayor and board of aldermen.

13. **Hours and times of operation.** The hours and dates of operation for retail licensees are controlled by Tennessee Code Annotated, § 57-3-406.

14. **Regulations on premises.** All retail establishments must comply with the City of Ripley building and zoning codes. (as added by Ord. #470, May 2007)

8-106. **Specific rules governing on-premise-consumption.**

1. **Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by said code when such sales are conducted within the corporate limits of the City of Ripley, Tennessee. It is the intent of the mayor and board of alderman that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Ripley, Tennessee, the same as if said code
sections were copied herein verbatim.

2. **Restriction on the hours for the sale of intoxicating liquors.** There shall not be any intoxicating liquor sold on any Sunday between the hours of 3:00 A.M. and 12:00 P.M. All other times and dates of sales shall be as referenced in Tennessee Code Annotated, § 57-4-203.

3. **Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amount levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Ripley General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Ripley alcoholic beverages for consumption on the premises where sold.

4. **Annual privilege tax to be paid to the city recorder.** Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Ripley shall remit annually to the city recorder the approximate tax described in Tennessee Code Annotated, § 57-4-301. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the approximate tax when due shall be subject to the penalty provided by law.

5. **Club application.** Any club, as defined in Tennessee Code Annotated, title 57 that seeks to obtain a license for on-premise-consumption of liquor must make an application to and obtain a permit from the City of Ripley. This application shall be made on such form as the city shall prescribe. Each applicant shall be of good moral character and certify that he has read and is familiar with the provisions of this chapter. Such application shall be in writing and must be filed with the city recorder on a form to be provided by the city. Each application shall be accompanied by a non-refundable investigation fee of four hundred and fifty dollars ($450.00). A copy of each application form, questionnaire, partnership agreement or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. 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. All applications submitted in accordance with this chapter shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting.

6. **Signage requirements.** All establishments authorized under this section must comply with the City of Ripley zoning code. (as added by Ord. #470, May 2007)
CHAPTER 2

BEER

SECTION
8-201. "Beer" defined.
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8-209. Prohibited conduct or activities by purchaser.
8-210. Permit filed at same location when denied by board.
8-211. Privilege tax.
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8-201. "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. (1967 Code, § 2-201)

8-202. 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 Ripley. 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. #319, Nov. 1993)

8-203. 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 board so as to authorize sales only for off premises consumption. It shall

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).
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 him not to comply with any and all express restrictions or conditions which may be written into his permit by the board. (1967 Code, § 2-203)

8-204. Issuance of permits to aliens prohibited. No permit to engage in the beer business shall be granted 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. (1967 Code, § 2-204)

8-205. 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. In no event will a permit be issued authorizing the storage, sale or manufacture of beer at buildings and or establishments that are located within three hundred feet (300') of a hospital, church, school, day care, public park, or other areas of public gathering to the measured in a straight line between the nearest point on the property line upon which sits the building from which the beer will be sold, stored, distributed or manufactured, and the nearest point on the property line of the hospital, school, church, day care, public park, or other areas of public gathering. (1967 Code, § 2-205, as replaced by Ord. #184, Sept. 2008, and Ord. #483, Sept. 2008)

8-206. 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. (1967 Code, § 2-206)

8-207. 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. Employ any minor under twenty-one (21) years of age in the sale, storage, distribution, or manufacture of beer.
3. Make or allow any sale of beer between the hours of 10:00 P.M. and 6:00 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 twenty-one (21)
years of age.
(6) Allow any minor under twenty-one (21) 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 dancing on his 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. (1967 Code, § 2-207, modified)

8-208. Revocation of beer permits. When there is evidence of a violation of any provision of this chapter by any beer permit holder the alleged violator shall be cited by the chief of police to appear before the board of mayor and aldermen to show cause why his permit should not be revoked.

The mayor and aldermen may suspend or 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. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. (1967 Code, § 8-208)

8-209. Prohibited conduct or activities by purchaser. (1) Make or participate in any purchase of beer between the hours of 10:00 P.M. and 6:00 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. This applies to adults and minors.
(2) For a minor under twenty-one years of age to purchase or possess beer at any time of day or night.
(3) Violation of this section or any section of title 8 of this code shall be deemed a misdemeanor and shall be punishable by fine not less than two dollars nor more than fifty dollars. (Ord. #186, April 1971)

8-210. Permit filed at same location when denied by board. The same applicant cannot file a new application for a beer permit at the same location for a minimum period of six (6) months from the time it was denied by the board. (Ord. #250, Sept. 1986)

8-211. 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 Ripley, 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. #319, Nov. 1993)

8-212. 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. #319, Nov. 1993)