

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Manufacture, sale, etc., lawful.
- 8-102. Display of license.
- 8-103. Application for certificate of good moral character.
- 8-104. Limitation on location and number of stores.
- 8-105. Access ways to adjacent businesses prohibited.
- 8-106. Furnishing to intoxicated, etc., persons prohibited.
- 8-107. Advertising on signs, etc., in corporate limits prohibited.
- 8-108. Inducements prohibited.
- 8-109. Gambling devices, etc., prohibited.
- 8-110. Hours regulated.
- 8-111. Visibility from street to be maintained.
- 8-112. No other business allowed.
- 8-113. Seating facilities for customers not allowed.
- 8-114. Consumption on premises prohibited.
- 8-115. Adoption of state statutes by reference.
- 8-116. Inspection fee levied; collection; returns.
- 8-117. "Brown-bagging" prohibited.

8-101. Manufacture, sale, etc., lawful. The manufacture, sale, receipt, possession, storage, transportation, distribution, use, or in any manner dealing in alcoholic beverages of more than 5 percent by weight within the corporate limits of the Town of Tiptonville, Tennessee, shall be regulated in accordance with the provisions of Tennessee Code Annotated, title 57, the rules and regulations adopted by the alcoholic beverage commission, and in accordance with the provisions of this chapter. (1979 Code, § 2-101)

¹State law reference

Tennessee Code Annotated, title 57.

8-102. Display of license. Persons, firms, corporations, and limited and general partnerships granted licenses to carry on any business or undertakings contemplated by this chapter shall, before being qualified to do business, display and keep displayed said license in a conspicuous place on the premises of licensee. (1979 Code, § 2-102)

8-103. Application for certificate of good moral character. All applicants for certificates of good moral character as provided by Tennessee Code Annotated, title 57, shall be required to make application to the board of mayor and aldermen of the Town of Tiptonville on forms prepared and furnished by said board to the applicant. Said applications, after being executed, shall be returned to the board of mayor and aldermen of the Town of Tiptonville for their approval or disapproval. (1979 Code, § 2-103)

8-104. Limitation on location and number of stores. (1) No alcoholic beverage shall be manufactured, distilled, rectified, sold, or stored on any premises within the Town of Tiptonville, except within the following areas:

(a) The areas extending north and south from the curb line of Church Street for a distance of fifty feet (50') on each side, the eastern area being bounded on the east by the corporate limits and on the west by Phoenix Street; and

(b) The area along Tennessee Highway 78 extending from the highway right of way no more than one hundred fifty feet (150') east and west and bounded on the north by Church Street and on the south by the town limits.

(2) Only one (1) retail liquor outlet store shall be permitted within each of the two (2) geographic areas designated above, for an aggregate number of licenses of two (2) at any given time. Those retail liquor outlet stores now holding valid liquor licenses from the State of Tennessee Alcoholic Beverage Commission may continue to operate for as long as the current owners hold a valid retail liquor license.

(3) No individual or entity may be issued more than one (1) license for the retail package sale of liquor at any given time. (1979 Code, § 2-104, as replaced by Ord. #2200, May 2021 *Ch8_08-09-22*)

8-105. Access ways to adjacent businesses prohibited. No place, establishment, or premises wherein alcoholic beverages are sold or stored shall have any doors, entrances, exits, windows, or openings of any kind between such place, establishment, or premises and any other store, building, or premises located adjacent thereto. (1979 Code, § 2-105)

8-106. Furnishing to intoxicated, etc., persons prohibited. It shall be unlawful for any licensee or his employees or representatives to sell, furnish, or give away any alcoholic beverages to any person visibly intoxicated, or to any

insane person, to any minor, or to any habitual drunkard or persons of known intemperate habits. (1979 Code, § 2-106)

8-107. Advertising on signs, etc., in corporate limits prohibited. All wholesale and retail stores and all other persons, corporations, and partnerships dealing in alcoholic beverages are hereby prohibited from advertising on signs and billboards located within the corporate limits. (1979 Code, § 2-107)

8-108. Inducements prohibited. No license shall give away, sell, or any manner whatsoever deal in premiums, tokens, or other articles by means of which inducements are held out to trade or purchase any alcoholic beverages. (1979 Code, § 2-108)

8-109. Gambling devices, etc., prohibited. No gambling devices, pin ball machines, music machines, radios, slot machines, or similar devices shall be permitted to operate upon any premises from which alcoholic beverages are sold. (1979 Code, § 2-109)

8-110. Hours regulated. Retailers may remain open for business between the hours of 8:00 A.M. and 11:00 P.M. central time each day; provided, however, that no retailer shall sell, give away, or otherwise dispose of any alcoholic beverages between 11:00 P.M. and 8:00 A.M. central time on any day; provided further that no retailer shall sell or give away or otherwise dispose of any alcoholic beverages between 11:00 P.M. on Saturday and 8:00 A.M. central time on the following Monday; provided further that no retailer shall sell, give away, or otherwise dispose of any alcoholic beverages on any general or primary election day, whether it be a national, state, or city election. (1979 Code, § 2-110)

8-111. Visibility from street to be maintained. No retail beverage store shall be located except on the grade floor. The windows of the sales room of said retail beverage store shall never be closed by shades or otherwise but shall be so arranged that a passerby on the street can plainly view the sales room and every part thereof through the windows. (1979 Code, § 2-111)

8-112. No other business allowed. A retail licensee of alcoholic beverages shall not be permitted to sell, store, or offer for sale at his salesroom, any article or commodity whatever except alcoholic beverages as defined by Tennessee Code Annotated, title 57. (1979 Code, § 2-112)

8-113. Seating facilities for customers not allowed. No tables or seating facilities shall be provided for customers or any other person in any

retail alcoholic beverage store except those provided for employees, which must be located behind the counters. (1979 Code, § 2-113)

8-114. Consumption on premises prohibited. It shall be unlawful for any licensee to permit any alcoholic beverages or drinks to be consumed on the premises. It shall also be unlawful for any person to drink or consume any alcoholic beverages in the premises at a place where alcoholic beverages are sold. (1979 Code, § 2-114)

8-115. Adoption of state statutes by reference. All statutes of the State of Tennessee relative to the regulation of the sale of intoxicating liquors as included in the Tennessee Code Annotated are hereby adopted by reference. (1979 Code, § 2-115)

8-116. Inspection fee levied; collection, returns. There is hereby levied an inspection fee of six percent (6%) of wholesale price of any alcoholic beverage purchased by a retailer licensed under this chapter. The payment of said fee shall be due in the office of the recorder on the 15th day of each month following the month in which said purchases were made, and said fee shall be accompanied by a sworn report of gross purchases of said beverages by said licensee for the month in question upon a form prescribed by the recorder. Failure to pay said fee and make said report accurately within the time prescribed shall result in a penalty of 10% of the fee due and shall at the sole discretion of the mayor be cause for suspension for as much as thirty (30) days, and at the sole discretion of a majority of the board of mayor and aldermen, be cause for a revocation of said privilege license. (1979 Code, § 2-116)

18-117. "Brown-bagging" prohibited. (1) No owner, operator or employee of any restaurant, club, or any other business of every kind and description, shall permit or allow any person to open, or to have open, or to consume inside or on the premises a bottle, can, flask or container of any kind or description, of alcoholic beverages.

(2) No owner, operator or employee of any restaurant, club, or any other business of every kind and description, shall permit or allow any person to open, or to have open, or to consume inside or on the premises a bottle, can, flask, or container of any kind or description, of beer unless the business is otherwise licensed by the Town of Tiptonville to allow on-premises consumption of beer.

(3) For the purpose of interpreting this section, the term "alcoholic beverages" 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. For the same purposes, the term "beer" shall mean all beers, ales and other malts liquors having an

alcoholic content of not more than five percent (5%) by weight. (as added by Ord. #2111, Feb. 2006)

CHAPTER 2

BEER¹

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. Powers 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. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Revocation of beer permits.
- 8-213. Beer establishments located on Highway 78 within the town limits.
- 8-214. Limitation on location.
- 8-215. Beer permit holders to report fights, etc.

8-201. Beer board established. There is hereby established a beer board to be composed of all the members of the board of mayor and aldermen. The mayor shall preside over meetings of the beer board. Members of the beer board shall serve without compensation. (1979 Code, § 2-201)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the 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 mayor, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1979 Code, § 2-202)

8-203. Record of beer board proceedings to be kept. The recorder shall make a 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 the 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

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).

each member thereon; and the provisions of each beer permit issued by the board. (1979 Code, § 2-203)

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 "nay" vote. (1979 Code, § 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the Town of Tiptonville in accordance with the provisions of this chapter. (1979 Code, § 2-205)

8-206. "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. (1979 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. The application shall be made on such form as the board shall prescribe and/or furnish. 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. (1979 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 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 beer board. (1979 Code, § 2-208)

8-209. 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 places within three

hundred (300) feet of any school, church or other such place of public gathering, measured along street rights of way. (1979 Code, § 2-210)

8-210. 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. (1979 Code, § 2-211)

8-211. 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 eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)

(3) Sell beer, for either on-premises or off-premises consumption, during the following days and hours:

(a) Between the hours of 12:00 A.M. midnight and 6:00 A.M. on any Monday.

(b) Between the hours of 1:00 A.M. and 6:00 A.M. on any Tuesday, Wednesday, Thursday, Friday or Saturday.

(c) At any time on a Sunday, except that beer may be sold for off-premises consumption between the hours of 6:00 A.M. and 11:00 P.M., local time on Sunday, unless otherwise restricted by any other ordinance or provision of law.

(d) On any election day in the Town of Tiptonville before and while the polls are lawfully open.

During the days and times set forth in this section, it shall be unlawful for any beer permit holder to:

(e) Make, permit or allow any sale of beer anywhere on the premises.

(f) Permit or allow the consumption of beer anywhere on the premises. It shall be further unlawful for any beer permit holder to fail to comply with the following regulations:

(i) Within fifteen (15) minutes of the closing time of the premises either at the hour set under this section or the time the premises closes at a different time for any reason:

(A) No person shall be permitted or allowed to remain inside, or be permitted or allowed to come inside, the building in which the beer is sold on the premises, except legitimate employees of the business who are actually on duty.

(B) All open containers of beer or other liquids in any form shall have been completely removed from the tables and any other place where they are found and completely emptied of their contents into a suitable drain inside the building in which the beer is sold on the premises. No containers that contain beer or liquid in any form shall be set outside the building for disposal or for any other purpose.

(ii) Within thirty (30) minutes of the closing time of the premises, either at the hour set under this section or at the time the premises closes at a different time for any reason all closed containers of beer or other liquids in any form shall have been removed from the tables and any other place where they are found and either their contents disposed of as provided in subsection (B) above, or the containers stored in a refrigerator, freezer, locker, storage room, behind the bar, or any other place to which customers are ordinarily denied access during the periods when the premises are open for business. For the purposes of this section the term "premises" shall include the building in which beer is sold and any and all property upon which the building is located, including, but not limited to parking lots and out buildings of all kinds and descriptions.

(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) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1979 Code, § 2-212, as amended by Ord. #2058, Feb. 1991, replaced by Ord. #2142, Nov. 2010, and amended by Ord. #2164, March 2015)

8-212. 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 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 revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest.

Revocation proceedings may be initiated by the police chief or by any member of the board of mayor and aldermen. (1979 Code, § 2-213)

8-213. Beer establishments located on Highway 78 within the town limits. No beer permits to exceed the number of two (2) shall be granted or issued for the purpose of on-premises consumption within five hundred feet (500') either side from the centerline of Tennessee Highway 78 within the town limits (measuring from the centerline of the highway to the closest wall of a building for which a permit is applied). Only restaurant establishments deriving the majority of its revenue from food sales shall be eligible for an on-premises consumption beer permit within the area defined herein. The restrictions set forth herein shall not apply to beer permits for off-premises consumption. (1979 Code, § 2-214m as replaced by Ord. #2160, June 2014)

8-214. Limitation on location. (1) No beer permits to exceed the number of three (3) shall be granted or issued to any person for within the following area. The area of Church Street no further east than the post office and no further west to curve at Elm Street. Further, said limitation shall be extended and bounded on the south by Haynes Street and the North boundary line past the establishment formerly known as Wormy's End located on Wormyalle Street.

(2) Only three (3) beer permits shall be permitted within the area designated above as set forth by the municipal code of the Town of Tiptonville. Those establishments now holding valid beer permits may continue to operate for as long as the current owners hold a valid beer permit.

(3) All other ordinances regarding the regulations of beer permit and all statutes of the State of Tennessee related to the regulation to the beer permits as included in the Tennessee Code Annotated are hereby adopted by reference. (as added by Ord. #2085, Feb. 2001)

8-215. Beer permit holders to report fight, etc. (1) Any business or person holding an on-premise consumption beer permit or a temporary beer permit issued by the Town of Tiptonville shall promptly notify the Tiptonville Police Department of any fight or peace disturbance taking place on or within their premises.

(2) Definitions. For the purpose of implementing this section, the following definitions shall apply:

(a) "Premises" has its ordinary meaning and includes any interior or exterior part of the real property for which a beer permit has been issued, including parking lots and outbuildings.

(b) "Promptly" has its ordinary meaning and shall mean that the beer permit holder will readily and without delay call for police assistance when a fight or other peace disturbance occurs.

(3) Violation. It shall be unlawful for any beer permit holder to delay notification to the police department of any fight or peace disturbance. Violation of this section shall also be grounds for suspension or revocation of the permittee's beer license. (as added by Ord. #2110, Feb. 2006)