

ORDINANCE NO. 37

AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT THE SALE OF BEER, OR ANY OTHER BEVERAGE, OR AN ALCOHOLIC CONTENT OF NOT MORE THAN FIVE PERCENT BY WEIGHT, WITHIN THE CITY, AND FORBIDDING THE MANUFACTURE OF BEER FOR SALE; AND CREATING A BEER PERMIT BOARD FOR THE CITY; AND PRESCRIBING FOR THE ORGANIZATION AND MEETINGS OF SAID BOARD; AND PROVIDING FOR THE ISSUANCE AND REVOCATION OF PERMITS BY SAID BOARD, AND PRESCRIBING CERTAIN CONDITIONS THEREFOR; AND PROVIDING FOR THE PAYMENT OF A FEE FOR THE ISSUANCE OF SUCH PERMIT; AND PRESCRIBING THE HOURS WHEN BEER MAY BE SOLD; AND PRESCRIBING THE PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

Section 1. A Beer Permit Board is hereby created, which shall consist of three (3) members who are residents of the City of Belle Meade, to be appointed by the Mayor, and approved by the Commissioners, who shall hold office for a period of two (2) years and until their successors are appointed and confirmed. Any vacancy in the Board by death, resignation, or other cause shall be filled in the same manner as an original appointment. All members of the Board shall serve without compensation, and the City Manager shall serve as Secretary, but shall have no vote.

The Beer Permit Board shall organize by the election of a Chairman. The Board shall hold one regular meeting each quarter of the year, commencing the first Monday in the first month following the appointment of its members pursuant to this ordinance. The meeting shall be held at such place within the limits of the City of Belle Meade as the Chairman shall designate from time to time. Minutes of the meetings shall be kept in permanent form and a record shall be kept of the action of the Board with respect to every application for, or renewal of, a permit. The concurring vote of at least two members of the Board shall be necessary for the granting of a permit or the revocation of any permit. Two members shall constitute a quorum. The Minute Book of the Board shall be a public record, and it shall be deposited in the office of the City Manager.

Section 2. The Beer Permit Board is authorized and empowered to adopt such reasonable rules and regulations as it or a majority thereof may deem necessary and proper for the operation and supervision of the business of the permittees in conformity with Chapter 69 of the Public Acts of 1933 and the provisions of the article; provided, that any such rule or regulation shall be subject to revocation at any time by resolution adopted by the Commissioners of the City of Belle Meade.

Section 3. No person shall engage in the sale of beer, or any other beverage, of an alcoholic content of not more than five percent by weight, within the City, without obtaining a permit as herein provided.

Section 4. Manufacture of beer for sale, within the City of Belle Meade, is expressly prohibited.

Section 5. It shall be lawful for the City Treasurer to issue a permit to the holder of a permit issued by the State of Tennessee, for the storage, sale, possession, or receipt of beer, or any other beverage, of an alcoholic content of not more than five percent by weight to whom the Beer Permit Board, hereinafter created, shall have granted a permit in accordance with the provisions of this ordinance, and the provisions of Chapter 69, Public Acts of Tennessee of 1933, upon payment of the permit fee as prescribed in this ordinance.

Section 6. All applications for permits shall be made upon a form prescribed by the Beer Permit Board.

Section 7. There shall be only one class or kind of permit issued by the Beer Permit Board, which shall be a permit to any person or legal organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller, and provided, such beverages may also be sold in regularly incorporated clubs and lodges, upon their obtaining the required permit.

Section 8. The fee for a permit granted by the Beer Permit Board shall be Ten Dollars (\$10.00), per annum.

Section 9. The receipt of the City Treasurer showing that the permit fee has been paid, and the permit issued by the Beer Permit Board shall be conspicuously posted in the house, building, room or place where the business authorized by the permit is conducted.

Section 10. No permit for the sale of beer, or any other beverage of an alcoholic content of not more than five percent by weight shall be issued where such sale would cause congestion of traffic or interfere with schools, churches, or other places of public gathering or otherwise interfere with public health, safety, or morals.

Section 11. It shall be unlawful for the owner or operator of any establishment holding a permit to sell beer in the City between the hours of twelve o'clock Midnight, to eight o'clock A. M., weekdays, and from twelve o'clock Midnight Saturday to eight o'clock A. M., Monday.

Section 12. The Beer Permit Board shall have power to revoke and shall be charged with the duty to revoke any permit issued by it, upon notice to the permittee and hearing thereon for any violation of any provision of Chapter 69 of the Public Acts of 1933 of the General Assembly of Tennessee, for any violation of this ordinance, or where the permittee (a) operates a disorderly place; (b) sells or permits whiskey or other intoxicating liquors to be sold on the premises; (c) permits boisterous or disorderly conduct on the premises; (d) permits minors to congregate about the premises.

Section 13. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than Fifty Dollars (\$50.00) for each such offense. Each day of violation shall be deemed to constitute a separate offense.

Section 14. All ordinances, or part of ordinances, in conflict herewith are hereby repealed.



Mayor



Commissioner



Commissioner



Recorder

Passed on first reading
August 29, 1949

Passed on second reading
September 7, 1949

Passed on third reading
September 13, 1949