

# Beer Permit Information and Application Packet

*All information and payment needs to be received  
no less than 2 weeks prior to the Beer Board Meeting.  
(1<sup>st</sup> Tuesday of each month.)*

For assistance please call:

Tonya Simmons

Manchester Police Department

931-728-2099

Please do not mail payments without discussing this with Tonya.

# Ordinance for Beer Sales

**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.
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- 8-207. Application requirements for a beer permit.
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- 8-209. Issuance of beer permits to hotels, clubs, etc.
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- 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.
- 8-219. Beer permit holders operating mobile food units may sell beer from  
such units.

**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.** Any permittee of the city having a permit for sale of beer for on premises consumption may sell beer for on premises consumption at any time when a permittee of the Tennessee Alcoholic Beverage Commission having a permit for sales for on premises consumption (liquor by the drink) may lawfully make sales for on premises consumption.

Any permittee of the city having a permit for sale of beer for off premises consumption may sell beer for off premises consumption at any time where a permittee of the Tennessee Alcoholic Beverage Commission having a permit for sale for off premises consumption of alcoholic beverages may lawfully sell beer. (1972 Code, § 2-221, as amended by Ord. #1557, July 2018 *Ch20\_5-7-19*, and replaced by Ord. #1651, May 2022 *Ch21\_07-05-22*)

**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)

**8-219. Beer permit holders operating mobile food units may sell beer from such units.** (1) All beer permit holders must operate a permanent fixed place of business in the City of Manchester.

(2) Any City of Manchester beer permit holder and any holder of a State of Tennessee brewers' permit allowed to make retail or restaurant sales pursuant to Tennessee Code Annotated, § 57-5-101(c)(1), who or which also lawfully operates a mobile food unit pursuant to title 9 of Manchester Municipal

Code, may make beer sales from such mobile food unit within the City of Manchester under the following circumstances:

(a) Any City of Manchester beer permit holder who or which is also a caterer as defined by Tennessee Code Annotated, § 57-4-101(14) may make sales of beer within the City of Manchester coextensive with any sales of alcoholic beverages allowed by the ABC caterers' license.

(b) Except as set forth in subsection (a) above no sales shall be made at times not otherwise permitted by code § 8-215.

(c) Each permit holder shall comply with all state laws regarding the wholesale purchase, transportation and storage of beer.

(d) Sales of beer from a mobile food unit shall be restricted to closed containers. The mobile food unit operator shall advise or shall prominently display a clearly legible sign on such unit advising its customers of the city's prohibition of drinking, consuming or possession of open containers of beer in public areas which is set forth in § 11-101.

(e) The sale of beer from each such mobile food unit shall not exceed twenty percent (20%) of total sales made from each unit at any location in any one (1) day.

(f) Sales of beer from mobile food vendors shall be permitted only in the following zones: Commercial, Residential, Industrial.

(g) No mobile food vendor may make sales of beer at any event required to have a special event permit pursuant to title 16, chapter 4 unless the sponsor of the event has obtained a special event permit.

(h) This code section, to the extent applicable, shall supersede any provision of § 8-218 in conflict.

(i) Each mobile food unit shall prominently display a copy of the permit holder's beer permit.

(j) An annual fee of one hundred dollars (\$100.00) is required for each mobile food unit selling beer. (as added by Ord. #1603, Oct. 2020 *Ch21\_07-05-22*)

# Applicant's Checklist

Review the checklist for items needed.

Bring all items required on the checklist to  
Tonya Simmons at the Manchester Police Department.

Please do not mail payments unless you have talked to  
Tonya Simmons about the amount due.

931-728-2099

# Applicant's Checklist

- \_\_\_\_\_ I received a copy of the Ordinance for Beer Permits.
  - \_\_\_\_\_ I provided a copy of the City of Manchester Business License with the application.
  - \_\_\_\_\_ I provided a copy of the Lease Agreement if I am leasing the property.
  - \_\_\_\_\_ I provided the Police Department with a copy of my/applicant's photo I.D.  
(Please provide I.D. for each Background Check.)
  - \_\_\_\_\_ I have completely filled out separate applications for each person having at least 5% ownership interest in the business.  
*Application has been filled out and signed as name appears on the ID card.  
Fill in all the blanks. If a question does not apply to you put N/A on that line.*
  - \_\_\_\_\_ I understand that application and fees should be received two weeks before the scheduled beer board meeting.
  - \_\_\_\_\_ I understand that the fee is **non-refundable**.
    - Pay onetime Permit fee                      \$250.00
    - Pay onetime Investigation fee        \$ 30.00        (For each Background Check.)
    - Annual Beer Permit Fee                \$ \_\_\_\_\_ / \_\_\_\_\_ (Pro-rated @ \$8.33 per month)
  - \_\_\_\_\_ I am paying the Total Amount Due.        \$ \_\_\_\_\_
- Meetings are held on the 1<sup>st</sup> Tuesday of each month.
- \_\_\_\_\_ I am scheduled to appear at the Beer Board meeting on \_\_\_\_\_, 2024 at 6:30pm.
  - \_\_\_\_\_ I can call Tonya (931-728-2099) on the day after the scheduled board meeting to see if the permit was approved and when it will be ready to pick up.
  - \_\_\_\_\_ I understand that if there is already a Beer Permit for this location...the old permit will need to be turned in before the new permit is released.
  - \_\_\_\_\_ I will provide a copy of the Sales Tax "Certificate of Registration" to the Manchester Police Department.



Date: \_\_\_\_\_

Business Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Sign Name: \_\_\_\_\_

Tonya J. Simmons \_\_\_\_\_

# Application for Beer Permit

When printing application,  
please do not print on both sides of the page.

Fill out application completely (leave nothing blank).

Separate applications need to be filled out for each person  
needing a background check.

All information and payments need to be received  
no less than 2 weeks prior to the Beer Board Meeting.  
(1<sup>st</sup> Tuesday of each month.)

**City of Manchester Beer Permit Application**

**ALL INFORMATION MUST BE FILLED IN BY APPLICANT FOR APPROVAL**

The applicant certifies and affirms that no person, firm, 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 crimes involving moral turpitude within the past ten years, and agrees to abide by the ordinances of the City of Manchester, Tennessee and the State of Tennessee regulation the possession, sale, manufacture or transportation of beer or other alcoholic beverages and agrees that compliance with the law is a condition of the license. State law requires the permit to be held by the owner of the business.

The State of Tennessee requires all beer permit holders to furnish us with a copy of the sales and use tax "Certificate of Registration" form #13-002-0104.

Name of Business \_\_\_\_\_ Phone # \_\_\_\_\_  
(Please provide copy of Business License.)

Business Address \_\_\_\_\_

Previous Name of Business \_\_\_\_\_

Name and Address of Property Owner \_\_\_\_\_  
(If property is being leased, a copy of the lease agreement will need to be submitted with this application.)

Names, addresses and phone numbers of any persons, firms, corporations or associations having any ownership interest in the business.  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's representative's name and address to receive annual tax notices or any other communication from the Beer Board. \_\_\_\_\_

Applicant is seeking a permit to engage in the business of  
\_\_\_\_\_ On-premises consumption \_\_\_\_\_ Retail  
\_\_\_\_\_ Off-premises consumption \_\_\_\_\_ Wholesale  
\_\_\_\_\_ On and Off-premises consumption \_\_\_\_\_ Manufacturing

**BACKGROUND CHECK INFORMATION** (Attach copy of Photo ID)

Name of Applicant \_\_\_\_\_ Company Title \_\_\_\_\_

Applicant's Address \_\_\_\_\_ Phone # \_\_\_\_\_

Applicant's Date of Birth \_\_\_\_\_ Applicant's Social Security # \_\_\_\_\_

All addresses of Applicant in the last 5 years \_\_\_\_\_  
\_\_\_\_\_

Submitted this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

I certify that the information provided herein is true and correct to the best of my knowledge.

Applicant Signature \_\_\_\_\_