



July 22, 2024

Alcoholic Beverages

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Alcoholic Beverages

Private Acts of 1949 Chapter 797

SECTION 1. That the County Court of Montgomery County, under the provisions of Section Nine of Article Eleven of the Constitution, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of not less than two-thirds of the total number of members thereof; a meeting for the purpose of using these powers may be called on notice given by the County Judge or three members of the County Court.

SECTION 2. That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be valid after three readings at intervals of not less than ten days of the ordinance; after the first reading and within the ensuing ten days publication of the action entered upon the minutes shall be made two times in a newspaper or newspapers of general circulation in said County; the second reading shall be at a regular or at an adjourned meeting, the date of which shall be fixed at the first reading, and the third reading shall be after a similar publication and at a regular or adjourned meeting, the date of which was so fixed; each publication notice shall be sufficient to inform the public as to the content of the ordinance and upon passage the ordinance shall be enrolled for public inspection in an indexed book in the office of the County Court Clerk, and all expense of publication and enrollment shall be paid by the County.

SECTION 3. That acting as herein set forth, said County Court may by ordinance: (sic) (1) provide for the taxation of advertisements of beer, ale or any beverage that contains alcohol, such tax to be based by classification on the size, visibility, number of hours used, position on any highway, tendency to obscure the vision of users of the highway, blinding effect, or effect on traffic safety of signs and signals to promote safety, location and character of the advertising, whether indoors or outdoors if visible from a public place, whether painted or lighted, moving or still, as set forth in said ordinance, provided, this shall not apply to advertisements in newspapers or periodicals; (2) provide for reports, methods, regulations for the collection of such taxes; (3) provide that a failure to comply shall be a misdemeanor and also that when any tax is not paid in accordance with such ordinance, the tax shall be triple that otherwise provided if the liability for payment has to be established by county authorities; (4) provide as a condition to enforcement that the net returns of revenue from advertisements within any municipal corporation shall be proportionately divided between the county and said municipal corporation, with an allowance of not more than twenty per cent (20%) of the gross returns to said County for administration.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1949.

Private Acts of 1949 Chapter 916

SECTION 1. That the County Court of Montgomery County, under the provisions of Section 9 of Article 11 of the Constitution, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of the total number of members thereof; a meeting for the purpose of using these powers may be called on notice given by the County Judge or three members of the County Court.

SECTION 2. That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be valid after three readings at intervals of not less than ten days of the ordinance; after the first reading and within the ensuing ten days publication of the action entered upon the minutes shall be made two times in a newspaper or newspapers of general circulation in said county; the second reading shall be at a regular or at an adjourned meeting, the date of which shall be fixed at the first reading, and the third reading shall be after a similar publication and at a regular or an adjourned meeting, the date of which was so fixed; each publication notice shall be sufficient to inform the public as to the content of the ordinance and upon passage the ordinance shall be enrolled for public inspection in an indexed book in the office of the County Court Clerk, and all expenses of publication and enrollment shall be paid by the County.

SECTION 3. That acting as herein set forth said County Court may by ordinance: (1) regulate the sale of beer and ale, the places in which it may be consumed, the location and the hours and circumstances under which it may be sold and/or consumed, the disposition of containers and its transportation by retailers, and prohibit amusement devices, musical instruments, dancing facilities, chairs and tables, and require that the buildings in which beer is sold be so constructed as to facilitate regulation of operation, and be so located and arranged that side doors, back doors, closets, ante-rooms or other space may not

be used to prevent or make difficult a brief inspection of the premises and fix the general location of the places of business, and (2) provide that any violation of such ordinance is a misdemeanor, and (3) provide that a third violation shall be a felony, and (4) provide that upon a second conviction of a misdemeanor any Court in the County may require that a bond to keep the peace, as provided for in the Code of Tennessee, may be required as a consideration to further operation by the offenders.

SECTION 4. That the provisions of this Act are hereby declared to be severable; and that if any section, provision, exception, sentence, clause, phrase, or part of this Act be held unconstitutional or void, the remainder of the Act shall continue in full force and effect, it being the Legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included in the same.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 15, 1949.

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