

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 5, ARTICLE IV, SECTION 5-108,
RELATIVE TO LOCATIONS AND SIGNS FOR LIQUOR
STORES.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 5, Article IV, Section 5-108(a), be and is hereby amended by deleting the subsection in its entirety and substituting in lieu thereof the following:

- (a) No lot proposed for a liquor store site may be located within five hundred (500) feet from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in this requirement), place of worship, school (an academic learning center whether public or private, from the level of nursery through twelfth grade), day care center or other liquor store. Measurement shall be made from the nearest property line of the applicant's premises to the nearest property line of the above mentioned uses. Measurements for leased premises shall be measured from the property line of the applicant to the nearest property line of the above mentioned uses measured on a straight line basis. For purposes of this subsection, the applicants' property line on leased premises shall be construed to be the nearest point of a leasehold line.

(b) (1) The distance prohibition set forth in Subsection (a) shall not apply to a retail license or permit within the areas zoned C-3 Central Business District or C-7 North Shore Commercial Zone for liquor stores that have gross sales of distilled beverages (defined as: “alcoholic beverages other than wine and beer (both high alcohol content beer as defined by T.C.A. § 57-3-101 and beer as defined by T.C.A. § 57-5-101)”) that is thirty-three (33) percent or less than the total gross sales of the liquor store.

(2) All liquor stores located within the areas zoned C-3 Central Business District or C-7 North Shore Commercial Zone shall file each calendar year (by no later than February 15 of each year), with the Land Development Office, or its successor, a sales report for the year stating the liquor store’s total gross sales and the liquor store’s gross sales of distilled beverages. The report shall be certified by a Tennessee Certified Public Accountant.

(3) Should the gross sales of distilled beverages exceed thirty-three (33) percent of the total gross sales of the liquor store for a calendar year, the liquor store’s right to sell distilled beverages shall be suspended for one (1) year.

(4) Should a liquor store fail to file the report required in Subsection (a)(2) by February 15, the liquor store’s right to sell distilled beverages shall be immediately suspended and the right to sell distilled beverages will not resume until the liquor store has complied with Subsections (b)(2) and (b)(3).

SECTION 2. BE IT FURTHER ORDAINED, That Part II, Chattanooga City Code, Chapter 5, Article IV, Section 5-108(b), be renumbered as Section 5-108(c).

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two
(2) weeks from and after its passage.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

KJR/mem