

1ST READING 1-13-09
2ND READING 1-20-09
INDEX NO. _____

ORDINANCE NO. 12205

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTIONS 5-75(b) AND (c), TO PROHIBIT ISSUANCE OF PERMITS FOR THE SALE OF BEER OR OTHER ALCOHOLIC BEVERAGES NEAR DAY CARE CENTERS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 5, Sections 5-75(b) and (c), be and are hereby amended by deleting same in their entirety and substituting in lieu thereof the following:

(b) The sale of beer or other beverages of like alcoholic content for consumption on the premises within five hundred (500) feet, or two hundred (200) feet for consumption off the premises, as measured from any doorway entrance to the building of the applicant regularly used for public ingress or egress to the nearest doorway entrance to the school, church, adult-oriented establishment as defined in Chattanooga City Code, § 11-422(a), or other place of public gathering regularly used for public ingress or egress, specifically including day care centers for eight (8) or more children under 17 years of age for group care as defined in the Chattanooga Zoning Ordinance, shall be prohibited; provided however, this prohibition shall not apply to any proposed permit location within the area zoned C-3 Central Business District or C-7 North Shore Commercial Zone or to any proposed permit location within five hundred (500) feet of Coolidge Park, Ross's Landing Park and Plaza, Miller Park and Plaza, Sanctuary Skate Park at Finley Stadium, East Brainerd Park, the Walnut Street Bridge or the area of Warner Park occupied by the Chattanooga Zoo; provided, further, that this distance proximity prohibition shall not apply to any location that has heretofore been issued a valid permit to sell, store or manufacture beer or other beverages of like alcoholic content under previous distance proximity restrictions contained in Ordinance No. 6777, dated July 23, 1974, Ordinance No. 6978, dated November 18, 1975, Ordinance No. 7679, dated June 17, 1980, or Ordinance No. 8021, dated July 20, 1982, but if any such permittee shall cease or discontinue the sale of beer for

six (6) months, then the distance proximity prohibition contained in this section shall thereafter apply to such locations.

(c) All applicants for a beer permit shall be required in their application to list and identify all schools, churches, or other places of public gathering, specifically including day care centers for eight (8) or more children under 17 years of age for group care as defined in the Chattanooga Zoning Ordinance, which are believed to be within the distance specified in paragraph (b).

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

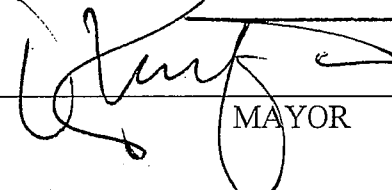
PASSED on Second and Final Reading

January 20, 2009.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 1-23, 2009


MAYOR

PAN/add