

**First Reading: January 21, 2020**  
**Second Reading: January 28, 2020**

ORDINANCE NO. 13531

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, ARTICLE III, DIVISION 2, SECTION 5-71, RELATIVE TO TEMPORARY BEER PERMITS; SECTION 5-75, RELATIVE TO DISTANCE REQUIREMENTS; AND SECTION 5-87, RELATIVE TO STATION STREET, AND TO ADD CHATTANOOGA CITY CODE, PART II, CHAPTER 5, ARTICLE III, DIVISION 2, SECTION 5-89, RELATIVE TO TRAINING.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 5, Article III, Division 2, Section 5-71(c), be and is hereby amended by striking the subsection and adopting in lieu thereof the following:

**Sec. 5-71. Required generally – application.**

- (c) The applicant for a permit for the sale of beer or other beverage of like alcoholic content shall pay to the city treasurer an application fee of two hundred fifty dollars (\$250.00), imposed for the cost of investigating the location and the character of the applicant, for each location for which a beer permit is sought. Such fee shall apply to all applications for each and every classification of beer permit including any initial or first time application and shall further apply to applications for a transfer of a permit to a new owner or a new location. Such fee does not apply to applications for a temporary thirty (30) day beer permit. This fee is non-refundable and shall be in addition to any other fees or taxes specified herein.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 5, Article III, Division 2, Section 5-71(f), be and is hereby amended by striking the subsection and adopting in lieu thereof the following:

**Sec. 5-71. Required generally – application.**

- (f) (1) Temporary beer permits not to exceed thirty (30) days' duration may be issued at the request of an applicant for scheduled sporting, recreation, amusement, dining, entertainment, and other similar events and activities and shall specify with reasonable particularity the premises on which the permit shall be valid and the time or times during which the permit shall be valid.
- (2) Temporary beer permits may be issued upon the same conditions governing permanent permits; provided that such a temporary permit shall not allow the sale, storage or manufacture of beer on publicly owned property, except that a temporary permit authorizing the sale of beer on public property may be issued to the following subject to the approval of the appropriate governmental authority charged with the management of such publicly owned property:
  - (a) A bona fide charitable or nonprofit or political organization as defined in T.C.A. § 57-4-102;
  - (b) An applicant for a Festival License issued by the Tennessee Alcoholic Beverage Commission pursuant to T.C.A. 57-4-102(16), provided that the temporary beer permit shall be effective only for the dates and times of the Festival License issued by the Tennessee Alcoholic Beverage Commission.
- (3) The applicant for a temporary beer permit shall pay to the city treasurer an application fee, imposed for the cost of investigating the location and the character of the applicant, of one hundred dollars (\$100.00) for a one-day permit plus fifty dollars (\$50.00) for each additional day of the temporary beer permit, providing, however, that the maximum fee for a temporary thirty (30) day beer permit is two hundred fifty dollars (\$250.00). This fee is non-refundable and shall be in addition to any other fees or taxes specified herein.

SECTION 3. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 5, Article III, Division 2, Section 5-75(b), be and is hereby amended by striking the subsection and adopting in lieu thereof the following:

**Sec. 5-75. When to be refused.**

- (b)(1) 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 seventeen (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 UGC Urban General Commercial Zone or zoned pursuant to the Downtown Form-Based Code (City Code Chapter 38, Article XVI) 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 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.
- (2) The distance requirement for the on premise consumption of beer brewed on the premises does not apply within the area zoned M-1 Manufacturing Zone to any brewery that has as its principal purpose the wholesale production of beer for consumption off the premises.

SECTION 4. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 5, Article III, Division 2, Section 5-87(g), be and is hereby amended by striking the subsection and adopting in lieu thereof the following:

**Sec. 5-87. Consumption of alcoholic beverages and beer prohibited in certain places; open containers of alcoholic beverages and beer prohibited in certain places.**

- (g) This section shall not prohibit the consumption of beer or alcoholic beverages on Station Street located between Market Street and Rossville Avenue during times that the following conditions are met:

- (1) All beer and alcoholic beverages on the premises are sold and served only by a business located within or adjacent to Station Street;
- (2) All beverages, whether alcoholic or not, are dispensed in paper or plastic cups that are clearly labeled with the words "Station Street" and/or "STST" and/or a Station Street logo and that all businesses located within or adjacent to Station Street utilize cups with a uniform design;
- (3) Signs are erected at exits from Station Street giving conspicuous notice to pedestrians that beer and alcoholic beverages may not be removed from Station Street; and,
- (4) No beer or alcoholic beverages may be sold at any location defined in subsection (b) of this section.

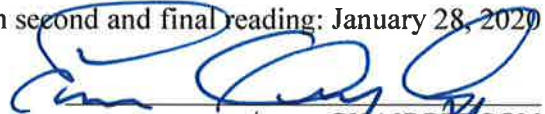
SECTION 5. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 5, Article III, Division 2, is hereby amended by adding Section 5-89 as follows:

**Sec. 5-89. Training.**


- (a) No entity holding a beer permit shall employ any person in the selling or serving of beer who does not possess either a server permit from the Tennessee Alcoholic Beverage Commission or a certificate of training from a trainer approved by the Beer Board. It is made the duty of the permittee to see that each person selling, dispensing, or serving beer in the permittee's establishment possesses such a permit or certificate, which permit or certificate must be on the person of such employee or on the premises of the permitted establishment and subject to inspection by the City or its duly authorized agent when the employee is engaged in the performance of that employee's duties for the permittee or, in the case of temporary permits, before the event begins.
- (b) Applicants for new beer permits must comply with subsection (a) within sixty (60) days of being issued a beer permit or, in the case of temporary permits, before the event begins.
- (c) This section shall not apply to any entity that possesses a license from the Tennessee Alcoholic Beverage Commission or is certified as a Responsible Vendor by the Tennessee Alcoholic Beverage Commission.
- (d) The beer board shall have the power to revoke or suspend, and shall be charged with the duty of revoking or suspending, a beer permit in case of violation of this section. In addition the beer board shall have the power to require additional training in the case of violation of this section or any other section of the beer code.

SECTION 6. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Section 5 of this Ordinance shall take effect sixty (60) days from and after its passage and the remaining sections shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: January 28, 2020

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

  
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MAYOR

KJR/mem/v6