

ORDINANCE NO. 13118

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 5, ARTICLE III, TO AMEND SECTIONS
5-47, 5-48, AND 5-78 RELATIVE TO BEER IN THEATERS.

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 1, Section 5-47, is hereby amended by substituting in lieu thereof subsections (c) and (d) only as follows:

Sec. 5-47. Hours regulated.

(c) No permittee whose permit authorizes sale for on premise consumption shall be open for business except during hours authorized by this section for consumption of alcoholic beverages or malt beverages on the licensed premises. However, this section shall not apply to an on premise consumption permittee having a dining room seating capacity of at least fifty (50) people at tables whose annual sales of food prepared in a fully functioning and sanitary kitchen, non-alcoholic beverages, non-malt beverages, and other commodities sold upon the premises comprise more than fifty percent (50%) of the permittee's annual gross sales and where the sale of malt beverages and alcoholic beverages is merely incidental to the business or to a theater as defined at Tenn. Code Ann. § 57-4-102(37). The burden of proof shall be on the permit holder to establish their percentage of sales of food, non-alcoholic beverages, non-malt beverages, and other commodities.

(d) No person who holds a beer permit for premise consumption shall allow any person under the age of twenty-one (21) to be in, frequent or loiter about the premises of the licensee unless such underage person is accompanied by their parent or their legal guardian after 6:00 o'clock p.m. However, this section shall not apply to an on premise consumption permittee having a dining room seating capacity of at least fifty (50) people at tables whose annual sales of food prepared in a fully functioning and sanitary kitchen, non-alcoholic beverages, and other commodities upon the premises comprise more than fifty percent (50%) of the permittee's annual gross sales and where the sale of beer and alcoholic beverages is merely incidental to the business or to a theater as defined at Tenn. Code Ann. § 57-4-102(37). The burden of proof shall be on the permit holder to establish their percentage of sales of food, non-alcoholic beverages, and other commodities. Any establishment violating this provision shall, after the first offense, be required by the Beer Board to present a plan as to how the establishment will assure there will be no further violations. Any violation may result in the permittee's license being suspended and, once a plan is submitted, three (3) subsequent violations within any twelve (12) month

period, calculated from the date of the first subsequent violation, shall result in the revocation of the beer permit. The provisions of this subsection shall not apply to a temporary permit.

SECTION 2. BE IT FURTHER ORDAINED That Chattanooga City Code, Part II, Chapter 5, Article III, Division 1, Section 5-48, is hereby amended by substituting in lieu thereof subsection (b) only as follows:

Sec. 5-48. Offenses involving minors; loitering; gambling.

(b) No permittee shall allow any person under the age of twenty-one (21) years to loiter about his place of business, the burden of ascertaining the age of such customer shall be upon the owner or operator of such place of business; provided, that nothing herein shall be deemed to prohibit the employment of persons age eighteen (18) years of age or over. This section shall not apply to a theater as defined at Tenn. Code Ann. § 57-4-102(37).

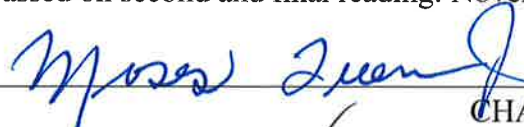
SECTION 3. BE IT FURTHER ORDAINED That Chattanooga City Code, Part II, Chapter 5, Article III, Division 2, Section 5-78, is hereby amended by substituting in lieu thereof subsections (c) only as follows:

Sec. 5-78. Hotels, clubs, lodges, poolrooms, theaters.

(c) *Motion picture theaters.* Permits may be issued under this division to theaters as defined at Tenn. Code Ann. § 57-4-102(37).

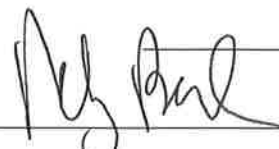
SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: November 15, 2016



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR