

Ordinance No. 252

An Ordinance to Amend the Ashland City Municipal Codes, Title 8, Chapter 2; Beer, in order to allow On-Premise consumption of beer in certain establishments located within the corporate limits of Ashland City, Tennessee.

WHEREAS, The Board of Mayor and Aldermen wishes to provide opportunities for the expansion of businesses within the Town limits; and

WHEREAS, The Board of Mayor and Aldermen believe that expanding the permitted sale of beer will attract new or expanded businesses to the Town of Ashland City.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ASHLAND CITY, TENNESSEE: that the Municipal Codes of Ashland City shall be amended as follows:

SECTION I.

Title 8, Chapter 2, Section 8-203, Hours of Sale, subsection (2); shall be deleted in its entirety. Title 8, Chapter 2, Section 8-211, Restrictive Nature; shall be amended by deleting the sentence: "Beer permits for the retail sale of beer are restricted by the beer board so as to authorize sales only for off-premises consumption."

SECTION 2.

Title 8, Chapter 2, Section 8-211, Restrictive Nature; shall be amended by adding the following language:

(1) "On-premise" permit. A permit may be issued to a business engaged in the sale of beer where the beer is to be consumed by the purchaser or his/her guests upon the premises of the seller. No on-premises type permits will be issued authorizing the storage, sale, or manufacturing of beer unless the permittee meets the following qualifications defining a restaurant, special permit, golf course, or hotel:

(a) Restaurant: A restaurant shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, each place being provided with adequate and sanitary kitchen and dining room *equipment and seating capacity of at least sixteen (16) people at tables, having employed* therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted; to qualify as a "restaurant" hereunder, receipts from the sale of food shall be at least 60% of the total gross receipts *in* any consecutive month period for the business establishment.

(b) Hotel: "Hotel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which fifty (50) or more rooms are used for the sleeping

accommodations of such guests and having one (1) or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least seventy-five (75) at tables, where meals are regularly served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operations of a restaurant on their premises and the holder of such franchise shall be included in the definition of hotel herein. To qualify as a "hotel" hereunder, receipts from the sales of alcoholic beverages shall not exceed 40% of the total gross receipts in any consecutive two-month period for the business establishment.

Hotel also means and includes all entities previously described wherein sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which thirty (30) or more suites are used for sleeping accommodations of such guests and having eating facilities in each room for four (4) or more persons with an adequate and sanitary central kitchen from which meals are regularly prepared and served to guests in such suites. For the purpose of this section a suite is defined as a guest facility within a hotel where living, sleeping, and dining are regularly provided for such guests within the individual units provided for guests. Provided, however, that no such hotel or suite as defined in this subdivision shall be authorized to charge for, inhibit or otherwise interfere in any way with the rights of its guests or tenants to carry into rooms or suites rented by them their own bottles, packages or other containers of alcoholic beverages or to use or serve them to themselves, their own visitors or guests within the individual units rented or leased by them.

(c) Special occasion permit: "Special occasion permit" means a permit, which the board may issue to a bona fide charitable, nonprofit or political organization. Such a permit may be issued for no more than one time per month by the permittee, with each use being limited in duration to a maximum of seventy-two (72) consecutive hours, subject to the limitations on hours of sale by this chapter. Written notice of the time and place of each intended use shall be given the director of codes or the Mayor's designated representative at least five (5) business days before the event.

(d) Golf course: A recreational facility developed for the primary sport of golf, not to be less than nine (9) holes, managed and regularly maintained by the operator of the facility. To qualify as a "golf course" hereunder, receipts from the sales of alcoholic beverages shall not exceed 40% of the total gross receipts in any consecutive two-month period for the business establishment.

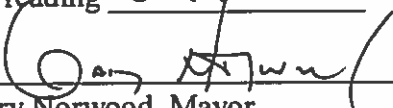
(2) "Off-premise" permit. An Off-premise permit may be issued to a business engaged in the sale of beer for consumption and not resale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller.

SECTION 3. This Ordinance shall take effect 20 days after its 2nd passage the public welfare requiring it.

1st reading 4-9-02

Public Hearing 5-14-02

2nd reading 5-14-02



Gary Norwood, Mayor



Phyllis Schaeffer, City Recorder