

ORDINANCE 18-06

AN ORDINANCE AMENDING TITLE 8 OF THE SPRINGFIELD MUNICIPAL CODE BY AMENDING CHAPTER 2 ENTITLED "BEER" BY RESCINDING SECTION 8-211 ENTITLED "MINIMUM DISTANCE FROM CHURCH OR SCHOOL" IN ITS ENTIRETY AND SUBSTITUTING A NEW SECTION 8-211 TO READ AS SET FORTH IN "EXHIBIT A" ATTACHED

Whereas, the Board of Mayor and Aldermen desires to reduce the minimum distance requirement from schools, daycares, parks, playgrounds, churches, and other places of public gathering for on-premise beer permit holders.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Springfield, Tennessee as follows:

Section 1. Title 8 of the Springfield Municipal Code is hereby amended by amending Chapter 2 entitled "Beer" by rescinding Section 8-211 entitled "Minimum Distance from Church or School" in its entirety and substituting a new Section 8-211 entitled "Minimum Distance from Church or School" to read as set forth in "Exhibit A" attached.

Section 2. All ordinances, resolutions and policies in conflict herewith shall be rescinded to the extent of the conflict only.

Passed 1st reading April 17, 2018

Passed 2nd reading May 15, 2018

Passed 3rd reading June 19, 2018



Ann Schneider, Mayor

Attest:



Lisa Crockett, City Recorder

Ordinance 18-06
Exhibit A

8-211. Minimum distance from church or school. Conditions under which issuance of permit is prohibited are as follows:

(1) General. In the consideration of such application the city recorder and/or the beer board shall take into consideration the proximity of schools (public or private), daycares, parks, playgrounds, churches, and other places of public gathering, and interference with public health, safety and morals.

No permit shall be issued to any person for a location which fails to comply with any health ordinances or any regulation of the department of health or which would violate any zoning and/or code ordinances of the city.

No beer permit shall be issued to any person for the conduct of any business at any point or place in the corporate limits of the city unless such place is zoned for, or authorized to be used for commercial or other purposes, corresponding to the character of the business contemplated in this chapter.

(2) "On-premise" permit. No on-premise type permits shall be issued authorizing the storage, sale, or manufacturing of beer within 100 feet of any school (public or private), daycare, park, playground or church as measured on a straight line from the nearest point of the school (public or private), daycare, park, playground, or church to the nearest point of the building or structure where beer is stored, sold or manufactured, excepting that this provision shall not be applicable to the renewal of any existing permit outstanding as of September 19, 2006; and with the additional exception that there shall be no distance requirement between a permit location and any church that has been granted a conditional use permit within a CG, Commercial General zoning district.

On-premise permits shall not be issued except to (1) eating establishments that possess seating capacities for not less than twenty-five (25) persons and where hot meals or lunches are regularly served and where food revenues make up at least forty percent (40%) of the gross sales of the business, or (2), manufacturers of beer pursuant to the rules and regulations stipulated in TCA Title 57, Chapter 5 and all parts and references contained therein. The premises must be regularly inspected by the State Health Department and have the permit publicly displayed at all times. The premises must be equipped with adequate toilet facilities and handwashing facilities, including hot and cold running water, for use by customers.

This subsection shall not be applicable to qualifying entities who have received a special occasion license under Chapter 4, Title 57 of Tennessee Code Annotated.

(3) "Off-premise" permit. No off-premise type permit will be issued authorizing the storage, sale or manufacturing of beer within 100 feet of any school (public or private), daycare, park, playground, or church as measured on a straight line from the nearest point of the school, daycare, park, playground, or church to the nearest point of the building or structure where beer is stored, sold or manufactured, excepting that this provision shall not be applicable to the renewal of any existing permit outstanding as of September 19, 2006; and with the additional exception that there shall be no distance requirement between a permit location and any church that has been granted a conditional use permit within a CG, Commercial General zoning district.

(4) Conditions of permit. Every person to whom a beer permit is issued agrees to the following conditions:

a. The premises are declared to be a public place for the purpose of inspection by city inspectors, by officers of the police department or by any other duly authorized law enforcement officer.

b. The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to the storing, sale, distribution by sale or gift or manufacture of beer, and shall permit the city recorder or his duly authorized agents, representatives or employees to inspect, at any time during normal business hours, all such invoices, books, papers and memoranda as may be deemed necessary in the opinion of the city recorder or his authorized agent, representative or employee in ascertaining whether or not all revenue and taxes have been paid or in determining the amount of such taxes that may be due.

(5) Revocation. Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises to the same business enterprise or its employees operating the premises until after the expiration of one (1) year from the date such revocation becomes final and effective; provided however, said premises shall be eligible for the issuance of a new beer permit to a business enterprise or its employees, an owner and/or a lessee who was not subject to the revocation of a beer permit at such location provided all

requirements of the code regarding the location of on and/or off-premises beer permits shall be met. However, a permit shall not be issued to a partner, employee, associate or relative of the holder of a revoked permit if said relationship existed at the time of the offense.

(6) Revocation or suspension; proximity to schools, daycares, churches or places of public gathering.

a. The City shall not suspend, revoke or deny a permit to a business engaged in selling, distribution or manufacturing beer on the basis of the proximity of the business to a school (public or private), daycare, park, playground, church or other place of public gathering if a valid permit had previously been issued to any business on that same location. This section shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six-month period.

b. For the purposes of this section, "on that same location" means within the boundaries of the parcel or tract of the real property on which the business was located. The provisions of this section apply whether or not business moves the building on the location and whether or not the business was a conforming or nonconforming use at the time of the move.

c. If a business applies for a beer permit within the continuous six-month period referenced in this section, and if the city denies the business a permit and if the business appeals that denial, a new six-month continuous sale period shall begin to run on the date when the appeal of that denial is final.