

ORDINANCE NO. 2011-2

AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE SECTIONS 8-106 AND 8-243 REGARDING THE LOCATION OF ANY ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES WITH MORE THAN FIVE (5%) PERCENT ALCOHOL CONTENT AND BEER OR ALCOHOL WITH LESS THAN FIVE (5%) WITHIN THE TOWN AND PROVIDING FOR A LOCATION EXCEPTION FOR CONTINUING CARE RETIREMENT COMMUNITIES WITH A SPECIAL PERMIT IN AN AREA ZONED HIGH DENSITY RESIDENTIAL DISTRICT.

---

SECTION 1: BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That the current Section 8-106 of the Town Intoxicating Liquors provisions, entitled "Location of Wholesale and Retail Stores Restricted" shall be deleted in its entirety and the following language substituted in lieu thereof:

**Sec. 8-106. Location of Any Liquor Store and/or Establishment Selling Alcoholic Beverages with More than Five (5%) Alcohol Content.**

(1) No liquor store and/or establishment selling alcoholic beverages with more than five (5%) percent alcohol content shall be located anywhere on premises in the Town except on the ground floor thereof. Each such store shall have only one main entrance; however, a wholesale liquor store located on the corner of two (2) streets may have a door opening on each street.

(2) The location of any liquor store shall be located within a Highway Commercial Zone and/or Planned Commerce Center, as defined by the Signal Mountain Zoning Ordinance.

(3) No liquor store and/or establishment selling alcoholic beverages with more than five (5%) percent alcohol content shall be located within five hundred (500') feet, or two hundred (200') feet for consumption off the premises, as measured from any doorway entrance of the establishment regularly used for public ingress and egress to the nearest doorway entrance of any school, church, or other place of public gathering, specifically including day care centers, as defined in the Signal Mountain Zoning Ordinance. This location prohibition shall not apply to any proposed permit location within Continuing Care Retirement Communities with a special permit under the terms of Article XII of the Signal Mountain Zoning Ordinance in an area zoned High Density Residential District (HDR).

(4) No liquor store and/or establishment selling alcoholic beverages with more than five (5%) percent alcohol content shall be permitted to operate within the Town of Signal Mountain until a Certificate is obtained from the Town Council, as required by T.C.A. § 57-3-208 and the Town receives an inspection fee authorized by T.C.A. § 57-3-501, to the maximum amount allowed by the State of Tennessee for the time of operation.

SECTION 2. BE IT FURTHER ORDAINED, That the current Section 8-243 of the Town Beer Permit sections, entitled "When to be refused" shall be deleted in its entirety and the following language substituted in lieu thereof:

**8-243. When to be refused.**

(1) No permit required by this division shall be issued where the operation of the business conducted there under may cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this article or any other law would be violated, including, but not limited to, the zoning laws.

(2) 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, or other place of public gathering regularly used for public ingress or egress shall be prohibited. This location prohibition shall not apply to any proposed permit location within Continuing Care Retirement Communities with a special permit under the terms of Article XII of the Signal Mountain Zoning Ordinance in an area zoned High Density Residential District (HDR).

(3) 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 which are believed to be within the distance specified in paragraph (2).

(4) The town council may, in its discretion, require any applicant for a beer permit to submit as a part of his application a survey by a duly licensed surveyor when a school, church, or other place of public assembly is in close proximity to the applicant's premises; and when, because of limiting conditions such as topography, the accuracy of other methods of measurement is deemed to be inadequate and survey is deemed reasonably necessary to establish an accurate distance relative to the applicant's entitlement to a permit under the provisions of this section.

(5) To the extent that it shall be called to the attention of the town council that it may hereafter have issued any beer permit to a location not qualified under the provision of this section or that a nonconforming permittee within the prohibited distance provision has ceased to sell beer for more than six (6) months, then it shall be the duty of the town council, upon notice to the permittee and an opportunity for the permittee to be heard, to revoke any permits which have been issued in violation of this section.

(6) No permit required by this division shall be issued where a person, firm, corporation, joint stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years, or has had a permit under this chapter revoked within three (3) years or is currently under suspension.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading 4-11, 2011.

Passed Second Reading 4-18, 2011.



---

Mayor



---

Town Recorder