

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 4, ARTICLE III OF THE CODE OF
ORDINANCES TO UPDATE AND AMEND REGULATIONS
REGARDING THE SALE OF BEER FOR OFF-PREMISE CONSUMPTION**

WHEREAS, it is deemed appropriate and in the best interest of the citizens to amend Chapter 4, Article III of the Code of Ordinances to change the distance requirements for establishments selling beer for off-premises consumption and to provide an automatic license revocation provision applicable to those licensees who repeatedly violate the law.

SECTION 1, NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 4, Article III, Sec. 4-71 is hereby amended to add the following language.

- (c) Where the sale shall be for off-premises consumption, the business establishment shall be located no less than five hundred (500) feet (as measured along the center line of the street or streets and such measurement is defined further herein by reference to subsection (b) above) or not less than within a two-hundred-fifty-foot radius in any other direction from the property line of any church (as defined in subsection (b) above) or school (as defined in subsection (b) above). Said five hundred (500) feet and two-hundred-fifty-foot radius restrictions shall be measured in the same manner as that set out in subsection (b) above with regard to on-premise sales. This location restriction is intended to and shall apply only to new beer establishment locations that make application for off-premises sales after the effective date of this subsection (c). This location restriction shall apply to any existing beer establishment location licensed for off-premises sales that ceases to sell, distribute or manufacture beer at that location during any continuous six-month period after the effective date of this subsection (c).
- (d) The location restriction (as defined in subsection (c) above) shall not apply to business establishments located within the boundaries of the Central Business Improvement District or the South Central Business Improvement District (as outlined in Chapter 7 of the Code of Ordinances).
- (e) An applicant, with extenuating circumstances, who was denied a permit under subsection (c) may request a hearing within five (5) days of the denial with the council of the city to discuss such denial, that hearing to be held within ten (10) days of the request. Such request should be submitted in writing to the Chairman of the Council with notification to the Chief Administrative Officer.

SECTION 2, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 4, Article III, Sec. 4-76 is hereby amended to add the following language.

- B. Three violations of the provisions or restrictions of state law or city ordinance during a two-year period by any licensee shall result in the automatic revocation of the licensee's license in accordance with the rules and procedures otherwise established by this ordinance and state law.
- C. Any licensee whose license is revoked shall not be eligible to receive a license for three (3) years from the date of revocation.
- D. No permit for off-premise consumption will be issued for any subsequent applicant for a location where a license has been revoked under this chapter for three (3) years from the date of revocation.

SECTION 3. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

JOE W. BROWN
Council Member

TOM MARSHALL
Council Chairman

Attest:
Patrice Thomas, Comptroller