

ORDINANCE NO. 12990

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 5, SECTION 5-47, RELATIVE TO BEER  
AND ALCOHOLIC BEVERAGES.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 5, Section 5-47 is hereby amended by deleting subsections 5-47(a), 5-47(b), and 5-47(c) in their entirety and substituting in lieu thereof the following:

**Sec. 5-47. Hours Regulated.**

(a) No permittee under this article may sell or give away alcoholic beverages or malt beverages on the licensed premises between the hours of 3:00 a.m. and 8:00 a.m. on Monday through Saturday or between the hours of 3:00 a.m. and 10:00 a.m. on Sundays.

(b) In addition to the requirements set forth in subsection (a) above, no permittee under this article with an on premise permit may permit alcoholic beverages or malt beverages to be consumed on the licensed premises between the hours of 3:00 a.m. and 8:00 a.m. on Monday through Saturday or between the hours of 3:00 a.m. and 10:00 a.m. on Sundays. All alcoholic beverages or malt beverages and all alcoholic beverages or malt beverages glasses and containers must be clear off tables at the end of serving hours. This subsection shall not apply to off premise permits.

(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 whose annual sales of food prepared in a fully functioning kitchen as defined by Section 5-78(c) of this Chapter, non-alcoholic beverages, non-malt 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 malt beverages and alcoholic beverages is merely incidental to the business. 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.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within two (2) weeks upon passage on second reading.

Passed on second and final reading: September 29, 2015

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

  
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MAYOR

KJR/mem/Version 2