

ORDINANCE NO. 17-1084

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO ALLOW AND REGULATE THE SALE OF BEER, FOR ON PREMISES CONSUMPTION, IN RESTAURANTS HOLDING A RED BANK RESTAURANT BEER LICENSE AND BUSINESSES HOLDING A CRAFT BREWER'S LICENSE IN THE CONTEXT OF OUTDOOR DINING/SEATING AREAS AND TO PROHIBIT OUTDOOR CONSUMPTION IN OTHER CONTEXTS

WHEREAS, the City Commission has determined that it is appropriate to provide a systematic set of regulations for the sale and consumption of beer, for license holders/permittees holding a "restaurant beer license" in the City of Red Bank; and

WHEREAS, the City Commission has determined that predictability and utilization of outdoor dining spaces at restaurants holding an on premises restaurant consumption license is appropriate for reasonable regulation within the City of Red Bank.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. Title 8, Chapter 8, Section 209(2) of the Red Bank City Code be and the same is hereby amended by deleting subsection (2) in its entirety and substitute in its place and stead the following:

(2) Restaurant Licenses.

(a) A restaurant license authorizes the sale of beer for on premises consumption in an establishment where fifty (50%) percent or more of the gross receipts of such establishment is derived from the sale of food, or items other than "beer".

(b) A restaurant license shall also authorize the licensee to sell beer, in conjunction with the sale and service of food only, in dining areas or other designated areas of such restaurant(s) including without limitation outdoor dining areas as provided for herein.

(c) Outdoor dining areas must be contiguous to and attached to the licensed building premises and shall have only one means of ingress and egress for customers into and through the licensed building premises unless by special exception permit issued by the Red Bank City Commission. Outdoor dining areas shall and must be enclosed by fencing not less than three (3') feet in height and must follow the screening requirements of Chapter 9, Section 14-901 of the City of Red Bank Zoning Ordinance. Such outdoor dining areas that serve beer must meet all minimum distance requirements of the Red Bank Beer Ordinance and must not encroach upon any city or public right-of-way, street or sidewalk and must be so situated so as not to, in the judgment of the Red Bank City Manager, or designee, impede any sight line distance policies or best practices with respect to nearby roadways. Such outdoor dining areas shall be under the sole control of the licensee. Such outdoor dining areas will not be allowed to be placed between any public roadway and the building premises unless by special exceptions permit issued by the Red Bank Board of Commissioners.

(d) Outdoor dining areas shall not allow any live singing, music or other entertainment or performance which utilizes electrical or amplified music, sounds or speakers. Recorded music, singing, television or other entertainment media is permitted as long as the same shall not be audible off of the premises to the unaided human ear in either any enclosed vehicle or inside any adjacent or nearby enclosed building premises and/or within any residence with windows and doors closed located in any adjacent residential zone. No entertainment media of any sort audible off of the premises regardless of distance shall be allowable between the hours of 11:00 p.m. and 7:00 a.m.

SECTION 2. Title 8, Chapter 8, Section 209(3) of the Red Bank City Code be and the same is hereby amended by deleting subsection (3) in its entirety and substitute in its place and stead the following:

(3) Tavern.

(a) A tavern license authorizes the sale and distribution of beer in an establishment where fifty (50%) percent or more of the gross receipts of such establishment is derived from the sale of beer.

(b) All sales and consumption of beer for a licensee holding a "Tavern License" shall be limited to consumption inside the building premises and no outdoor sales or consumption of beer shall be permitted.

SECTION 3. Title 8, Chapter 8, Section 209(4) of the Red Bank City Code be and the same is hereby amended by adding subsection (c) (1) as following:

(c) (1) All consumption and/or sampling under a craft brewer's sampling license which occurs out of doors shall be required to adhere to the same standards as set forth in Section 209, 2(c) and 2 (d).

SECTION 4. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 5. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.



CITY RECORDER

March 21, 2017

PASSED ON FIRST READING

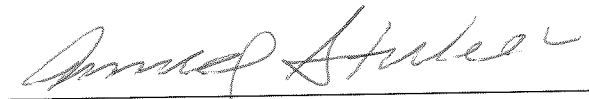
April 4, 2017

PASSED ON SECOND AND FINAL READING



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY