

CITY OF EAST RIDGE

COMMERCIAL PLANS REVIEW

STANDARD OPERATING PROCEDURE



PLANS REVIEW

STANDARD OPERATING PROCEDURES (S.O.P.)

The purpose of this document is to inform all concerned of the process involved in plans review for development projects within the City of East Ridge other than one and two family residential.

Pre-Submittal Meeting

In an effort to improve the efficiency and responsiveness of the process, a system for pre-submittal meetings has been initiated. In attendance are the staff members responsible for review of the site plans (civil drawings) from the appropriate agencies within the city. (SEE attachments H & I) At this time architects, developers, contractors, engineers and/or owners are afforded the opportunity to meet with the reviewers regarding their projects, prior to formally submitting their plans for review.

At this meeting the applicant is asked to make a brief presentation of their project and then the staff reviewers comment and state site specific requirements to be addressed for the project within the scope of their individual responsibilities. In attendance at the pre-submittal meetings are reviewers from Storm Water, Engineering, Traffic Engineering, Waste Resources, and Building Inspection. A site survey worksheet (Attachment A) is given to the applicant in advance, to assist in providing the review staff the information necessary to make the pre-submittal meeting as productive as possible. The applicant is encouraged to ask questions and to contact any member of the review staff for additional assistance. Also, they may schedule another pre-submittal meeting as the project evolves to assure that all requirements for submittal of a complete set of plans have been met.

Plans Submittal Requirements

1. Plans are to be submitted to East Ridge Building Inspection at 1517 Tombras Avenue, between 8:00 AM and 4:00 PM (Eastern Standard Time), Monday through Friday.
2. Full plan sets include all building plans (architectural, structural, mechanical, gas, electrical, plumbing) and site plans (civil drawings). **SITE PLANS MUST PROVIDE ALL REQUIRED INFORMATION TO BE ELIGIBLE FOR REVIEW.** Plans must be clear and legible and drawn to scale. They must also be signed and sealed, as required by state law. Failure to submit a full set of plans will delay the review process. See Attachment B for contact information.
3. Three full sets and three civil sets of plans are required for review
4. Site plans require specific information as prescribed in Attachment C. Attachment C must be filled out, signed by the person that prepared the plan, and submitted with the plans. Site plans will be submitted on size "D" (24 x 36) bond paper.

5. Additionally, a completed Construction Activity Permit, (Attachment D), a completed Building Permit with a check for plans review (Attachment D-1), and a completed Plans Review Contact Form (Attachment E) are required for submittal.
6. Additionally, a completed Construction Activity Permit (see Attachment D for example) and a completed Plans Review Contact Form (Attachment E) are required for submittal.
7. Sprinkler plans must be submitted directly to the local Fire Marshall's office at 4214 Ringgold Road and the State of Tennessee Fire Marshall's office when required.
8. Complete sign plans must be submitted directly to the Chief Building Official of East Ridge at 1517 Tombras Avenue, East Ridge TN 37412 for review.
9. If all required information is provided which meets City standards and policy, the objective is to complete the review process from log-in to issuance of the Construction Activity Permit within ten working days. Pending State of Tennessee Fire Marshall's review of Construction Documents, and TDEC's NPDES permits application, etc...
10. See Attachment F for plans review routing.

Plans Review Process

If during the review, a reviewer has a need for further information to complete or approve a set of plans, the reviewer will use the Plans Review Contact Form (Attachment E) to notify all parties concerned of the need for additional information. Prompt response to the request for additional information will assist in the completion of the review process in a timely manner.

To prevent a backlog of plans whose review has extended beyond the expected review period, the Plans Review Contact Form will be used to contact all concerned parties that the review process has been suspended and that the plans, as submitted, may be retrieved at the plans review office. A written notice to this effect will be sent to all parties concerned. (see Attachment J)

If, after 10 working days, the plans are not retrieved, it will be assumed that the plans, as submitted, have no value to the parties involved and the plans will be discarded.

ATTACHMENT "A"

Site Survey Worksheet

Your ability to provide the following information at the Pre-submittal Meeting will substantially increase the productivity of the meeting.

1. **Location of Project**
 - a. Street Address # _____ Street Name _____
 - b. Nearest Cross Streets _____
 - c. Tax Map # _____ - _____ - _____

2. **Zoning for property involved and for adjacent properties.**
 - a. _____ Property
 - b. _____, _____, _____ Adjacent Properties

3. **Are there "special zoning requirements, design criteria, or conditions" on the property?**
 - a. If yes; what are they; _____ (attach a copy of zoning case, design criteria, or Board of Appeals case)

4. **Locations of Utilities (On property or on adjacent streets)**
 - a. Sewer
 - i. _____
 - ii. _____
 - iii. _____
 - b. Power
 - c. Water
 - i. _____
 - ii. _____
 - d. Catch Basins
 - e. Gas
 - i. City Mains
 - ii. Service Tees, Wyes, stubs
 - iii. Manholes
 - i. Lines
 - ii. Fire service and hydrants

5. **Location of Utility Easements (Sewer, Gas, Water, Power Lines)**
 - a. Do they exist? ___ Yes ___ No
 - b. Location on Property _____

6. **Drainage Easements**
 - a. Do they exist? ___ Yes ___ No
 - b. Location on Property _____

7. **Location of Overhead Power Lines. (high voltage, telephone, cable)**
 - a. Do they exist? ___ Yes ___ No
 - b. Type _____
 - c. Location on or adjacent to property
 - i. _____
 - ii. _____
 - i. On Street: _____
 - ii. Across Property ___ Yes, ___ No

8. **Publicly owned Trees adjacent to Project**
 - a. Existence ___ Yes ___ No
 - b. Location in reference to property. _____

9. **Show Existing Parking & Driveways**

10. **What is the square footage of:**
 - a. Existing Building/s _____
 - b. Expansion / New Building/s _____
 - c. Warehouse / Storage space _____
 - d. Retail Space _____

ATTACHMENT "B"
CITY/COUNTY DEPARTMENT PHONE NUMBERS

Building Inspection (Plans Review) 1517 Tombras Avenue East Ridge, TN 37412	423-867-7711
East Ridge Fire Marshall's Office 4214 Ringgold Road East Ridge, TN 37412	423-867-7100
Hamilton County Health Department 921 East 3 rd Street Chattanooga, TN 37402	423-209-8110
Environmental Health (Groundwater/Flood) 1250 Market Street, Suite 1030 Chattanooga, TN 37402	423-209-7782
Regional Planning Commission (Zoning) 1250 Market Street, Suite 2000 Chattanooga, TN 37402	423-668-2287
Sanitary Sewer Location 1250 Market Street Chattanooga, TN 37402	423-209-7842
Hamilton County Water Quality 1250 Market Street Chattanooga, TN 37402	423-209-7853
Traffic Engineering – Mike Ailey 1517 Tombras Avenue East Ridge, TN 37412	423-892-3169
Air Pollution Control Board 6125 Preservation Drive Chattanooga, TN 37416	423-643-5970
Planning & Design Studio 1250 Market Street, Suite 3010 Chattanooga, TN 37402	423-668-2262

ATTACHMENT "B" continued

UTILITIES

PHONE NUMBERS

Electric 423-648-1372
10 West M L King Blvd.
Chattanooga, TN 37411

Gas 1-800-427-5463
Atlanta Gas/Light Company

Telephone 423-557-6011
BellSouth Telephone

Water
Tennessee American Water Company
New Development of Construction 423-757-7527
Hixson Utility
Eastside Utility

Cable Television 423-855-4300
Comcast Cable

ATTACHMENT "C"

Storm Water & Erosion Control Checklist

Provide Note "Disturbed Acreage=_____."

Provide NOI, NOC, or NPDES permit if Disturbed Acreage is ≥ 1.0 acre.

Provide Notes "Preconstruction Impervious Acreage = _____."
"Postconstruction Impervious Acreage = _____."

If construction results in an increase in impervious acreage, provide a Hydrology Report from a TN P.E. (2 copies).

The Hydrology reports should provide information as follows;

1. Model the 2,5,10,25, and 100-year storm events Pre and Post development.
2. If a runoff increase is calculated ≥ 0.1 CFS for the 2 through 25 yr. Storm events, then provide detention.
3. Size pond to detain the 25 yr. Storm event
4. Provide stage release for the 2 through 25 year storm events.
5. Provide summary table on Page One clearly stating all assumptions and design conclusions.
6. Demonstrate and provide certification that pond outfall structure or piping operates under inlet control for the 2 through 25 yr. Storm event if inlet control is assumed.

Capture and filter the first flush (first $\frac{3}{4}$ inch site rainfall).

Label all site storm water outfalls and provide energy dissipation (rip-rap, etc.)

Provide oil skimmers before storm flow reaches the pond or public storm sewer if drainage is from paved parking.

Provide Note "Number of Oil Skimmers = _____."

Provide Pond dimensions and volume. An inventory of constructed drainage and Engineers Certification will be required prior to the release of the Certificate of Occupancy.

Provide a detail drawing of the staged release outlet structure

Show pond outfall structures and pipes with pipe sizes and materials.

Provide a paved emergency spillway for pond.

Provide Note "Owners Representative for Erosion Control Maintenance Name and Phone #."

Provide Note "Site erosion controls shall be checked and if necessary, repaired weekly and within 24 hours after each rainfall $\geq \frac{1}{2}$ ". In the event of continuous rainfall, erosion controls shall be checked daily.

Provide and label a Concrete Truck Washout Area (if concrete is to be used in project).

Provide Note "All areas to remain bare > 15 days must be temporarily stabilized."

Provide 100 year flood elevation for pre and post development on Grading, Site and Erosion Control Plan.

Provide Note "Project is above the 100 year flood elevation as determined by FEMA flood map _____ Dated Nov 7, 2002". If a 100-yr flood elevation has not been established, then please state. Note: This may be placed on Grading and Site Plan.

Please show and label existing floodways as a shaded area. Note: This may be placed on the grading plan.

Provide a Construction Activity permit (complete with signature of owner or general contractor) with plans submittal.

Provide a completed, signed and stamped Storm water Calculation Summary Sheet with plans submittal.

ATTACHMENT "C" Continued
Storm Water Calculation Summary Sheet

ATTACHMENT "C" Continued

NEW CONSTRUCTION OR ADDITION		x = required
Three (3) Full sets of plans attached	_____	x
Three (3) Separate Civil Sets	_____	x
Completed Building Permit with Plans Review Fee	_____	x
Completed Construction Activity Permit	_____	x
Completed Plans Review Contact Form with Complete Address & Fax Number	_____	x
COMPLETE SITE PLAN DRAWN TO SCALE (1:40, 1:30 or 1:20)		
1. Title of Project w/Address & Parcel Number	_____	x
2. Date of Preparation and All Revisions	_____	x
3. Legend on each page	_____	x
4. Graphic scale (not less than 1" = 40')	_____	x
5. Location map (Recorded Plat or Boundary Survey Stamped and Signed by Licensed Surveyor).	_____	
6. Site Plan with adjacent property shown, Buildings Correctly located and labeled and compass orientation of the parcel shown.	_____	x
7. Zoning of property and surrounding properties	_____	x
8. Bldg location with dimensions, sq ft. F.F.E. and lot dimensions	_____	x
9. Dimensions from bldgs to property lines & easements.	_____	x
10. Location of all easements and utilities, public & private w/dimensions	_____	x
11. Show flood elevations (100-yr flood) and floodways.	_____	if appl.
12. Show walks, truck loading areas and driveways.	_____	x
13. Corrective plat.	_____	If appl.
14. Curb, gutter, sidewalk plan	_____	if appl.
15. Parking layout with entrances, exits and parking ratios	_____	x
16. Building Code Synopsis on first page	_____	x
17. Location and case number of all granted variances	_____	if appl.
18. Dumpster Area with Enclosure Details	_____	if appl.
19. Parking Plan showing required spaces; label Handicap, Regular and Van	_____	x
20. Construction entrances and exits	_____	x
21. Concrete wash-out area	_____	x
22. Street names	_____	x
23. Property relationships to streets and all rights-of-way	_____	x
STORM WATER		
1. Storm water plan / erosion control / grading plan w/City notes	_____	if appl.
2. Hydrology Report (increase of imperviousness) x 2	_____	if appl.
3. Notice of Intent (NOI) {1 + acre}. NOC required before permit will be issued.	_____	if appl.
4. Detention/Retention pond or wetland volume and dimensions	_____	if appl.
5. Existing and planned topographic survey	_____	if appl.
6. Existing and proposed contours (5' intervals or less)	_____	if appl.
7. Site drainage	_____	if appl.
8. New & existing storm drain structures & detention facilities & tie-in City system	_____	if appl.
9. Plan & profile view for all City sewers to be constructed or modified w/all dimensions & utility relationships (including cuts and fills)	_____	if appl.
FLOOR PLAN		
1. Interior partition(s) with dimensions		
a. Label all rooms and spaces as to use	_____	x
b. Label all rated walls & partitions – Ext. & Int.	_____	x
2. Show all openings in int. & ext. walls	_____	x
3. Show openings in floor/ceiling assemblies with dimensions	_____	x
4. Door, Window, finish schedule	_____	x
5. Show plan view of footing layout	_____	x
6. Show sectional of footings	_____	x
ROOF DETAILS		
1. Roof Plan	_____	x
2. Roof Framing Plan	_____	x
ELEVATION DRAWINGS		
1. Complete elevation drawings	_____	x

ATTACHMENT "C" Continued

SECTIONAL DRAWINGS

- | | | |
|-----------------------------------|-------|----------|
| 1. Vertical Wall Section Exterior | _____ | x |
| 2. Vertical Wall Section Interior | _____ | x |
| 3. Sill section | _____ | x |
| 4. Beam details | _____ | x |
| 5. Cornice section | _____ | x |
| 6. Stairway section | _____ | if appl. |

MEPs

- | | | |
|--|-------|----------|
| 1. Electrical drawings include riser diagram | _____ | if appl. |
| 2. Mechanical Drawings include vents | _____ | if appl. |
| 3. Plumbing include riser diagram and/or gas piping drawings | _____ | if appl. |

HANDICAP DETAIL FOR COMMERCIALY USED MOVED BLDGS

- | | | |
|-----------------------------------|-------|---|
| 1. Plan view dimension restrooms | _____ | x |
| 2. Show required turning radius | _____ | x |
| 3. Elevation view with dimensions | _____ | x |

NOTES:

1. Check all boxes that apply.
2. All applicable items must be checked prior to submittal.
3. X = A plan required item
4. The Civil set of plans shall consist of Separate 24" x 36" (D size) sheets for each plan above.
5. Failure to submit plans in the required format will result in non-review by the city and will delay permitting.

I hereby certify that the above information is present and accurately represented on the plans submitted to the City of East Ridge on this day _____, 20____.

By: _____
(Signature)

(Print Name)

Title: _____

BUILDING PERMIT APPLICATION PAGE

CONSTRUCTION ACTIVITY PERMIT PAGE

ATTACHMENT "E"
Plans review contact form

Used by reviewers during plans review process to gain further information or to notify all parties
concerned of permit issuance OR suspension of review.

PROJECT NAME: _____

PROJECT ADDRESS: _____

PRIMARY CONTACT: _____

ADDRESS _____

PHONE NO. _____ **FAX NO.** _____

E-MAIL ADDRESS: _____

PROPERTY OWNER: _____

ADDRESS: _____

PHONE NO. _____ **FAX NO.** _____

E-MAIL ADDRESS: _____

ARCHITECT: _____

ADDRESS: _____

PHONE NO. _____ **FAX NO.** _____

E-MAIL ADDRESS: _____

ENGINEER: _____

ADDRESS: _____

PHONE NO. _____ **FAX NO.** _____

E-MAIL ADDRESS: _____

CONTRACTOR: _____

ADDRESS: _____

PHONE NO. _____ **FAX NO.** _____

E-MAIL ADDRESS: _____

ATTACHMENT "F"

PLANS REVIEW ROUTING

PLANS SUBMITTAL REQUIREMENTS
(Pre-Submittal Meeting)



PLANS SUBMITTED AND LOGGED IN



TECHNICAL SITE REVIEW
(See Attachment G)



SITE REVIEW (Civil Drawings)
(See Attachment H)

- Engineering
- Traffic engineering
- Sanitary/Combined Sewer
- Storm Water Management



CONSTRUCTION ACTIVITY PERMIT MAY BE ISSUED AT THIS TIME



BUILDING REVIEW
(See Attachment I)

- Architectural
- Structural
- Fire/Life Safety
- Mechanical
 - Gas
 - Electrical
 - Plumbing

PLANS APPROVED



BUILDING PERMIT ISSUED



CONSTRUCTION & INSPECTION



CERTIFICATE OF OCCUPANCY

ATTACHMENT “G” SITE REVIEW

Plans are checked for the following site requirements:

- Location Map
- Street Name and Address
- Copy of Current Tax Map
- Name & Address of Owner/Developer
- Engineer/Preparer & Contact w/Phone Number
- Title of Project w/Address & Parcel Number
- Date of Preparation and all Revisions
- Legend
- Graphic Scale (Not less than 1” = 40’)
- Labeled Buildings Correctly Located
- Compass Orientation of Lot
- Property Zoning
- Zoning of Adjoining Properties
- Building Dimensions w/sq. ft.
- Boundary Lines w/Lot Dimensions
- Location & Size of all Utilities including Storm and Sanitary Sewers
- Property Relationships to Streets and All Rights-of-Way
- 100 Year Flood Elevation
- Location & Size of all Easements
- Setback Dimensions

ATTACHMENT "H"
Site Review

- **ENGINEERING** **423-867-7711**

Reviews plans for requirements regarding streets, curbs, gutters, sidewalks and subdivisions and re-platting of properties.

- **TRAFFIC ENGINEERING** **423- 892-4837**
 423-867-7711

Reviews plans for impacts to local traffic, access to the site, capacity required for parking lots, and requirements for handicap parking in compliance with city codes and zoning ordinances.

- **SANITARY/COMBINED SEWER** **423-209-7842**

Reviews plans for impact on and use of the city's sewer system.

- **STORM WATER MANAGEMENT** **423-867-7711**

- **HAMILTON COUNTY WATER QUALITY** **423-209-7853**

Reviews plans for compliance with storm water ordinance and for compliance with erosion control measures.

ATTACHMENT "I"
Building Review

Contact: 423-867-7711

**Plan requirements are available in the Building Inspection Department
1517 Tombras Avenue**

**The Code Synopsis shall be in compliance with Appendix F of the Tennessee
Architectural and Engineering Handbook (at back of this booklet).**

- **ARCHITECTURAL**

Review to insure compliance with International Building Code, Accessibility Code (physically disabled), and ICC Energy Code. Please include Life Safety Plan.

- **STRUCTURAL**

Review to insure compliance with structural load requirements per occupancy, snow, wind, and seismic loading.

- **FIRE/LIFE SAFETY**

Review to insure compliance with Life Safety Code, and International Fire Code.

- **MECHANICAL**

Review to insure compliance with International Mechanical Code.

- **ELECTRICAL**

Review for compliance with the National Electrical Code.

- **PLUMBING**

Review for compliance with the International Plumbing Code.

- **SIGN**

Review for compliance with local sign ordinance.

**APPENDIX F
COVER SHEET FOR PLANS SUBMISSIONS**

PROJECT NAME:

PROJECT ADDRESS:

PROJECT DESCRIPTION (Scope of Work):

FIRE DISTRICT:

PROJECT CONTACT PERSON: (Registered Architect or Professional Engineer in Responsible Charge)

ARCHITECTS/ENGINEERS/LANDSCAPE ARCHITECTS: List all names and pertinent information for each registrant (architect, engineers, and landscape architect) involved in the project. Include each engineering discipline represented in the project (civil, electrical, mechanical, plumbing, structural).

Name: _____

Company Name: _____

Phone (including area code): _____ (ofc.)

_____ (fax)

E-Mail Address (if applicable) _____

Tennessee License Number: _____

Design Codes/Edition ICC _____ SBCCI _____ NFPA _____

Handicapped Code Edition Used NCHC _____ CABO/ANSI _____

Type of Construction ICC _____ SBCCI _____ NFPA _____

Occupancy Group(s) ICC _____ SBCCI _____ NFPA _____

Number of Stories (excluding basement unless educational or assembly occupancy) _____

Height of Building from Average Grade _____

Building Area Per Story _____ Existing _____ Proposed _____

Occupant Load Per Floor ICC _____ SBCCI _____ NFPA _____

Required Exit Width Per Floor ICC _____ SBCCI _____ NFPA _____

Number of Parking Spaces Required _____ Proposed _____ Handicapped _____ Van _____

Fire Protection hourly ratings for all structural components and separation of hazards components required by the applicable building code.

_____ Edition of the SBC _____ Edition of the IBC

_____ Columns _____ Beams _____ Walls

_____ Floor/Ceiling _____ Roof/Ceiling _____ Roof Covering

_____ Corridors _____ Shaft/Enclosures _____ Stair Enclosure

_____ Tenant Separations _____ Occupancy Separations

Sprinkler System Type _____ **Standpipe System** _____

APPENDIX F Continued

Fire/Smoke Alarm System:

Abbreviations Used and
Meaning: _____

WATER SUPPLY DATA (FROM NEAREST HYDRANT TO SITE)

Provide the following flow test data on the plans for hydrant(s) used to meet the 500 feet for less hose lay requirement in accordance with the local authority having jurisdiction. [State Fire Marshal's Office Policy based on NFPA 24 4.2.1]. Show flow test data next to the hydrant tested. Flow test must have been conducted within the last six months from start of design process.

a. Static pressure _____ psi

Residual pressure _____ psi (20 psi minimum)

Flow _____ gpm (500 gpm minimum)

Tennessee Department of Environment and Conservation Rules and Regulations 1200-5-1-17 paragraph 18.

b. Party responsible for taking test (name and address).

c. Date test taken: _____ Time test
taken: _____ am/pm

d. Elevation of test
hydrant: _____

General Notes:

- Identify use of rooms and spaces.
- Show area increase calculations per SBC 503.3 and SBC 503.4 or ICC
- Show wall ratings on structural, mechanical, plumbing, electrical, and fire protection drawings.
- Provide design live load values on plans for wind, snow, roof, floor, stairs, guard and hand railings, seismic per SBC 1607.1.2 etc. [SBC Chapter 16] or ICC.
- Identify any exceptions/appeals/equivalencies and authority granting approval.

Note: This plans cover sheet was developed during discussions with the State Fire Marshal's Office and local Codes Enforcement Officials and should be used as a guideline when submitting plans to the designated reviewing authority.

permanently affixed to the ground as determined by the Chief Building Official.

(p) TRI-VISION SIGNS: A sign with moveable panels and or lights.

INTENT

It is the intent of this sign ordinance to provide a legal framework for the regulation of on-premise and off-premise signs in the City of East Ridge. This ordinance is designed to provide clear standards for the location, size and setback for permitted signs in all zoning districts as well as providing standards for legal non-conforming signs, incidental and temporary signs.

111.2 On-Premise Signs

Unless otherwise provided in this Ordinance, the following regulations shall govern the construction and maintenance of on-premise signs within East Ridge:

111.3 Sign Permits

A sign permit is required of any person or entity that desires to erect or place an on-premise sign on his/her/its property. The fee for the sign permit is directly proportional to the total construction cost of the proposed sign to be built. The East Ridge Inspection Department, or his designee, ("the Director") prior to installation of any on-premise sign must issue a sign permit.

111.4 Multi-Family

In any zoning district that permits multi-family, manufactured home parks and other group dwellings, informational signs, not to exceed a total of sixty (60) square feet in area are permitted. Multi-family and other group dwelling sites that have multiple signs cannot exceed (60) square feet in total sign area. Such signs shall indicate nothing other than name and/or address of the premises and other information relevant to the operation of the premises. Such sign may have indirect illumination but not have internal illumination. Such sign shall meet the setback standards for on-premise signs.

111.5 On-Premise Signs for Churches, Schools, Nonprofit service and Community Organizations

On-premise signs for churches, schools, nonprofit service and community organizations are allowed as a permitted use in accordance with the size, height, setback and vertical clearance standards for on-premise signs as stipulated herein. For those uses located in a residential zone, the size standard shall not exceed **one (1) square foot of surface area for each one (1) linear foot of building face fronting on a dedicated and accepted public road right-of-way.** The sign area shall be calculated per building face; and the allowable sign area for each sign is restricted to the building façade that applies to that calculation. The sum of the calculated square footage of two or more sides cannot be applied to a single building face.

In addition to the allowable on-premise signs for churches, schools, nonprofit service and community organizations, a directional sign may be located off-site on private property to assist in locating these uses. This sign is limited to five (5) square feet in size, shall not exceed thirty (30)

inches in height and shall not be illuminated. This sign shall not block the sight-distance or view of vehicles traversing the public right-of-way. The location of the sign structure must be approved by the Director prior to its construction.

111.6 Zoning Districts

On-premise signs are permitted only in the following zoning districts and other Commercial and Industrial Districts established subsequent to the effective date of these regulations.

- O-1 Office District
- O-2 Hospital and Institution District
- C-1 Tourism Commercial District
- C-2 General Commercial District
- C-4 Planned Commercial District
- C-5 Neighborhood Commercial District
- C-6 Low Traffic Commercial District
- M-2 Light Industrial District
- M-3 Warehouse and Wholesale District

111.7 Attached On-Premise Sign Size Standards

The total surface area of all on-premise signs in the O-1 Office District and the O-2 Hospital and Institution District shall not exceed **one (1) square foot of surface area for each one (1) linear foot of building face fronting on a** dedicated and accepted public road right-of-way. The sign area shall be calculated per building face; and the allowable sign area for each sign is restricted to the building face that applies to that calculation. The sum of the calculated square footage of two or more sides cannot be applied to a single building face.

The total surface area of all on-premise signs for an individual business in all other commercial and industrial districts shall not exceed **one and one half (1.50) square feet of surface area for each (1) lineal foot of building face fronting on a** dedicated and accepted public road right-of-way. The sign area shall be calculated per building face; and the allowable sign area for each sign is restricted to the building face that applies to that calculation. The sum of the calculated square footage of two or more sides cannot be applied to a single building face.

111.8 Detached Sign Standards

One detached on-premise sign is permitted per lot. For purposes of these regulations, a lot constitutes all contiguous land in the same ownership or in the same Hamilton County tax parcel that is not divided by any public right-of-way. Included within this definition are permanent easements that provide access for the lot to and from a public right-of-way. The maximum size of this sign is limited to one hundred and twenty five (125) square feet and it may be placed in addition to any allowable attached on-premise sign. An on-premise pole sign must conform to the setbacks, height and vertical clearance standards as specified herein.

In the C-1 Tourism Commercial District, a single detached off-premise pole sign that serves as a directional sign is permitted. This sign is limited to fifty (50) square feet and is to serve only to direct traffic to an adjacent site. It is not to be used for the purpose of advertising products or services. This sign must be located on private property and not on public right-of-way. In allowing this sign, the host property on which the off-premise directional sign is located must deduct the square footage of this from any allowable on-premise detached sign square footage allowed. In no case shall the square footage exceed the allowable on-premise square footage of the host property. Furthermore, the property where this directional sign is located cannot be subdivided into a separate parcel for purposes of erecting or maintaining only an off-premise directional sign. No more than one off-premise directional sign is permitted per host property. The directional sign must meet all applicable setbacks and height standards herein.

This sign is in addition to any allowable on-site advertising signs.

111.9 Directory (Multiple Tenant) Signs

In lieu of constructing an on-premise pole sign, a monument or directory sign may be located on a lot that accommodates multiple tenants under the same real property management and that serves the entire commercial site. The on-premise directory sign may not exceed one hundred and twenty five (125) square feet in size including the supporting structure. The sign shall not advertise products or sale items and is limited to identifying the tenants or/and the name of the development. The sign structure must be approved by the Director prior to its construction. If a monument or directory sign is constructed in lieu of an on-premise pole sign, then a pole sign may not be constructed.

111.10 On-Premise Traffic Directional Signs

On-premise traffic directional signs are allowed and are in addition to any allowable on-premise signs. These signs are limited to displaying directional arrows or to specific words such as: in, out, entrance, exit, entrance/in only, exit/out only. Such signs shall not block the sight-distance or view of vehicles entering or exiting the property. No traffic directional sign shall exceed thirty (30) inches in height nor more than three (3) square feet in sign area.

111.11 Menu Board and Other Incidental On-Premise Signs

In addition to any detached sign permitted, any business where goods and/or services are offered on a "drive-thru" basis without the necessity of the driver exiting his or her motor vehicle, one (1) additional detached sign per "drive-thru" lane shall be permitted, provided, that such additional detached signs(s) shall not exceed eight (8) feet in height or thirty-nine (39) square feet in sign area. The Director has the discretion to approve the placement of this sign(s). These signs are limited to the services and/or goods offered to their customers. It is not the intent of this subsection to allow any additional detached sign(s), which are primarily designed and

oriented to be read by customers or perspective customers who are not on the premises. For purposed of these regulations, a premise that has multiple "drive-thru" lanes or stalls may locate a sign per lane or stall.

111.12 Maximum Sign Size

See definition, Sign Area. (See definitions this section)

111.13 Setbacks

Setbacks are measured from the closet point of a sign.

Detached on-premise signs shall be set back a minimum of ten (10) feet from any street right-of-way.

Detached on-premise signs with a sign area larger than forty (40) square feet shall be set back a minimum of fifteen (15) feet from any street right-of-way.

All signs shall be set back five (5) feet from all side and rear lot lines.

111.14 Wind Activated Signs

Except for the display of the flags of the United States, any state of the United States, the County of Hamilton and the City of East Ridge, the use of streamers, pennants, pinwheels, tinsel and any other device which hangs freely and is intended to be wind-activated or to circulate, flap, rotate, blow or otherwise be put in motion by the wind shall be prohibited. The devices prohibited by this section of the ordinance may be maintained following the effective date of this ordinance but shall not be replaced following the effective date of this ordinance. All devices prohibited by this section shall be removed no later than twelve (12) months after the effective date of this ordinance.

111.15 Height and Vertical Clearance

All projecting signs shall have a minimum vertical clearance, from the ground to the lowest portion of such sign, or at least eight (8) feet. No projecting signs shall extend more than ten (10) feet from the building.

Detached signs (pole and monument) have no vertical clearance requirement if the sign meets the setback requirement. If a variance is granted to the setback requirement, detached signs shall have a minimum clearance between the ground and the lowest portion of such sign of not less than ten (10) feet.

Interstates

Within 660 feet of the right-of-way, the maximum height of detached on-premise signs shall be no higher than thirty (30) feet above the lower of (a) the closest point on the top of the finished grade of the nearest controlled access facility, or (b) the closest point of the top of the finished grade of the

public road toward which the sign is principally oriented and from which it is intended to be viewed.

All Other Roads

A freestanding sign or its supporting structure, whose closest point is located no closer than ten (10) feet from any right-of-way, may not exceed twenty (20) feet in height above the adjacent public right-of-way, at its closest point. For each additional foot of set-back beyond ten (10) feet from the right-of-way, a freestanding sign may extend an additional one (1) foot in height above the level of the adjacent public right-of-way at its closest point, up to a maximum of thirty five (35) feet in height.

The maximum height for freestanding directory and monument signs is eight (8) feet.

111.16 Temporary Signs

Temporary on-premise signs are allowed upon the issuance of a Temporary Sign Permit, subject to the following requirements:

A temporary commercial sign with a sign area up to fifty (50) square feet in size shall require a temporary sign permit. A temporary sign permit must be issued by the Director prior to said sign being placed into service by the sign owner. A sign fee of **seventy five (\$75)** dollars shall be charged for each year's permit. The sign owner shall attach the temporary sign permit to the sign in a readily viewable fashion or retain it at the site of the sign.

Temporary signs shall comply with all on-premise sign regulations as to location, number of signs and height standards and shall not be larger than fifty (50) square feet.

One temporary sign permit may be issued to the same business license holder on the same lot within a twelve month period. Such permit may be for two, thirty-day (30) advertising periods. **If an applicant is unable to declare the exact time periods to display his/her temporary sign, they may select to only purchase a single 30-day permit for a proportioned fee.** All permits shall state a commencement and expiration date for the permit or periods within that year. No two thirty-day (30) advertising periods shall be consecutive and must be separated by at least thirty (30) days.

Non-commercial temporary signs such as church announcements, recreation organizations and civic club signs and banners, and real estate sales and guide signs below thirty (30) square feet do not require a permit. **Commercial temporary signs advertising events on publicly owned property such as Camp Jordan Park that are below thirty (30) square feet do not require a permit.** Only one temporary sign of this size or smaller is permitted per lot except with specific permission of the East Ridge City Council.

Temporary signs shall not use electrical power for illumination or to serve moving parts.

Temporary signs or banners that are specific to the opening or closing of a business are permitted on a one-time basis and are limited to a 30-day period. A **seventy five (\$75)** dollar temporary sign fee shall be charged for this permit. The Owner of the business must furnish to the Director a copy of the business permit specifying the address of the property and declare to the building official the specific nature of this request. The owner of the business is responsible for removing the temporary special events sign or banner at the end of the permit period.

111.17 Prohibited On-Premise Signs

The following types of signs are prohibited:

- (a) Signs that are violation of the building code or electrical code adopted by the city.
- (b) Abandoned signs
- (c) Signs commonly referred to as wind signs, consisting of one or more banners, commercial flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- (d) Roof signs
- (e) Sandwich board signs.
- (f) Signs that obstruct the vision of pedestrian, cyclists or motorists traveling on or entering public streets.
- (g) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter or involve the use of live animals.
- (h) Signs that have unshielded, illuminating devices.
- (i) Signs that move, revolve, twirl, rotate or flash including animated signs, multi-prism signs and beacon lights, except when required by the Federal Aviation Agency or other governmental agency.
- (j) Blank temporary sign
- (k) Signs that obstruct, conceal, hide or other wise obscure from view any official traffic or government sign, signal or device.
- (l) Snipe signs.
- (m) Vehicle signs, when the vehicle is parked on or otherwise utilizing a public right-of-way, public property, or on private property so as to be intended to be visible from the street right-of-way for the primary purpose of providing advertisement of products or services or directing people to a business or activity and is not regularly used in the conduct of the business.
- (n) Nongovernmental signs that use words such as Stop, Look, Danger or a similar work, phrase or symbol or sign within ten feet of a public right-of-way or 100 feet of traffic control lights that might be confused with traffic control devices.

111.18 Exempt On-Premise Signs

The following types of signs are exempt from the permitting process and other provisions of these regulations except those relating to construction, illumination, safety and nonconformity:

- (a) Address numbers for buildings.
- (b) Changeable message on permitted signs.

- (c) Commemorative and historic signs.
- (d) Temporary construction signs displayed only during the time a valid building permit is in force.
- (e) Government and public signs, including but not limited to community identity and entrance signs and temporary signs for special community events.
- (f) Government/public flags
- (g) Machinery signs such as signs on newspaper machines, vending machines, gasoline pumps and public telephone booths.
- (h) Warning signs.
- (i) Temporary interior window signs.

111.19 Maintenance Requirements and Abandoned Sign Structures

All on-premise signs shall be properly maintained and shall be structurally code complying. Abandoned on-premise signs, as determined by the Director, shall be removed or the defect cured and brought up to acceptable standards by the owner of the property or lessee of the premises within thirty (30) days of written notification by the East Ridge Building Inspection Department. The determination that an on-premise sign is abandoned by be based on the physical appearance of the sign, condition of the sign surface and support structure and condition of the electrical and lighting system. In cases where there is no identification of the sign owner or lessee, the property owner will be given notification.

111.20 General Regulations

No on-premise sign shall contain, display or depict any obscene material as defined by T.C.A. 39-17-901 et Seq.

111.21 Non-Conforming Signs

Any sign that exists legally prior to the adoption of these regulations, but does not conform to the provisions of the Regulations, is a legal non-conforming sign. These legal, non-conforming signs may remain after the effective date of these regulations.

If for any reason the legal non-conforming sign is removed or destroyed, the replacement sign must be constructed in conformance to this ordinance with regard to size, height and setback and to all adopted local, state and national engineering standards pertaining to such a structure. Routine maintenance is permitted with proper permits.

No on-site temporary sign shall be considered a legal non-conforming sign.

111.22 Variances and Appeals

The East Ridge Board of Zoning Appeals may grant variances from on-premise sign standards, except that the East Ridge Board of Appeals cannot grant a variance to the sign size standards.

The East Ridge Board of Zoning Appeals is empowered to hear appeals from the decisions and interpretations of these standards by the Chief Building Official of East Ridge.

112. Off-Premise Signs

Unless otherwise provided in these regulations, the following regulations shall govern the construction and maintenance of any off-premise sign within East Ridge, Tennessee:

112.1 Permits

A sign permit is required to erect or place an off-premise sign. The fee for the sign permit is directly proportional to the total cost of the proposed sign. An approved sign permit from the East Ridge Building Inspection Department shall be required prior to the installation of any off-premise sign. All signs permitted must be completed within six (6) months or the permit is revoked. **No off-premise sign shall be erected on public right-of-way without approval by resolution from the East Ridge City Council.**

Off-premise signs are permitted in the following zoning district:

- C-1 Tourist Court and Motel Commercial District
- C-2 Local Business Commercial District
- C-3 General Business Commercial District
- M-1 Industrial District
- M-2 Wholesale and Light Industry District
- M-3 Warehouse and Wholesale District
- M-4 Industrial District

No sign shall be permitted unless the applicant will report the person owning or responsible for the sign.

112.2 Specifications

Plans and specifications setting out the construction of and methods of support shall accompany all applications for off-premise signs. In addition to any other required information, such plans and specifications shall include the following:

- (a) A detailed site plan of the property, drawn to scale, showing all existing and proposed free-standing signs on site, as well as any buildings, parking areas driveway entrances to the site. The site plan shall specify limits of property ownership, the location and size of all existing off-premise signs for a 1,000-foot distance on the same side of the road as the proposed sign and a 200-foot radius distance around the proposed sign.
- (b) The total number of square feet of the proposed sign.
- (c) The name and addresses of the property owner or lessee of the proposed site. The proposed configuration of the sign including type of supporting structure (e.g., unipole), top height from the ground, height from the bottom of the sign to the ground, dimensions of the sign, the number of sign faces and setback from any public right-of-way.
- (d) The current zoning on the property.

- (e) The location/distance of residential structures immediately adjacent to the site of the proposed off-premise sign.

112.3 Support Structures

Any new or remodeled sign shall conform to all adopted national, state and local engineering standards pertaining to such a structure. All documents used to support compliance with these standards shall be provided to the Director.

112.4 Setbacks

Off-premise signs with a sign area of less than seventy-five (75) square feet shall be located no closer than ten (10) feet to the closest edge of any public right-of-way.

Off-premise signs with a sign area exceeding seventy-five (75) square feet shall be located no closer than twenty (20) feet from the closest edge of any public right-of-way.

Off-premise signs shall not be located within three hundred (300) feet of any residence, or within seven hundred and fifty (750) feet of any park, school, church, hospital, cemetery, historic district, or governmental building.

112.5 Spacing of Signs

No off-premise sign shall be established within one thousand (1,000) feet of any other off-premise sign on the same side of a right-of-way.

No off-premise sign shall be within two hundred (200) feet of any other off-premise sign in a radial direction.

No off-premise sign shall be permitted within three hundred (300) feet of a residential structure in any Residential District.

The minimum distance between off-premise signs on the same side of a public right-of-way shall be measured between the two nearest points of the off-premise signs. For purposes of these regulations the minimum distance between signs shall be measured along the edge of the principle adjacent right-of-way. This measurement shall be made using a perpendicular line from the sign base to the closest point along the adjacent right-of-way and then following the edge of the right-of-way to the nearest point established by the same method for an adjacent sign.

112.6 Minimum Height

Signs with a sign area less than seventy-five (75) square feet shall be erected so that the lowest portion of the sign face is not less than ten (10) feet above ground level at the base of the sign structure.

Signs with a sign area of over seventy-six (76) square feet shall be erected so that the lowest portion of the sign face is not less than twenty (20) feet above ground level at the base of the sign structure.

112.7 State of Tennessee Billboard Standards

Where State controls applies, the applicant for a building permit shall furnish the Director information sufficient for the building official to determine that the proposed sign is or will be permitted by the State of Tennessee.

112.8 Motorist Safety

No off-premise sign, due to its construction or location, shall cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

Where there are entrance and exit ramps to any controlled access road or a confluence of traffic, or where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, no signs shall be permitted or allowed that will be visually obstructive to drivers and thereby hazardous and dangerous to the traveling public such as interfering with the sight triangle.

No sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change except that tri-vision off-premise signs with moving parts shall be permitted.

No signs that resemble any regulatory or warning traffic control device or sign as found in the latest version of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be permitted.

112.9 Illuminated Signs

Off-premise signs shall only have stationary illumination and shall not be illuminated by any flashing, intermittent or moving lights. No off-premise sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

112.10 Non-Conforming Signs

Any sign that exists legally prior to the adoption of these regulations, but does not conform to the provisions of these Regulations, are declared legal, non-conforming signs.

Any legal non-conforming off-premise sign may be continued in operation and maintenance after the effective date of this regulation. If for any reason the legal non-conforming sign is removed, the replacement sign shall be constructed at the same location as the original off-premise sign and will conform to current standards with regard to size, height and setback. The replacement sign must conform to all adopted local, state and national engineering standards pertaining to such a structure.

112.11 Variances

Variances from these off-premise standards can be granted by the East Ridge City Council if it finds that, by reason of exceptional narrowness, shallowness or

shape of a specific property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, the strict application of these standards would result in peculiar and practical difficulties or undue hardships upon the owner. Further, that the relief of the peculiar and practical detriment to the public good; and that the peculiar and practical difficulties or undue hardship is not created as a result of any act upon the part of the applicant.

112.12 Abandoned Off-Premise Signs

Abandoned signs, as determined by the Director, shall be removed or the defect cured and brought up to acceptable standards by the owner of the property or lessee of the premises within thirty (30) days of written notification by the East Ridge Building Inspection Department. The determination that an off-premise sign is abandoned may be based on the physical appearance of the sign, condition of the sign surface and support structure, condition of the electrical and lighting system, lack of identification of the owner on the sign or absences of any proof of ownership. In cases where there is no identification of the sign owner, the property owner will be given notification.

112.13 Maintenance

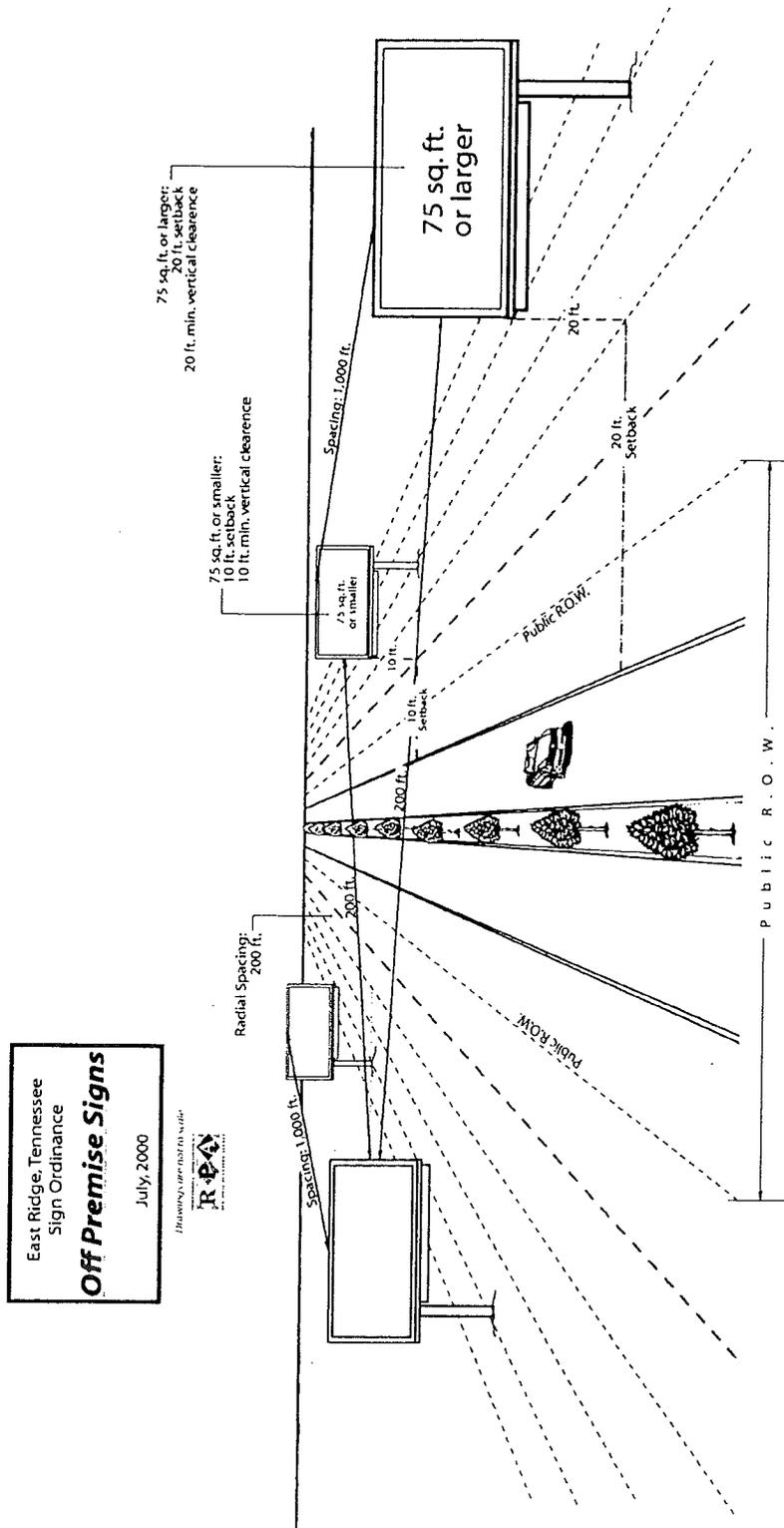
All off-premise signs shall be properly maintained and shall be structurally code complying. The term properly maintains includes but is not limited to rusted surfaces, damaged, defective or deteriorated structural components, loose, torn or broken paper or materials. Depending on the structural severity of the sign, all repairs shall be made within a minimum of thirty (30) days after notification by the Director

112.14 General Regulations

No off-premise sign shall contain, display or depict any obscene material as defined by T.C.A. 39-17-901 et. Seq.

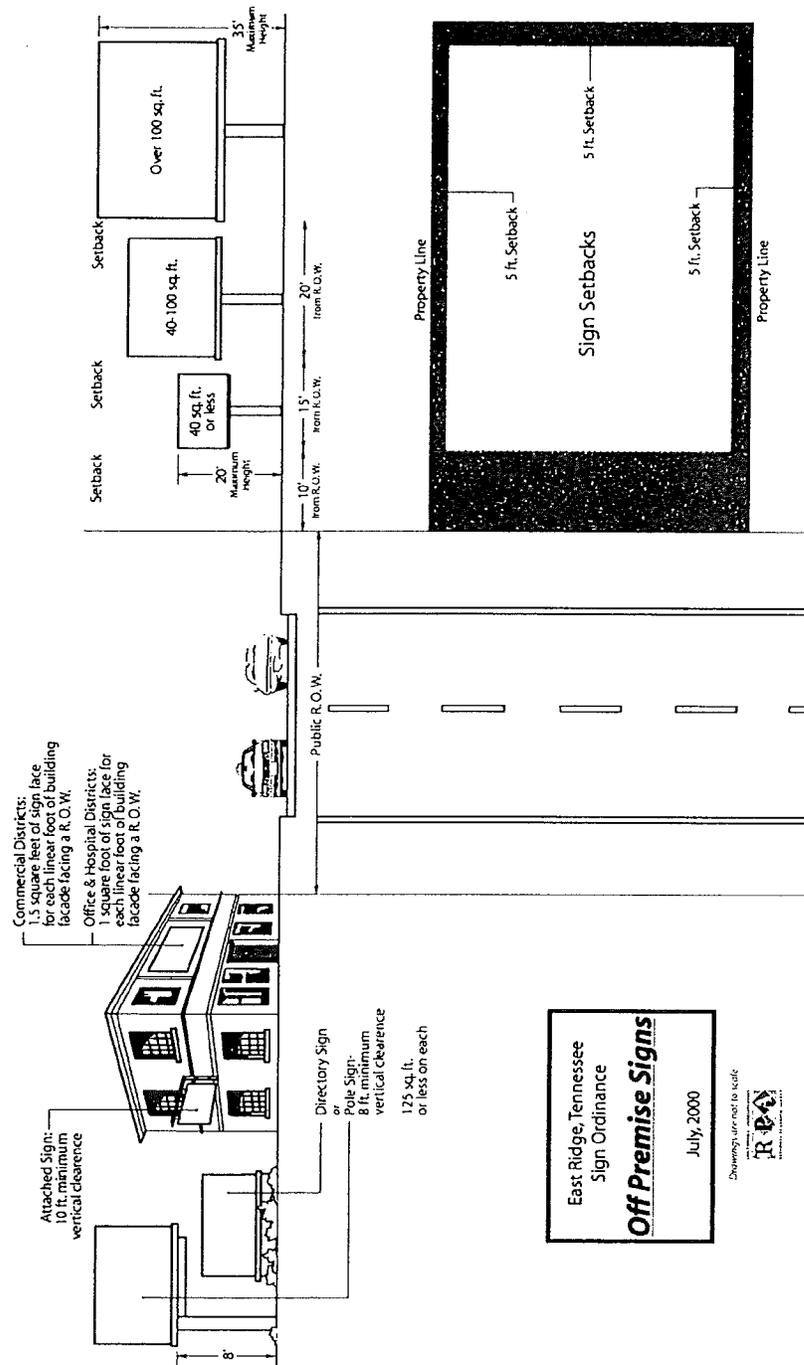
113. Sign Illustrations

For illustrations purposes only, the following depict typical types or categories of signs.



East Ridge, Tennessee
Sign Ordinance
Off Premise Signs
July, 2000





East Ridge, Tennessee
 Sign Ordinance
Off Premise Signs
 July, 2000



CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Classes of consumption permits.
- 8-211. Limitation on number of permits.
- 8-212. Interference with public health, safety, and morals prohibited.
- 8-213. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-214. Prohibited conduct or activities by beer permit holders, employees and
persons engaged in the sale of beer.
- 8-215. Revocation of beer permits.
- 8-216. Civil penalty in lieu of revocation or suspension.
- 8-217. Violations.
- 8-218. Loss of clerk's certification for sale to minor.
- 8-219. Temporary permits.

8-201. Beer board. There is hereby created and established a board to consist of five (5) residents of the city, to be appointed by the city council with each councilmember having one (1) appointment to said board. The initial members of the board shall have staggered terms with two (2) having terms expiring in November 1986, two (2) having a term expiring in November 1987 and one (1) having a term expiring in November of 1988. The board members shall draw lots to determine their terms at the first meeting of the newly appointed board. Thereafter, as their terms expire, new members of the boards shall be appointed for three (3) year terms. The mayor has the prerogative of naming the chairman of the beer board each November. The board shall select

¹Municipal code references

Minors in beer places, etc.: title 11, chapter 1.

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).

its own secretary, and shall serve without pay except that any necessary expenses incurred in performing their duties, shall be paid by the city. (Ord. #555, Aug. 1993, as replaced by Ord. #858, March 2009)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. The chief building official for the city shall submit to the beer board certification of all measurements and all maps for all pending applications at least one (1) week prior to any regular or special called meeting. (1993 Code, § 2-202, as amended by Ord. #555, Aug. 1993, modified, and replaced by Ord. #858, March 2009)

8-203. Record of beer board proceedings to be kept. The secretary of the beer board shall provide the record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (as replaced by Ord. #858, Feb. 2009)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (as replaced by Ord. #858, Feb. 2009)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (as replaced by Ord. #858, Feb. 2009)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #555, Aug. 1993, modified, as replaced by Ord. #858, Feb. 2009)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture

beer without first making application to and obtaining an annual permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00) for regular beer permits, an additional fifty dollars (\$50.00) for temporary beer permits issued under § 8-207(4) and three hundred dollars (\$300.00) for all temporary special events permits under § 8-219. All applications whether for regular beer permits or temporary permits shall be fully completed and submitted at least two (2) weeks prior to any regularly scheduled or special called meeting of the beer board. Said fee shall be in the form of a cashier's check payable to the City of East Ridge. Applicants must be persons of good moral character and must certify that they have read and are familiar with the provisions of this chapter.

(1) In order to receive a permit, an applicant must establish that:

(a) No beer will be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals;

(b) No sale shall be made to minors;

(c) No person, firm, corporation, joint-stock company, syndicate, or association having at least five percent (5%) ownership interest in the business of the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude within the past ten (10) years;

(d) No person employed by the applicant in such distribution or sale has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance that is listed in Schedules I through V in title 39, chapter 17, part 4, or any crime involving moral turpitude within the past ten (10) years; and

(e) No sale shall be made for on-premise consumption unless the application so states.

(2) An applicant shall disclose and/or include the following information in the application:

(a) Name of the applicant;

(b) Name of applicant's business;

(c) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section;

(d) Persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a five percent (5%) ownership interest in the applicant;

(e) Identity and address of a representative to receive annual tax notices and any other communication from the city and/or county legislative body or its committee;

(f) That no person, firm, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the business of the applicant nor any person to be employed in the distribution or sale of beer 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;

(g) Whether or not the applicant is seeking a permit which would allow the sale of either for on-premises consumption or for off-premises consumption, or both of the foregoing. If a holder of a beer permit for either off-premises consumption or on-premises consumption desires to change the permit holder's method of sale, the permit holder shall apply to the beer board for a new permit;

(h) An affidavit signed by the applicant acknowledging receipt of a copy of all applicable ordinances and providing a scaled drawing of the property for which the permit is requested; and

(i) Such other relevant information as may be required by the beer board. An applicant or permit holder shall be required to amend or supplement its application promptly if a change in circumstances affects the responses provided in its application.

(3) Any applicant making a false statement in the application shall forfeit such applicant's permit and shall not be eligible to receive any permit for a period of ten (10) years.

(4) Temporary beer licenses or permits not to exceed thirty (30) days' duration may be issued at the request of the applicant upon the same conditions governing permanent permits. Such a temporary license or permit shall only be issued if based upon the application the applicant compiles with the conditions of this chapter and code as determined by the chairman of the beer board. In no event shall the issuance of a temporary permit be construed to grant unto any applicant the right or expectation that the beer board is obligated or otherwise bound to grant a permanent permit. (as replaced by Ord. #806, Dec. 2005, and Ord. #858, Feb. 2009)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, to the City of East Ridge,

Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #555, Aug. 1993, modified, as replaced by Ord. #858, Feb. 2009)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. A single permit may be issued for on-premise and off-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (as replaced by Ord. #858, Feb. 2009)

8-210. Classes of consumption permits. Permits issued by the beer board shall consist of three (3) classes:

(1) Class 1 On-Premises Permit. A Class 1 On-Premises Permit shall be issued for the consumption of beer only on the premises. To qualify for a Class 1 On-Premises Permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- (a) Be primarily a restaurant or an eating place; and
- (b) Be able to seat a minimum of thirty (30) people, including children, in booths and at tables, in addition to any other seating it may have; and
- (c) Have all seating in the interior of the building under a permanent roof; and

In addition, the monthly beer sales of any establishment which holds a Class 1 On-Premises Permit shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding fifty percent (50%) of its gross sales, shall have its beer permit revoked. Beginning July 1, 2009, all holders of a Class 1 Beer Permit shall report its monthly beer sales, including the percentage of beer sales to its gross sales to the city not later than the fifteenth (15th) of the month next following on such forms as shall from time to time be required by the city to assure that the Class 1 permit holder is in compliance with this section. The city will keep these forms in the permit holder's individual business tax file so that the confidentiality required by Tennessee Code Annotated, § 67-4-722 may be maintained. If the monthly sales for any Class 1 Beer Permit holder exceeds fifty percent (50%) of the monthly gross sales of the permit holder for either three (3) consecutive months during one (1) calendar year or for any four (4)

months in one (1) calendar year, the Class 1 Beer Permit of such permit holder may be suspended or revoked by the beer board. In the alternative, and in lieu of suspension or revocation of the permit, the beer board has the discretion to impose a civil penalty in lieu of suspension in accordance with the terms of § 8-216 herein. Any such permit holder that fails to provide such reports timely for two (2) consecutive or more months in any calendar year shall have its beer permit revoked.

(2) Class 2 On-Premises Permit. Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a Class 1 On-Premises Permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a Class 2 On-Premises Permit.

(3) Class 3 Off-Premises Permit. An off-premises permit shall be issued for the consumption of beer only off the premises. To qualify for an Off-Premises permit, an establishment must, in addition to meeting the other regulations in this chapter:

- (a) Be a grocery store or a convenience type market; and
- (b) In either case, be primarily engaged in the sale of grocery and personal and home care and cleaning articles, but may also sell gasoline. (as replaced by Ord. #858, Feb. 2009)

8-211. Limitation on number of permits. The number of Class 2 licenses for the sale of beer shall be limited to eight (8). Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the city at the date of the passage of the ordinance comprising this chapter shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment in which a permit is now held for the sale of beer, and the permit used only within the establishment or building purchased. (as replaced by Ord. #858, Feb. 2009)

8-212. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within two hundred fifty feet (250') of any school, residence, church or other place of public gathering. The East Ridge City Council may, on a case by case basis, grant variances to the distance requirements set forth in this section for off-premises sales only. The distances shall be measured in a straight line¹ from the nearest point on a

¹State law reference

See Watkins v. Naifeh, 635 S.W. 2d 104 (Tenn. 1982) and other cases cited therein which establish the straight line method of measurement.

building on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, residence, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering if a valid permit has been issued to any business on that same location as of January 1, 1993, unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period after January 1, 1993. (as replaced by Ord. #858, Feb. 2009, and Ord. #905, Oct. 2011)

8-213. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have 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. (as amended by Ord. #823, June 2007, and replaced by Ord. #858, Feb. 2009)

8-214. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

- (1) [Deleted.]
- (2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.
- (3) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week; or between the hours of 3:00 A.M. and 12:00 noon on Sundays.
- (4) Make or allow any sale of beer to a person under twenty-one (21) years of age.
- (5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.
- (6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (7) Allow drunk persons to loiter about his premises.
- (8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
- (9) Allow pool or billiard playing in the same room where beer is sold and/or consumed.