

**ORDINANCE NO. 1016**

**AN ORDINANCE TO AMEND TITLE 8 OF THE ATHENS MUNICIPAL CODE, ENTITLED 'ALCOHOLIC BEVERAGES', MORE SPECIFICALLY CHAPTER 2, SECTION 8-213 (17) TO CLARIFY PROVISIONS REGARDING DANCING.**

**WHEREAS**, it is the desire of the City Council to amend Chapter 2 of Title 8 of the Athens Municipal Code to clarify the provisions of Section 8-213 (17) as it relates to dancing where beer is sold.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:**

**SECTION 1:** Amend Section 8-213 (17) by deleting it in its entirety and substituting the following in lieu thereof:

(17) Sell beer at premises where dancing is allowed, except under the circumstances as follows:

(a) The area for dancing is an open and cleared space or area containing at least one hundred forty-four (144) square feet of floor space or area. In computing the open and cleared floor space or area, only the compact floor area used for dancing shall be counted. No area upon which counters, tables, chairs or other obstructions are located and no aisles used primarily for providing access to tables, shall be included when computing such open and cleared floor space; and

(b) The area or space within the premises where dancing is allowed is separated from the other part of the premises by a partition or wall, railing or rope, or other definite means of separation; and

(c) No beer or other alcoholic beverage shall be permitted within the open and cleared space or area set apart for dancing.

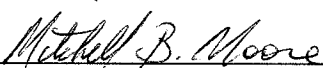
**SECTION 2:** Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other portion of this Ordinance.

**SECTION 3:** BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and as provided by law.

PASSED ON FIRST READING: January 15, 2013

PASSED ON SECOND READING: February 19, 2013

DATE OF PUBLIC HEARING: February 19, 2013

  
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MITCHELL B. MOORE, City Manager

  
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R. HAL BUTTRAM, Mayor

APPROVED AS TO FORM:

  
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H. CHRIS TREW, City Attorney