

#### **4-206 RESTRICTIONS ON LOCATION.**

(A) No cereal malt beverage shall be sold or served by a person holding a license or permit from the City, at a place of business or other premises located within 400 feet of any school or church. The distance shall be measured along the public rights of way, by the shortest route by which a pedestrian would normally walk, from the nearest property line of the school or church, to the primary public entrance to the building, or part thereof, occupied by the place of business or other premises.

(B) The business limitation of Subsection (A) shall not apply to a place of business or premises for which a license had been issued by the City prior to the publication of this Article, and for which a license has been in effect at all times since the publication of this Article. Any temporary lapse of the license not exceeding sixty (60) days in length shall be disregarded in applying this paragraph.

(C) The distance limitation of Subsection (A) shall not apply when the licensee or license applicant petitions for and receives a waiver of the distance limitation from the Governing Body of the City. The Governing Body shall grant such waiver only following public notice and hearing and a finding by the Governing Body that the proximity of the establishment is not adverse to the public welfare or safety. At least thirty (30) days prior to such hearing, the City Clerk shall give notice of such hearing by first class mail to all churches and schools located within 400 feet of the place of business or premises for which a waiver is sought. (Ord. 5828; Ord. 6002)