



# County Technical Assistance Service

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## The 300 Foot Rule

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Table of Contents

The 300 Foot Rule .....	3
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## The 300 Foot Rule

**Reference Number:** CTAS-359

The county legislative body may adopt a resolution to forbid the sale of beer within 300 feet of a residential dwelling, measured from building to building. ([Sample resolution to enact 300 foot rule for the sale of beer](#)). In order to use this distance rule to deny an application for a beer permit, the owner of the residential dwelling must appear before the county beer board, in person, and object to the issuance of the permit. The term "residential dwelling" is not defined in the statute; however, it has been interpreted to include a trailer that was occasionally occupied for residential purposes. St. John v. Beer Permit Board, 1998 WL 832392 (Tenn. App. Dec. 2, 1998). This statute applies to zoned as well as unzoned property. This distance rule does not apply to locations where beer permits were issued prior to the date the rule was adopted by the county legislative body, nor does the rule apply to applications for a change in the licensee or permittee at such locations. T.C.A. § 57-5-105(i).

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