

**ORDINANCE 07-06-21-C**

**AN ORDINANCE CONCERNING ESTABLISHMENT OF ENTERTAINMENT DISTRICTS**

**WHEREAS**, pursuant to applicable law, a municipality with an incorporated arts council or Main Street program may establish not more than two entertainment districts within its corporate limits, each which must have not fewer than four licenses holding a retail liquor license in that area, and each district may not exceed one-half mile by one-half mile in area, but may be irregularly shaped;

**WHEREAS**, the Coffee County Arts Alliance, Inc. is an incorporated arts council within the City and the City has a Main Street Program, and, therefore, the City Council may establish entertainment districts pursuant to applicable law;

**WHEREAS**, the City Council finds that establishment of an entertainment district will increase local commercial activity in the City and provide economic benefits to citizens and businesses; and

**WHEREAS**, the City Council of the City of Enterprise, Alabama desires to adopt an ordinance setting forth certain rules and regulations governing any entertainment district that the City Council establishes within the city.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA**, as follows:

**Section 1.** There is established an Entertainment District within the City as defined by the attached map, incorporated herein by reference. Said map represents an area not more than one-half mile by one-half mile and said area has not fewer than four licensees holding retail liquor licenses. The following rules and regulations shall apply to the Entertainment District (and subject to the application of state law, rules and regulations to the extent the same would govern):

- (a) A licensee who receives an Entertainment District designation from the Alabama Alcohol Beverage Control Board shall comply with all laws and rules governing the license type, except that the patrons, guests, or members of that licensee may exit that licensed premises with open containers of alcoholic beverages and consume said alcoholic beverages anywhere within the confines of the entertainment district, but not enter another licensed premise with open containers or closed containers of said alcoholic beverages acquired elsewhere.
- (b) The Entertainment District shall only be operative and in effect during the hours of 11:00 am to midnight on Fridays and Saturdays, and 5:00 pm to 11:00 pm on other days of the week, except Sunday (when the Entertainment District shall not be operative/applicable). The Council reserves the right to extend or reduce the hours when the Entertainment District shall be operative.
- (c) To exit a licensed premise within the entertainment district with alcoholic beverages, all alcoholic beverages shall be in a shatter-proof container with the logo printed on said container which clearly and conspicuously bears lettering which identifies the name of licensee for the district and which is different in kind and type from regular "to-go" non-alcoholic beverage containers (said alcohol container shall be referred to herein as "approved container.") The approved container shall not exceed a volume of sixteen (16) fluid ounces. No establishment shall dispense to any person more than two (2) such alcoholic beverage at a time for removal from the premises. No licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises in other than approved containers (except with respect to sales for off-premises consumption pursuant to law (concerning removal of one resealed bottle of wine), or as otherwise permitted by Alabama law.
- (d) Patrons, guests, and members of retailer licensee within the entertainment district shall not be permitted to possess or consume alcoholic beverages within the confines of the Entertainment District that are acquired outside the confines of the Entertainment District. No person shall be in possession of any alcoholic beverage container within the Entertainment District area that is not approved for use within the district.
- (e) Prohibitions within existing City Ordinances and Codes concerning the possession of an open container or drinking an alcoholic beverage on a sidewalk, public way, or in a public place, or bringing the same onto other premises and off-premises consumption and distance requirements shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container outside a licensed premises and within the confines of the Entertainment District during the hours set forth in this Ordinance.

- (f) The Entertainment District shall not extend to, nor shall this Ordinance apply to (i) the interior of any automobile or other motor vehicle, (ii) any private property where alcoholic beverages are prohibited by the owner or proprietor of such property, and (iii) any area that is being used for a special event that is posted by the organizer of such special event with signage at each entrance or in conspicuous places that no alcoholic beverages are allowed in that area.
- (g) It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for the Entertainment District for an alcoholic beverage and nothing in this section shall be construed to authorize the same.
- (h) At any time and from time to time, the Chief of Police, shall have the authority to temporarily close the Entertainment District, or portions of the same, which includes the authority to require persons to disperse from the area, should he/she, in his/her sole discretion, determine it is appropriate to do so in order to protect the public health, safety, or general welfare. In such case, the Entertainment District shall remain closed until the Chief of Police allows the district to be re-opened. The City shall not be responsible for any costs incurred by any person as a result of the closing.
- (i) In the event the Entertainment District established by this Ordinance falls below the number of alcoholic beverage licensees required for the establishment of the district according to state law, then the City may amend this Ordinance to either eliminate the Entertainment District or modify the District so as to remain in compliance with the state law, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.
- (j) Nothing herein is intended to confer any rights or entitlement. Selling and/or consuming alcohol within the District is a privilege, not a right, and is subject at all times to reasonable regulation. The Council reserves the right to modify or repeal this Ordinance, and any Entertainment District designation created thereunder, at any time.

**Section 2.** Violations of this Ordinance. Any violation of any provision of Ordinance by any licensee or individual shall be a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00 per violation. To which, at the discretion of the court or judge trying the case, may add imprisonment for not more than three months or may be punished by both such fine and imprisonment. The City Council may also consider suspension or revocation of the business or liquor license of any licensee who violates any provision of this chapter. Said penalties are not intended to limit any penalties which may be imposed by the Alabama Alcohol Beverage Control Board.

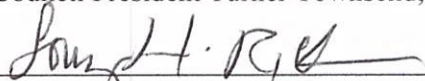
**Section 3.** This Ordinance shall become effective upon passage and immediately upon its publication.

**Section 4.** If any provision of this Ordinance, or the application thereof to any person, thing, or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

ADOPTED and APPROVED this 20th day of July, 2021.

COUNCIL:

  
Council President Turner Townsend, District #5

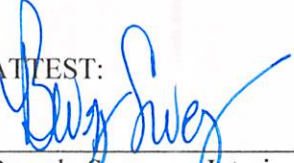
  
Council Member Sonya W. Rich, District #1

  
Council Member Eugene Goolsby, District #2

Absent  
Council Member Greg Padgett, District #3

  
Council Member Scotty Johnson, District #4

ATTEST:

  
Beverly Sweeney, Interim City Clerk

Transmitted to the Mayor this 21<sup>st</sup> day of July, 2021.  
Beverly Sweeney  
Beverly Sweeney, Interim City Clerk

ACTION OF THE MAYOR:

Approved this 21<sup>st</sup> day of July, 2021.  
William E. Cooper  
William E. Cooper, Mayor

ATTEST:  
Beverly Sweeney  
Beverly Sweeney, Interim City Clerk



