

Just Pro 8  
8-18-17

ORDINANCE NO. 2017 - 21

**AN ORDINANCE TO AMEND ORDINANCE 2004-32 RELATING TO CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, TO ADD DIVISION 4. ENTERTAINMENT DISTRICT TO ARTICLE III. RETAIL SALES.**

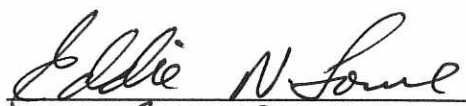

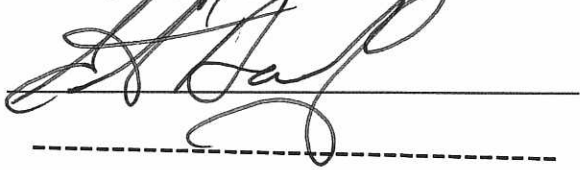
**BE IT ORDAINED**, by the City Council of the City of Phenix City, Alabama that as permitted by Act 2017-446 of the Alabama State Legislature, that Chapter 3 of the Code of Ordinances of the City of Phenix City is hereby amended to add Division 4. Entertainment District to Article 111. Retail Sales in its entirety as per Exhibit "A" attached hereto and made apart hereof as permitted by Act 2017-446 of the Alabama State Legislature.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

If any part of the ordinance is declared unconstitutional, it should not automatically void the remaining sections.

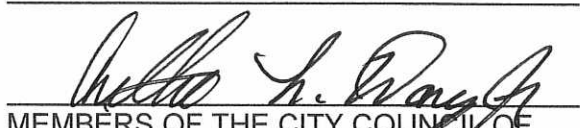
This ordinance shall take effect upon its passage and approval.

**PASSED, APPROVED and ADOPTED** this the 1st day of August, 2017.

  
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MAYOR  
  
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ATTEST:

  
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CITY CLERK

  
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MEMBERS OF THE CITY COUNCIL OF  
THE CITY OF PHENIX CITY, ALABAMA

**CHAPTER 3**

**ALCOHOLIC BEVERAGES**

**ARTICLE III. RETAIL SALES**

**DIVISION 4. ENTERTAINMENT DISTRICTS**

**Section 4.1. – Findings and Intent.**

- a) Effective May 19, 2017, the Legislature of the State of Alabama enacted into law Act No. 2017-446 (hereinafter the "ACT") authorizing the City of Phenix City (the "City") to create special entertainment districts.
- b) The Act authorizes the City of Phenix City to establish a district with a minimum of three (3) alcohol licenses within the district.
- c) The City may establish a maximum of two entertainment districts per the Act.
- d) The Council has considered the merits of establishing entertainment districts in Phenix City and believes the entertainment districts may benefit the city by promoting commercial development and enhancing pedestrian traffic in the designated areas.
- e) The Council finds that other cities, both within and without the State of Alabama have had success with such districts, and believes it is in the best interest of the City to provide for the creation of Entertainment Districts as provided herein.

**Section 4.2. – Definitions.**

The following terms, when used in this article, shall have the meaning ascribed to them in this section.

*Alcoholic beverages* means any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixture intended for beverage purposes, which contain one-half of one (0.5) percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

*Board* means the Alcoholic Beverage Control Board.

*City* means City of Phenix City.

*Container* means any bottle, can, glass or other receptacle suitable for or used to hold any liquid.

*District* means the entertainment district as established by City Council per this article.

*License* means any retail license authorized by the Code of Alabama, Title 28, Chapter 3A , and Article II of Chapter 3 of the Code of Ordinances of the City of Phenix City, which allows the licensee to sell alcoholic beverages for consumption on licensed premises.

*Licensee* means any person or business within the district which holds a license issued by the board and the city.

**Section 4.3. – District Designation.**

Under the authority granted in Act 2017-446, the Council may create not more than two (2) entertainment districts within the corporate limits of the City of Phenix City. Each district may not exceed one-half mile by one-half mile in area, but may be irregularly shaped.

Each proposed district shall be brought before Council for approval.

Council shall be provided with a legal description for each proposed district along with a map of the area.

**Section 4.4. – District Rules.**

The following rules and regulations shall apply in each entertainment district.

(a) Any licensee who receives an entertainment district designation for an on-premise retail license from the board shall comply will all laws, rules and regulations which govern its license type, except as provided herein.

(b) Patrons, guests or members of a licensee in the district may exit the licensed premises with open containers of alcoholic beverages and consume alcoholic beverages within the confines of the district, but may not enter another licensed premise with open containers or closed containers of alcoholic beverages.

(c) Patrons, guests or members of licensee may not exit the licensed premises with open glass containers of alcoholic beverages. All alcoholic beverages sold for consumption outside the licensed premises shall be contained in original paper cups or other shatter resistant containers approved by the Phenix City Police Department.

(d) Pedestrians in the district shall not be permitted to possess or consume alcoholic beverages within the confines of the district as defined in **Section 4.3** above that are acquired outside the confines of the district.

(e) No person or motorist shall possess alcoholic beverages in an open container in the passenger area of a motor vehicle on a public street in the district in violation of Code of Alabama §32-5A-330.

(f) No alcoholic beverages shall be sold at a licensed premises within the District beyond the hours established in **Section 3-7** of the Code of Ordinances.

(g) Nothing in this article shall be construed to allow the sale of alcoholic beverages to minors as specified in **Section 3.8** of the Code of Ordinances.

**Section 4.5.** – Reservation of Rights/Rules of Construction.

The Council reserves the right to modify or repeal this article, and any entertainment district designation created hereunder, at any time. Nothing in this article shall be construed to create any right or entitlement of an entertainment district designation.

**Section 4.6-4.30.** Reserved.