



CITY OF LEEDS, ALABAMA

REDEVELOPMENT AUTHORITY AGENDA

1412 9th St, Leeds, AL 35094

April 04, 2022 @ 4:30 PM

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES FROM PREVIOUS MEETING(S):

1. Minutes from March 07, 2022

NEW BUSINESS:

2. RULES AND REGULATIONS FOR ENTERTAINMENT DISTRICT - PROJECT TO DEVELOP RULES AND REGULATIONS.

OLD BUSINESS:

OTHER BUSINESS:

CHAIRMAN'S COMMUNICATION:

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 205-699-2585.

File Attachments for Item:

1. Minutes from March 07, 2022



CITY OF LEEDS, ALABAMA

REDEVELOPMENT AUTHORITY MINUTES

1412 9th St, Leeds, AL 35094

March 07, 2022 @ 4:30 PM

CALL TO ORDER:

Chairman Michael Cauble called the meeting to order at 4:33 pm.

ROLL CALL:

PRESENT

Chairman Mike Cauble
Vice-Chairman Melanie Carden
Secretary Andrea Howard
Board Member Dave Mackey
Board Member Larry King

APPROVAL OF MINUTES FROM PREVIOUS MEETING(S):

Motion to approve minutes from February 07, 2022, made by Secretary Howard, Seconded by Board Member King. Voting Yea: Chairman Cauble, Vice-Chairman Carden, Secretary Howard, Board Member Mackey, Board Member King

NEW BUSINESS:

1. RDA-2022-03-01 - Contract to update city website (not to exceed \$4,500.00)

Motion to approve Contract RDA-2022-03-01 made by Board Member Mackey, Seconded by Vice-Chairman Carden. Voting Yea: Chairman Cauble, Vice-Chairman Carden, Secretary Howard, Board Member Mackey, Board Member King

OLD BUSINESS:

There was none.

OTHER BUSINESS:

There was discussion regarding social media advertising.

Motion to approve an advertising budget not to exceed \$1800 for the remainder of FY2022 made by Board Member Mackey, Seconded by Vice-Chairman Carden. Voting Yea: Chairman Cauble, Vice-Chairman Carden, Secretary Howard, Board Member Mackey, Board Member King

CHAIRMAN'S COMMUNICATION:

There was none.

ADJOURNMENT:

Chairman Cauble adjourned the meeting at 4:59 pm.

Mr. Michael Cauble, Chairman

Ms. Andrea Howard, Secretary

File Attachments for Item:

2. RULES AND REGULATIONS FOR ENTERTAINMENT DISTRICT - PROJECT TO DEVELOP RULES AND REGULATIONS.

ORDINANCE NUMBER – 2815

**AN ORDINANCE OF THE CITY OF HOMEWOOD TO ADD ARTICLE III ENTITLED
“ENTERTAINMENT DISTRICT” TO CHAPTER 3, ENTITLED “ALCOHOLIC
BEVERAGES” OF THE CODE OF ORDINANCES OF THE CITY OF HOMEWOOD,
ALABAMA**

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of
Homewood, in a regular meeting duly assembled, a quorum being present, as follows:

Section 1. That Article 3 entitled “Entertainment Districts” is added to Chapter 3
entitled “Alcoholic Beverages” of the Code of Ordinances of the City of Homewood,
which is to read as follows:

CHAPTER 3 - ALCOHOLIC BEVERAGES

ARTICLE III. - ENTERTAINMENT DISTRICTS

Sec. 3-40. - Authority.

Pursuant to §23-3A-17.1(b) of the *Code of Alabama* (1975), the city may establish by ordinance no more than two (2) entertainment districts permitting the consumption of alcoholic beverages purchased from on-premise alcoholic beverage licensees to be consumed by purchasers anywhere within an applicable entertainment district. Once a district is created, the ABC Board may issue an entertainment district designation for retail alcoholic beverage licenses within a district that will allow the patrons, guests or members of the licensee to exit the licensed premises with open containers of alcoholic beverages, and to consume those beverages anywhere within the confines of a district with the exception of excluded places, as defined herein.

Sec. 3-41. - Definitions.

The following words, terms, phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"ABC Board" shall mean the Alabama Alcoholic Beverage Control Board.

"Alcoholic beverage" shall mean any beverage regulated by the ABC Board.

"Approved container" shall mean a container that is not a can, bottle, or glass container, that does not exceed sixteen (16) fluid ounces in volume, and that is provided to a patron, guest or member by a licensee who is located within the boundaries of the district in which the alcoholic beverage is being served. The approved container shall bear

the commercially printed name and/or logo of the district or the commercially printed name and/or logo of the district licensee or any combination thereof.

"District" shall mean any entertainment district established by ordinance of the city council pursuant to this article.

"Excluded place" shall mean a place within a district that is not included within the district area as follows:

(1) A public building , facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises ; and/or

(2) Property privately owned or controlled that is posted with signage at each entrance and/or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises.

"Licensee" shall mean any person or business within a district that holds a valid retail liquor license issued by the ABC Board to sell alcoholic beverages for consumption on the licensed premises .

"Special temporary event" shall mean a special temporary event within the district authorized by the city under Article II, of Chapter 18 of the Code of Ordinances of the City of Homewood.

Sec. 3-42. - Rules and Regulations.

The following rules and regulations shall be followed in any entertainment district created by the city pursuant to this article.

(a) **Alcohol within an entertainment district.** Any licensee within a district who receives an entertainment district designation for its on-premises retail license from the ABC Board or who otherwise holds a valid retail liquor license from the ABC Board to sell alcoholic beverages for consumption on the licensed premises shall comply with all laws, rules, and regulations which govern its license type. Patrons, guests or members of that licensee may exit that licensed premises with an open container of an alcoholic beverage and consume alcoholic beverages anywhere within the confines of a district (except for excluded places as defined herein), but may not enter another licensed premises with open containers or closed containers of alcoholic beverages acquired elsewhere. Nothing in this article shall be construed to allow the sale of alcohol to minors .

No licensee within a district shall be required to allow the removal of alcoholic beverages for

consumption outside of its licensed premises . Any licensee that does not desire to allow the removal of alcoholic beverages from its licensed premises shall clearly post notice that no open containers of alcoholic beverages may be removed from the licensed premises. Such notice shall be posted, at a minimum , at all exits of the licensed premises and where beverages are dispensed within the licensed premises.

This article shall not be construed to prohibit the sale of alcoholic beverages in their original, unopened containers for off-premises consumption by any establishment authorized by the ABC Board to make such sales. However, the consumption of alcoholic beverages sold in original,

unopened containers for off-premises consumption shall not be allowed in any public area of adistrict.

The following rules shall apply within a district:

(1) A person shall not enter a licensed premises within a district with an alcoholic beverage(s) acquired at another licensed premises.

(2) A person shall not exit nor shall a licensee allow a person to exit such licensed premises with an alcoholic beverage in any container other than an approved container. Alcoholic beverages sold for removal from a licensed premises within a district shall be dispensed only in an approved container. No beverage shall be removed from a licensed premises in a can, bottle, or glass container, except that cans, bottles, or glass containers shall be allowed in a licensee's outdoor seated dining areas. No person shall possess on the streets, sidewalks, right s-of-way, or outdoor public areas located within a district any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.

(3) A person shall not enter into a designated entertainment district with alcoholic beverages purchased outside of the district , except as otherwise permitted by the ABC Board and in compliance with all applicable laws, ordinances, rules and regulations governing the sale, possession or consumption of alcoholic beverages.

(4) A person shall not remove an alcoholic beverage purchased for on-premises consumption from the premises from which they were sold for consumption or remove the container in which the alcoholic beverage was sold for on-premises consumption, except from the premises of those licensees who receive an entertainment district designation in a district.

(5) A person shall not refill an approved container from a licensed premises with an alcoholic beverage not purchased at a licensed premises within the district.

(6) A person shall not exit a district with an alcoholic beverage(s) purchased in an open container for consumption within that district.

shall be unified in a district with regard to content, size, color, material, and method of attachment to the building. The signage shall be fixed to the building and no more than five (5) feet from the door at each public entrance.

(2) Businesses within a district that do not wish to participate in the district privileges must display signage no more than five (5) feet from the door at each public entrance or in conspicuous locations on the business property evidencing the business' s designation as an excluded place within the district. Such signage shall be fixed to the building and/or property. Signs designating businesses as an excluded place shall be unified within the district with regard to content, size, color, material and method of attachment. Signs shall display the district name and establishment name and state that alcoholic beverages may not be present or be consumed on the premises or that the business does not participate in the district privileges. A business operating as an excluded place shall be prohibited from serving alcoholic beverages in an approved container. Any such business that does not wish to participate shall be responsible for all signage costs to satisfy the requirements of this subsection and the installation of such signage.

(3) Parking areas within the district with more than twenty (20) parking spaces or in excess of 5,000 square feet shall have fixed signage located at each pedestrian and vehicular entrance and exit. Signs shall display the district name, establishment name, and the hours of district operation and shall denote the rules and regulations for the district. The signage shall be unified within a district in regards to content, size, color, material and method of attachment.

(4) Each boundary to a district shall be clearly marked at all district entrances and exits with fixed signage showing a boundary map. Signs for pedestrians entering a district shall display the district name and the hours of district operation, shall clearly mark the boundary of the district, and shall indicate the prohibition against bringing an alcoholic beverage purchased outside of the district into such district. Signs for pedestrians leaving the district area shall clearly mark the boundary of the district and shall indicate the prohibition concerning the removal of alcoholic beverages from the district area. The signage shall be unified in a district with regard to content, size , color, material, and method of attachment.

(d) Special temporary events within a district. Special temporary events within a district must be approved by the city pursuant to Article II of Chapter 18 of the Code of Ordinances. Special events that involve activities such as the sale of alcoholic beverages outside of licensed premises, street closures, entertainment using amplified sound, temporary sales, or other regulated activities must comply with all laws, ordinances or regulations governing such activities, including, but not limited to, any time limitations set forth therein.

Sec. 3-43. - Penalty for Violations.

Any violation of any provision of this article shall be punishable by a fine of not less than

\$100.00 nor in excess of \$500.00 or as otherwise provided in sections 1-8 of the code of Ordinances. Additionally, the city council may consider suspension or revocation of the business license of any licensee who violates any provision of this article.

Sec. 3-44. -Temporary Closure of District.

At any time, the chief of police or his designee shall have the authority to close a district, or portions of a district, and require persons to disperse from the area should he/she, in his/her sole discretion, determine that it is appropriate to do so in order to protect the public health, safety, or welfare. The entertainment district shall remain closed until the city council, mayor or chief of police allows the district to be re-opened. The city shall not be responsible for any costs incurred by any person or business as a result of the closing.

Sec. 3-45. - Amendments to or elimination of article; No vested rights.

Any entertainment district established by this article may be enlarged, reduced, modified, or eliminated, in whole or part, at any time and for any reason, including but not limited to, the finding that the operation of such district has become a nuisance or that the district is otherwise not being operated in the best public interest, including the lack of security. The regulations set forth in this article are also subject to amendment or elimination by the city council at any time. Selling alcohol within a district is a privilege and not a right and is subject at all times to reasonable regulation. Nothing in this article shall be construed to create any right or entitlement to entertainment district designation.

Sec. 3-46. - Downtown Entertainment District - Establishment.

(a) Establishment of district. The Downtown Entertainment District is hereby established with the boundaries as displayed in Exhibit A attached hereto.

Section 2. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Homewood hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. LEGAL RIGHTS NOT IMPAIRED. That nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or

legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. ORDINANCE CUMULATIVE:COMPATIBILITY WITH OTHER REGULATIONS.

This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. PUBLICATION OF ORDINANCE.

That the City Clerk of the City of Homewood is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 7. EFFECTIVE DATE OF ORDINANCE.

That this Ordinance and the rules, regulations, provisions, requirements , orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed .

Done this the 13 day of September ,2021.



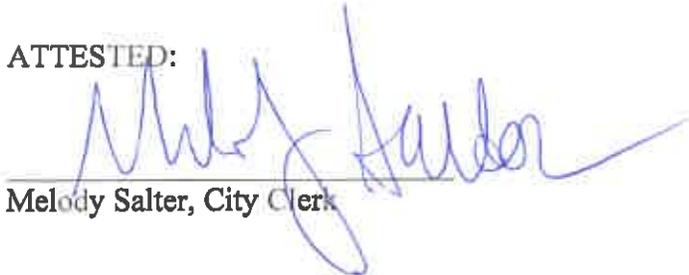
President, City Council Homewood

APPROVED:



Mayor, Patrick McClusky

ATTESTED:



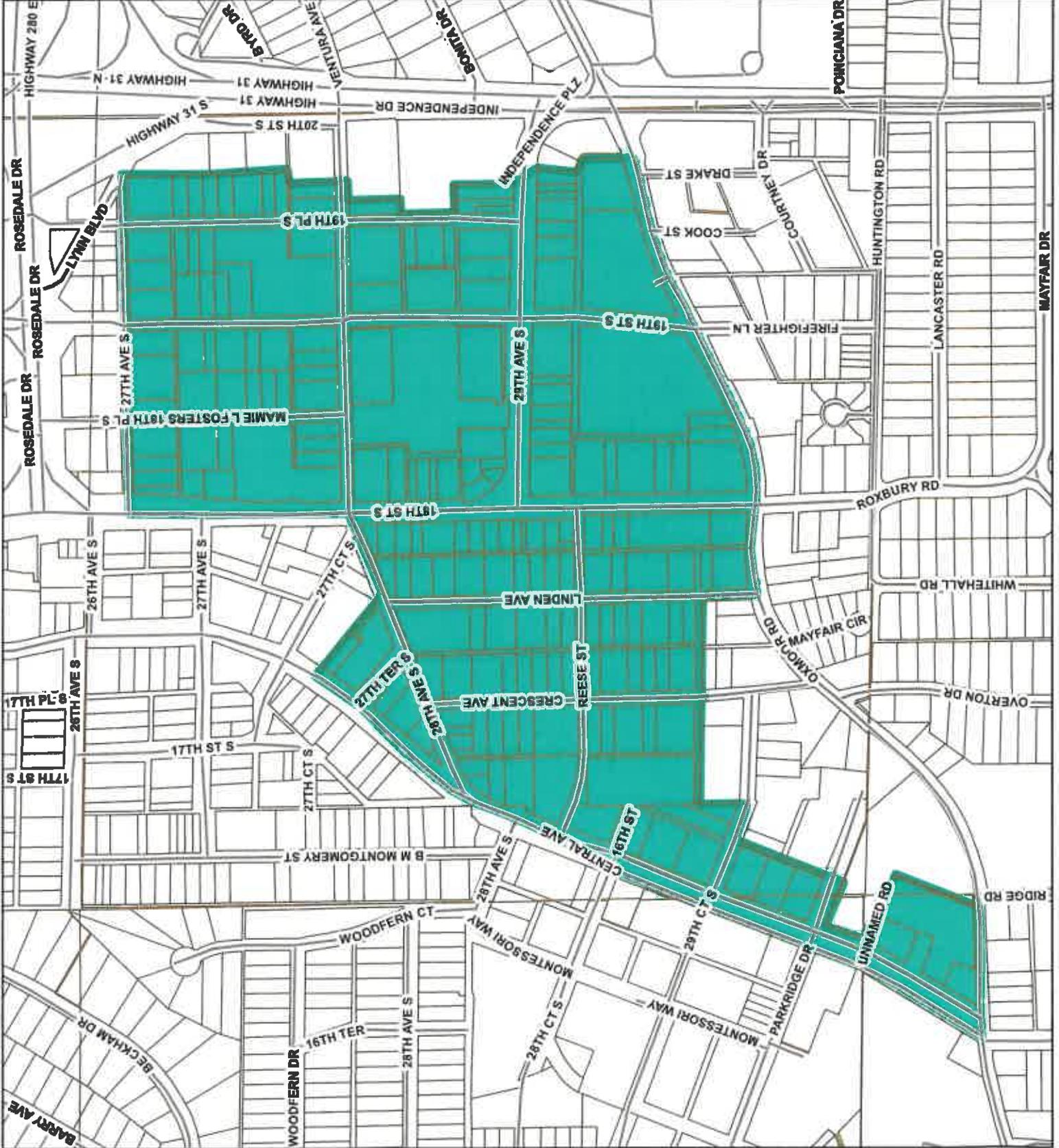
Melody Salter, City Clerk

City of Homewood
Homewood Downtown
Entertainment District
Exhibit A

- Roadway
- Parcel
- Entertainment Dis.



THE INFORMATION ON THIS DRAWING WAS COMPILED FROM SEVERAL SOURCES AND SHOULD ONLY BE USED FOR GENERAL INFORMATION AND ORIENTATION. THIS DRAWING IS THE PROPERTY OF THE CITY OF HOMWOOD AND ITS USE BY ANYONE FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY AUTHORIZED BY THE CITY OF HOMWOOD IS PROHIBITED.



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RECOMMENDED BY:

THE PUBLIC SAFETY COMMITTEE

SUBMITTED BY:

THE ACTING CITY ATTORNEY

ORDINANCE NO.13-118

AN ORDINANCE TO AMEND TITLE 12, “LICENSING AND REGULATION”, CHAPTER 10, “INTOXICATING LIQUORS”, OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980, TO ADD A NEW ARTICLE FOR THE CREATION OF ENTERTAINMENT DISTRICTS PURSUANT TO ALABAMA ACT NO. 2012-438.

SECTION 1.

THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham, Alabama that Title 12, “Licensing and Regulation”, Chapter 10, “Intoxicating Liquors”, is hereby amended to add a new article as follows:

1. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic Beverage Control Board or ABC Board or ABC means the Alabama Alcoholic Beverage Control Board.

District means an entertainment district established by the city council pursuant to this ordinance. District boundaries may not exceed one half mile by one half mile in area, but may be irregularly shaped.

Licensee means any person holding an ABC retail license authorizing the sale of alcoholic beverages for on-premises consumption within a district.

Licensed premise means any business within a district that holds a valid ABC retail license authorizing the sale of alcoholic beverages for on-premises consumption, issued pursuant Ala. Code, 1975, Sec. 28-1-6(a), and a valid City of Birmingham business license.

Liquor license means any retail license authorized by Code of Ala Title 28, Chapter 3A, which allows the licensee to sell alcoholic beverages for consumption on the licensed premises.

2. Entertainment District Regulations

- a. Any licensee who receives an entertainment district designation for its on-premise retail license from the ABC Board or who otherwise holds a valid license from the ABC Board to sell alcoholic beverages for consumption on the licensed premises shall comply with all laws, rules, and regulations which govern its 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 alcoholic beverages anywhere within the confines of the entertainment district, but may not enter another licensed premises with open containers or closed containers of alcoholic beverages acquired elsewhere.
- b. Beverages sold for removal from the licensed premises shall be dispensed only in a paper cup bearing the commercially printed name and/or logo of the designated licensee. No beverages shall be removed from the licensed premises in glass bottles or containers.

- c. The days and hours of operation of an entertainment district shall be established by the council in the ordinance designating each specific district. No licensee shall allow the removal of alcoholic beverages from the licensed premises other than during the hours established for the operation of the specific entertainment district. No one shall possess alcoholic beverages for consumption within the district outside of the licensed premises other than during the hours of operation as an entertainment district. No alcoholic beverages shall be possessed or consumed in any entertainment district between the hours of 2:00 a.m. and 12:00 p.m. on Sundays, except within the licensed premises of establishments validly licensed as private clubs by the ABC Board. Possession or consumption of alcoholic beverages within or upon any parking lot or parking facility within the district shall be prohibited.
- d. Nothing in this ordinance shall be construed to allow the sale of alcohol to minors. The council may establish strict curfews for minors within the entertainment district as needed to control the availability of alcoholic beverages to minors.
- e. No licensee within the district shall be required to allow removal of beverages to be consumed outside the licensed premises. Any licensee that does not desire to allow removal of beverages from its licensed premises shall clearly post notice that no open containers of alcoholic beverages may be removed from the premises. Such notice shall be posted at least at the exits and where beverages are dispensed within the premises.
- f. This ordinance shall not be construed to prohibit the sale of alcoholic beverages in their original, unopened containers for off-premise consumption by any establishment authorized by the ABC Board to make such sales. However,

consumption of alcoholic beverages sold in original, unopened containers for off-premise consumption shall not be allowed in any public area of the entertainment district.

- g. All licensees within an entertainment district shall comply with all laws, ordinances, and regulations relating to having adequate security measures in place for the policing and enforcement of alcoholic beverage control laws, which measures shall include but are not necessarily be limited to:
- (1) Adequately lighted areas where alcoholic beverages are sold, served or consumed;
 - (2) Tamper proof measures that identify persons of legal drinking age; and
 - (3) Provision of a sufficient number of security personnel as provided in Ordinance No. 13-74.
- h. The provisions of the city's noise ordinance, Sections 11-8-21 through 11-8-27 of the General Code of the City of Birmingham, 1980, as amended (Ordinance No. 04-98), shall apply in all entertainment districts, including but not limited to requirements for amplified sound and for noise permits as provided in Ordinance No. 04-99.
- i. Special events within the district must be coordinated through the appropriate responsible merchants' association or organization responsible for the operation of the district. Events that involve such activities as the sale of alcoholic beverages outside of licensed premises, street closures, entertainment using amplified sound, or other regulated activities must comply with all laws, ordinances or regulations governing such activities.

- j. The city's prohibition against drinking in public, Sec. 12-10-9 of the General Code of the City of Birmingham, 1980, as now or hereafter amended, shall not apply within the boundaries of a designated entertainment district during the approved hours of operation for the district.

3. Offenses

- a. It shall be unlawful:

- (1) For any retail licensee to sell alcoholic beverages in other than open containers for consumption on premises where sold, or to permit a patron to leave the premises with an alcoholic beverage which was dispensed and sold on the premises.
- (2) For patrons to enter licensed premises with alcoholic beverages acquired at another licensed premise or outside the district.
- (3) For patrons to exit licensed premises with open glass containers of any type alcoholic beverages.
- (4) For any person to enter into a designated entertainment district with alcoholic beverages purchased outside of the district, except as otherwise permitted by Alabama Alcoholic Beverage Control Board and in compliance with all applicable laws, ordinances, rules and regulations governing the sale, possession or consumption of alcoholic beverages.
- (5) For any person purchasing alcoholic beverages for on-premises consumption to remove such beverages from the premises from which they were sold for consumption or to remove the container in which the

alcoholic beverage was sold for on-premises consumption, except from the premises of those licensees who receive an entertainment district designation in an entertainment district.

- (6) For any person to refill a cup from a licensed premise with alcoholic beverages not purchased at a licensed premise within the district.
 - (7) For any person to exit a designated entertainment district with alcoholic beverages purchased in an open container for consumption within the district.
 - (8) For any person to consume alcoholic beverages in a motor vehicle parked or in motion within the district, with the exception of a common carrier vehicle licensed by the ABC Board to serve alcoholic beverages.
- b. Any violation of the offenses set forth in subsection (a) of this section shall be punishable by a fine of not less than \$100.00 nor in excess of \$500.00 per violation.
 - c. The city council may consider suspension or revocation of the business license of any licensee who violates any provision of this ordinance.

4. Signage Designating Entertainment District

- a. No signs are permitted at any time on public property such as a city street right-of-way or a utility pole, except for signs, specifically permitted, in designated entertainment districts. Entertainment district signs mean any on-premise sign which is not affixed to real property in such a manner that its removal would cause serious injury or material damage to the property.

- (1) Businesses that wish to participate in the entertainment district privileges must display participation banners, flags or other type of signage near the

entrance to the establishment. The signage shall be unified in the district with regard to content, size, color, material and method of attachment to the building. The signage shall be fixed to the building during district hours of operation and no less than five (5) feet from the door. Signage shall be located at each principal public entrance. Such sign(s) shall be located on or adjacent to the subject public entrance.

- (2) Businesses within an entertainment district that do not wish to participate in the privileges must display signage noting the exception in accordance with section 2 (e) of this ordinance. These signs shall be unified within the entertainment district with regard to size and content. Sign content shall include: the entertainment district name; hours of operation; establishment name; and that alcoholic beverages may not leave the premise. Business not participating shall be prohibited from serving beverages in containers similar to those used by participating licensees and described in section 2 (b) of this ordinance.
- (3) Parking areas within entertainment district with more than 20 parking spaces or in excess of 5,000 square feet shall have fixed signage located at each pedestrian and vehicular entrance and exit denoting the rules and regulations for the district. Signage shall be unified within the District in regards to size, color, content and placement.
- (4) The boundary to the entertainment district shall be clearly marked with fixed signage at all entrance/exits. Signs for pedestrians entering the site shall display the entertainment district name and the hours of operation.

Signs for pedestrians leaving the area shall indicate the prohibition on removing beverages from the area.

- b. Entertainment district signs shall be approved by the design review committee of the city and permitted by the department of planning, engineering and permits. Approval must also be obtained from the respective district merchants' association, when applicable. A copy of the permit guidelines and restrictions shall be available from the office of the city clerk or on the website for the department of planning, engineering and permits' urban design division.

5. Entertainment District Designation

- a. The council may create a district whenever it finds that the proposed district meets the minimum qualifications of the Act and this article, and that creation of a district is in the best interest of the public and the specific geographic area to be served. In making its determination, the council shall take into account all relevant information, including the following:
 - (1) A description of the proposed district;
 - (2) Plan for security, parking and other operational criteria within the district;
 - (3) How the proposed district will complement the city's economic development goals, comprehensive plan, the planning neighborhood district in which it is located, and the surrounding area.

- b. The council may establish up to five districts as provided by Alabama Act 2012-438, as now or hereafter amended, or up to the maximum number allowed by any other applicable state law in effect at the time.
- c. District boundaries must conform to the requirements of state law, currently no larger than one-half mile by one-half mile in area, but may be irregularly shaped.
- d. To be established as a district, the area making the request must have an established and active merchants' association or other organization or association of businesses with authority to speak for the businesses in the affected area.
- e. The merchants' association or other authorized organization representing the businesses in an area that meets the requirements of Alabama Act 2012-438, as now or hereafter amended, may request to be designated as an entertainment district by submitting an application and a receipt from the finance director or his designee for the payment of a non-refundable application fee in the amount of to the city clerk. Upon receipt of application and proof of payment of the fee, the city clerk shall forward a copy to the director of the department of community development, the economic development director, the director of the department of planning, engineering and permits, the traffic engineer, the finance director, the chief of police, and the fire chief, or their respective designees, by electronic or other means. The application shall include, but not be limited to, all of the following:

- (1) The identity of the applying organization and the businesses it is authorized to represent.

- (2) A map delineating the boundaries of the district;
- (3) Evidence that the area meets the requirements for the number of ABC Board licensees to qualify for an entertainment district designation.
- (4) The proposed days and hours that the area will operate as an entertainment district;
- (5) Plans to provide for adequate security and/or police protection for the area while operating as an entertainment district;
- (6) Plans for adequate parking for persons visiting the district. To the extent possible, parking shall be located at the perimeter or outside the boundaries of the district. Parking lots within the district must provide for compliance with prohibitions on alcohol brought into the district and provide for the safety and security of patrons of the district;
- (7) Plans for maintaining the appearance and sanitation of the district;
- (8) Plans for the designation of the district, including signs, entry points and the means to define the boundaries of the district so that patrons are clearly informed of the limits of the districts;
- (9) Such other additional information that the director of community Development may deem necessary to allow city staff and the council to

evaluate the suitability of the area for an entertainment district designation.

- f. Upon receipt of the notification or completed application, the director of the department of community development, the economic development director, the director of the department of planning, engineering and permits, the traffic engineer, the finance director, the chief of police and the fire chief, or their respective designees, shall review the application for completeness and for compliance with this and other applicable city ordinances. The applicant may consult with these reviewing departments in developing the plan prior to submitting the application or during the review as needed due to address traffic, safety and other concerns for the benefit of the public and to ensure consistency with design review standards where applicable.
- g. Within 10 days of receipt of the application, the director of the department of community development shall set a meeting with the other reviewing departments' designees to consider whether the application is complete and ready for final review or whether additional information is necessary. The director of the department of community development or his/her designee shall notify the applicant within 5 days of that meeting as to whether the review shall proceed on the application as submitted or whether additional information and consultation is needed to proceed with the review. The reviewing departments shall report to the director of community development on their findings within 45 days of receiving a final, complete application. The reports and findings shall be submitted to the city clerk

by each department or the director of the department of community development may receive reports from the other departments and forward them collectively to the city clerk within 45 days of having received the final complete application.

- h. The city clerk shall forward the application and the reports of the reviewing departments to the public safety committee of the city council no later than 5 days after receipt of the departmental reports. The public safety committee shall consider the application at its next regularly scheduled meeting and shall request the city council to set a public hearing not less than 21 days but not more than 35 days from the committee's consideration of the application. The application shall be available in the clerks' office for at least 21 days prior to the hearing for public review.
- i. At the public hearing, the city council shall hear any person who desires to be heard on any issue relevant to the designation of the area as an entertainment district.
- j. After such hearing, the council shall consider the application, the reports from the reviewing city departments, any relevant evidence offered by any party at the public hearing and such other information it may have bearing upon such application and the ability of the applicant and affected businesses to operate the district in the best interest of the public health, safety and welfare.
- k. If the city council finds that the designation of the district complies with all applicable ordinances and state law and that the creation of the district is in the best interest of the public, it shall adopt an ordinance setting out:

- (1) The findings upon which the designation is based;
 - (2) A map delineating the boundaries of the district;
 - (3) Effective dates for the district;
 - (4) The days and hours that the area shall be allowed to operate as an entertainment district; and,
 - (5) Such additional operational rules and criteria the council deems appropriate to meet the goals and objectives of that particular district.
1. The council may amend, modify or revoke the designation of any area as an entertainment district upon finding that the operation of the district has become a nuisance or is otherwise not being operated in the best public interest, including a lack of adequate security. The council shall conduct the proceedings for the amendment, modification or revocation of the designation in the same manner as provided for the revocation of a business license pursuant to the ordinances of the city. The council may require the district to provide additional security at the district's expense.
- (1) No church, school or religious institution shall be considered part of a designated district. Boundaries shall specifically exclude the property and premises of any such institution.
 - (2) The council reserves the right to modify or repeal this article, and any district designation created there under at any time. Nothing in this

article shall be construed to create any right or entitlement to an entertainment district designation.

6. Management of Entertainment District

The director of community development is authorized to implement regulations, and controls, with the assistance of the economic development director and director of finance, for the purpose of managing the entertainment district which will be specific for each entertainment district. Such regulations and controls may include but are not limited to the following:

- a. Entrance Requirement: Entertainment district wristbands may be required to indentify all persons who have attained the age of twenty-one (21) and who are legally authorized to purchase and consume alcoholic beverages. Displaying of the wristband does not relieve any establishment from verifying the age of any person who is seeking to purchase alcoholic beverages.
- b. Restrictions: No licensee shall issue a district wristband to any person entering the establishment with weapons, alcoholic beverages, and other items which may be dangerous, disruptive, or inconvenient in crowded conditions.
- c. Sale of Wristbands: Only authorized licensees, merchants associations or designated entities may sell or distribute wristbands. Wristbands shall be obtained from the City of Birmingham's finance department according to regulations established by the finance director and the director of community development.

- d. Financial Requirement and Auditing Responsibilities: Any organization designated and authorized to collect fees and generate revenues from the public in connection with the entertainment district, on an annual basis, shall provide to the finance director, a comprehensive report that provides a full accounting of all revenues and expenditures associated with the sale of the wristbands. The designated organization shall make all pertinent books, accounts, or other records accessible to the finance director and the organization shall maintain accounting procedures adequate to fully document the use of all funds received and/or paid by the organization in connection with the sale of the wristbands.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon passage, approval and publication or as otherwise provided by law.

SECTION 3. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. PRESERVATION. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following: Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

Adopted by the Council September 24, 2013 and Approved by the Mayor October 1, 2013



A CERTIFIED COPY
Lee Frazier, City Clerk
Birmingham, AL
Lee Frazier

ORDINANCE NO: 13- 846

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. Chapter 3, Article II, Section 3-27 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 3-27. Arts and Entertainment Districts.

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning.

Approved container means a purple colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is an arts and entertainment district permittee, bearing the name or logo of the district or the name or logo of the arts and entertainment district permittee.

Chapter 23 special event means a special event governed by chapter 23, article VI of this Code.

Arts and entertainment district or *district* means the districts established hereinafter in subsection (b) of this section, as such districts may be from time to time amended.

Arts and entertainment district area or *area* means public places within the art and entertainment district, except for an excluded public place.

Arts and entertainment district event means a chapter 23 special event that meets each of the following criteria:

- a. The event is open to the general public and may or may not include an admission fee for entrance into the event.
- b. The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Arts and entertainment district permittee or *permittee* means an on-premise retail city licensee permitted by the city in accordance with subsection (f) of this section.

Excluded public place means a public place within an arts and entertainment district that is not included within an arts and entertainment district area as follows:

- a. a public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

- b. property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
- c. an area being used for a chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises; or
- d. an area being used for a chapter 23 special event that is licensed to sell alcoholic beverages or that holds a bottle permit issued under section 3-23; or
- e. the premises of a city licensee.

(b) *Purpose.*

(1) *Purpose of section.* The purpose of this section is:

- a. to establish districts authorized by section 28-3A-17.1, Code of Ala. 1975, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against removal of open containers under subsections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of an other city business licensee under subsection 3-25(a); and
- b. to establish regulations governing the district.

(2) *Purpose of arts and entertainment districts.* In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

(c) *Arts and entertainment districts established.*

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following two named and generally described districts, the Quigley District and the Meridian District, which are also shown on the appended map incorporated herein by reference, which districts shall constitute entertainment districts pursuant to section 28-3A-17.1, Code of Ala. 1975:

a. *Quigley District.* Beginning at the intersection of the East bank of Pinhook Creek and the North right of way (ROW) line for Clinton Ave NW;

thence from the point of beginning Northeast along the North ROW of Clinton Ave. NW to a point on the North ROW of Clinton Ave. and the East ROW of Monroe Street; thence Northwest along the North ROW of Clinton Ave West 327 feet to a point; thence South 32 Degrees 01 Minutes 55 Seconds East a distance of 255.6 feet to a point; thence South 57 Degrees 59 Minutes 51 Seconds West 319.6 feet to a point on the East margin of Monroe Street SW; thence South along the East ROW of Monroe Street to the North margin of Big Spring Park, said point further described as lying at the Southwest corner of the parking garage "M"; thence Northeast along the north margin of Big Spring Park 459.8 feet to a point; thence North 31 Degrees 07 Minutes West 133.6 feet to a point; thence North 58 Degrees 06 Minutes East 170.1 feet to a point on the West margin of Church Street; South 28 Degrees 44 Minutes East 74.1 feet to a point; thence North 62 Degrees 41 Minutes East 68.9 feet to a point on the East Margin of Church Street and the North margin of Big Spring Park East; thence continuing along the North margin of the park; to the intersection of said boundary with the West ROW of Spragins Street; thence North along the west ROW of Spragins to the intersection of the West ROW of Spragins with the North ROW of Spring Street extended; thence along the North ROW of Spring Street to the center of the block and an unnamed alley; thence Northwest along the unnamed alley crossing Clinton Ave. to a point on the North ROW of Holmes Ave.; thence along the North ROW of Holmes Ave. to a point on the East ROW of Greene Street; thence Southeast along the East ROW of Greene Street to the Southwest corner of Parking Lot "D"; thence Southwest crossing over Greene Street to a point on the West ROW of Greene Street; thence continuing Southwest along the property line to the center of the block being bounded by Homes Ave. to the North, Clinton Ave. to the South, Greene Street to the East and Washington Street to the West; thence Southeast along the property lines crossing over Clinton Ave. to a point on the South ROW of Randolph Ave.; thence Southwest along the South ROW of Randolph Ave. to the western most property line of the Church of Christ; thence Southeast along said property line and through Parking Lot "E" to a point on the North ROW of Eustis Ave.; thence Northeast along the North ROW of Eustis Ave. for 400 feet to a point; thence Southeast crossing over Eustis Ave. and following the Western most property line of 306 Eustis Ave., 230 feet to a point; thence Southwest to a point on the West ROW of Greene Street; thence continuing Southwest along a line South of the Church of Nativity to a point on the Eastern ROW of Franklin Street; thence Southeast along the Eastern ROW of Franklin Street to the intersection of the Eastern ROW of Franklin Street and the South ROW of Gates Ave., thence Southwest along the South ROW of Gates Ave. to the intersection of the South ROW of Gates Ave. and the West ROW of Madison Street; thence Northwest along the West ROW of Madison

Street to the intersection of the West ROW of Madison Street and the South ROW of Fountain Circle; thence Southwest along the South ROW of Fountain Circle and the South boundary of Big Spring Park East to a point on the East ROW of Church Street; thence Southeast along the East ROW of Church Street to the intersection of the East ROW of Church Street and the South ROW of Williams Ave.; thence Southwest along the South ROW of Williams Ave. to the intersection of the South ROW of Williams Ave. and the East ROW of Lowe Ave.; thence South and East along the East ROW of Lowe Avenue 740 feet to a point; thence due South crossing Lowe Avenue to a point on the North margin of Peter Fagan Creek; thence following the Northern margin of Peter Fagan Creek West for 714 feet to a point; thence crossing Peter Fagan Creek Southwest 150 feet to a point further described as being the Northeast corner of Williams Aquatic Center property; thence Northwest along the North boundary of the Aquatic Center for 300 feet to a point on the East margin of Monroe Street; thence South along the East ROW of Monroe Street 487 feet to a point, said point lying on the South Margin of Davis Circle extended and the South Margin of the traffic circle; thence North 61 Degrees West 105 feet to a point on the South margin of Heart of Huntsville Drive; thence Northwest along the South margin of Heart of Huntsville Drive 723 feet to a point; thence South 15 Degrees 15 Minutes West 95 feet to a point on the East margin of a parcel at 725 Constellation Place Drive; thence South along the East boundary of said parcel 632 feet to a point on the East margin of said property and the North margin of a private access road; thence Northwest along the North margin of said private access road to a point on the North margin of said access road and the South boundary of Constellation Place Drive; thence Northeast along the South boundary of Constellation Place Drive to a point on the South boundary of Constellation Place Drive and the South boundary of Heart of Huntsville Drive; thence N 44 Degrees 37 Minutes East 72.9 feet to a point on the North margin of Heart of Huntsville Drive; thence Southeast along the North margin of Heart of Huntsville Dive 683 feet to a point; thence Northwest along the Eastern margin of Pinhook Creek to the point of beginning; containing 105.8 acres more or less.

b. *Meridian District.* Beginning at the intersection of the West ROW of Dallas Street and the South ROW of Howe Ave.; thence North 32 Degrees 48 Minutes 16 Seconds West 52.1 feet to a point on the North Side of Howe Ave.; thence North 79 Degrees 51 Minutes West a distance of 139.5 feet to a point; thence North 32 Degrees 53 Minutes West a distance of 91.35 feet; thence North 03 Degrees 43 Minutes West a distance of 23.11 feet to a point; thence North 24 Degrees 37 Minutes East a distance of 139.48 feet to a point; thence North 04 Degrees 35 Minutes West a distance of 106.5 feet to a point on the South ROW of Pratt Ave.; thence West along the South ROW line of Pratt Ave a distance of

362.2 feet to a point on the Eastern ROW of the Norfolk Southern Railroad; thence Southwest along the Eastern ROW of the Norfolk Southern Railroad to the intersection of said railroad ROW and the South ROW of Cleveland Ave.; thence East along the South ROW of Cleveland Ave. to the intersection of the South ROW of Cleveland Ave. and the Western ROW of Meridian Street; thence South along the West ROW of Meridian Street a distance of 184.3 feet to a point; thence North 86 Degrees 01 Minutes East a distance of 150.6 feet to a point on the South ROW of Howe Ave.; thence Northeast along the South ROW line of Howe Ave 697 feet to the point of beginning; a tract of land 10.4 acres more or less.

(2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the arts and entertainment districts established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of an arts and entertainment district or permitting under this section.

(3) In the event an arts and entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to section 28-3A-17.1, Code of Ala. 1975, then the city may amend this section to either eliminate that particular arts and entertainment district or modify the district so as to remain in compliance with section 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(4) Where this section provides for the opening of a portion of an arts and entertainments district, that portion that is opened shall have not fewer than the required number of alcoholic beverage licensees.

(5) The arts and entertainment districts established in this subsection (c) shall operate separately from each other.

(d) *Opening of the district.*

(1) *Regular hours of district.* The regular hours of operation for an arts and entertainment district shall be between the hours of 5:00 p.m. to 11:00 p.m. on Thursday and between the hours of 12:00 noon to 11:00 p.m. on Friday, Saturday, and Sunday.

(2) *Arts and entertainment district event.*

a. An event organizer of a chapter 23 special event that is an arts and entertainment district event, including an organized event on private property that

requires city event services in accordance with section 23-202(d) of this Code, may request, with the organizer’s application for a chapter 23 special event permit and on forms provided by the city, that an arts and entertainment district, or a portion thereof specified in the request, be opened during the chapter 23 special event.

b. The request shall be processed with the application for a chapter 23 special event permit and the event organizer, as that term is defined in chapter 23, article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the chapter 23 special event independent of the opening of the arts and entertainment district shall be governed by chapter 23, article VI of this Code.

c. The event organizer that requests that only a portion of the district be opened shall be responsible for the costs associated with delineating the partial opening of the district. A partial opening of the district and the manner of delineating the opening shall be subject to the approval of the event administrator.

d. The event administrator, as that term is defined in chapter 23, article VI of this Code, shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he may elect to obtain from the city’s planning division, and to approve, approve with conditions, or disapprove the opening of all or a portion of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) *City-sponsored opening of the district.* At any time and from time to time the city may elect to sponsor the opening of all or a portion of an arts and entertainment district.

(e) *Conduct in the entertainment district.*

(1) The regulations of subsection 3-22(b) of this article, concerning the possession of an open container or drinking an alcoholic beverage in a public place, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the arts and entertainment district area during the hours of operation of the arts and entertainment district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsections 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premises, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of the arts and entertainment district permittee providing the same, during the hours of operation of the arts and entertainment district. Otherwise the regulations of subsections 3-24(a) through (c) shall apply.

(3) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the arts and entertainment district area during the hours of operation of the arts and entertainment district. Otherwise, the regulations of subsection 3-24(d) shall apply.

(4) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of an other city business licensee, shall not apply in the arts and entertainment district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise the regulations of section 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(5) It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for an alcoholic beverage and nothing in this section shall be construed to authorize the same.

(6) Nothing in this section shall be construed to authorize any person to violate the state’s open container law found at section 32-5A-330, Code of Ala. 1975.

(7) Nothing in this section shall be construed to authorize any person to violate the state and city’s laws against under-age drinking.

(f) *Permitting.*

(1) *Qualifications.* In order to qualify for an arts and entertainment district permit an applicant shall meet each of the following;

a. The applicant shall be a city licensee that is authorized by the city to sell alcoholic beverages at retail for on-premises consumption; and

b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period

against the city licensee or its owner related to the retail license or the operation of the city licensed premises.

(2) *Application process; permit duration.* A city licensee that meets the qualification of subsection (1) above may apply with the city-clerk’s office to become an arts and entertainment district permittee by filling out a form provided by the city. The city clerk treasurer may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the liquor license review committee by filing a written notice of appeal with the city clerk-treasurer within 15 days after the denial. A permit shall be valid for a license year, at the end of which a renewal application must be made.

(3) *Action against permit.* A permit may be revoked, suspended, or not renewed by the city clerk-treasurer if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the city clerk-treasurer to the liquor license review committee by filing a written notice of appeal with the city clerk-treasurer within 15 days after the adverse action.

(g) *Security.*

(1) *Temporary closure of district.* At any time and from time to time, the chief of police shall have the authority to temporarily close an arts and entertainment district, or portions of the district, which includes the authority to require persons to disperse from the area, should he, in his sole discretion, determine it is appropriate to do so in order to protect the public health, safety, or general welfare. The arts and 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 and the city shall still be entitled to a reimbursement for city services provided in connection with the opening of the district for an arts and entertainment district event.

(2) *Number of permits.* The chief of police shall have the authority at any time and from time to time to limit the number of arts and entertainment district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the city clerk-treasurer. If there is a question as to first in time, the city clerk-treasurer is authorized to conduct a random drawing to decide the issue.

Section 2. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

Section 3. This Ordinance shall become effective upon its adoption and approval.

ADOPTED this the 7th day of November, 2013.

/S/ Mark Russell
President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 7th day of November, 2013.

/s/ Tommy Battle
Mayor of the City of Huntsville,
Alabama

ORDINANCE NUMBER 2600**ORDINANCE ESTABLISHING THE ROCKY RIDGE
ENTERTAINMENT DISTRICT****WITNESSETH THESE RECITALS:**

WHEREAS, Act 2012-438 as amended by Act 2013-382 now appearing as Section 28-3A-17.1, *Code of Alabama, 1975*, authorized certain municipalities in the State of Alabama to establish entertainment districts within its corporate limits; and

WHEREAS, the Legislature of the State of Alabama enacted Act No. 2015-267, which became law on May 27, 2015, to authorize the City of Vestavia Hills, Alabama to establish no more than three (3) entertainment districts within the corporate City limits; and

WHEREAS, pursuant to the terms and provisions and conditions of Act No. 2015-267, the City Council wishes to establish an entertainment district for the purpose of regulating the sale and consumption of alcoholic beverages as provided herein below.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, as follows:

SECTION 1. Under the authority granted in Section 1 of Act No. 2015-267 of the Alabama Legislature, there shall be hereby established the Rocky Ridge Entertainment District with the areas and boundaries as set forth and designated in Exhibit A.

SECTION 2. Any licensee who receives an entertainment district designation for an on-premise retail license from the Alabama Alcoholic Beverage Control Board shall comply with all laws, rules, and regulations which govern its 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 alcoholic beverages anywhere within the confines of the entertainment district but may not enter another licensed premises with open containers or closed containers of alcoholic beverages acquired elsewhere.

SECTION 3. No licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises in bottles or glass containers.

SECTION 4. Except for special events as permitted by the Alabama Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, no alcoholic beverages

purchased outside of the district shall be allowed in open containers in the Entertainment District.

SECTION 5. Alcoholic beverages may be sold at licensed premises and consumed within the entertainment district designation boundaries during the following days and hours:

Sunday through Thursday from Noon to 9:00 PM

Friday and Saturday from Noon to 11:00 PM

SECTION 6. This Ordinance shall become effective upon passage, approval and publication or as otherwise.

DONE, ORDERED, ADOPTED and APPROVED this the 28th day of September, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2600 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28th day of September, 2015, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk

**ROCKY RIDGE
ENTERTAINMENT DISTRICT
BOUNDARY DESCRIPTION**

Commence at the NE Corner of Lot 9 of Countrywood Trace Garden Homes as recorded Map Book 167 Page 14 in the Probate of Jefferson County, Alabama. Located in NW $\frac{1}{4}$ of Section 32 Township-18 South- Range 2 West.

Thence run westerly along the northerly line of lots 9-8-7-6 and 5, to the Northwesterly corner of Lot 5 of the said Countrywood Trace Garden Homes.

Thence turn and run southerly along the westerly line of lots 5-4-3-2 and 1 of the said Countrywood Trace Garden Homes to the south west corner of Lot 1 of the said Countrywood Trace Garden Homes. Said point being on the northerly right of way line of Ridgedale Drive.

Thence turn and run westerly along the said northerly right of way line of Ridgedale Drive for a distance of 125 feet to a point on the said northerly right of way line, thence turn and run southerly across Ridgedale Drive to a point on the southerly right of way line of Ridgedale Drive. Said point being the northeast corner of Lot 2B of a Resurvey of Lot 2 Rocky Ridge Estates as recorded in Map Book 159 Page 65 in the Probate Office of Jefferson County.

Thence run southerly along the easterly line of the said Lot 2B to the Southeast corner of the said Lot 2B, thence turn and run westerly along the south line of Lot 2 B and Lot 2A to the Southwesterly corner of Lot 2A of the said resurvey of Lot 2 Rocky Ridge Estates. Said Corner being on the easterly right of way line of Rocky Ridge Road.

Thence run in a northwesterly direction across Rocky Ridge Road to a point on the Westerly right of way line of Rocky Ridge Road. Said point being the southeast corner of a parcel of property as recorded in Deed Book 201416 Page 23608. Thence run westerly along the south line of said parcel to the southwest corner of said parcel. Said southwest corner of said parcel also being the Northeast corner of Lot 21 of The Glen of Vestavia as recorded in Map Book 211 Page 56 in the probate office of Jefferson County, Alabama.

Thence run westerly along the north line of lots 21-20-19-18-17 and 16 to the northwest corner of Lot 16 of said The Glen of Vestavia. Thence turn and run northerly along the easterly line of lots 14-13 and 12 to the Northeast corner of Lot 12 of said The Glen of Vestavia.

Thence turn and run westerly along the north line of lots 12-11-10 and 9 to the Northwest corner of the said Lot 9 of said The Glen of Vestavia. Thence continue along the last described course for a distance of 112.55 feet to a point. Thence turn and run Northeasterly a distance of 330 feet more or less to a point located on the northerly right of way line of Morgan Drive. Said point being the Southeasterly corner of a parcel of property as recorded in Deed Book 9808 Page 0905 in the Probate Office of Jefferson County, Alabama.

Thence run northerly along the easterly line of the said parcel as recorded in said Deed Book 9808 page 0905 for a distance of 896.91 feet more or less to a corner point on the said easterly line of said parcel. Thence turn and run easterly along the projected northerly property line of a parcel of property as recorded in Deed Book 200207 Page 8191 in the probate office of Jefferson County, Alabama a distance of 88.66 feet more or less to the northwesterly corner of said parcel as recorded in Deed Book 200207 Page 8191. Thence continue along the said northerly line of said parcel 180.30 feet more or less to a point. Said point being the southwest corner of a parcel as recorded in Book 4445 Page 930.

Thence run northerly along the westerly line of said parcel recorded in Book 4445 page 930 for a distance of 121.40 feet more or less to the northwest corner of said parcel. Thence turn and run easterly along the northerly line of said parcel a distance of 238.1 feet more or less to the northeast corner of said parcel. Said corner being on the westerly right of way line of Rocky Ridge Road. Thence turn and run southerly along the westerly right of way of Rocky Ridge Road a distance of 139 feet more or less to the southeast corner of said parcel. Said southeast corner of said parcel being the northeast corner of a parcel of property as recorded in deed book 200207 Page 8191 in the Probate Office of Jefferson County, Alabama.

Thence continue in a southerly direction along the westerly right of way line of said Rocky Ridge Road 121.12 feet to the southeasterly corner of said parcel as recorded in deed book 200207 Page 8191. Said southeasterly corner of said parcel also being the northeasterly corner of a parcel of property as deeded in Deed Book 200206 Page 7465 in the Probate Office of Jefferson County, Alabama.

Thence continue in a southerly direction along the said westerly right of way of said Rocky Ridge Road for a distance of 120.94 feet to the southeast corner of said parcel as recorded in Deed Book 200206 Page 7465. Said southeast corner also being the northeast corner of a parcel as recorded in Deed Book 200407 page 7258 in the Probate Office of Jefferson County, Alabama.

Thence continue in a southerly direction along the said westerly right of way of Rocky Ridge Road for a distance of 131.55 feet to the southeast corner of said parcel recorded in Deed Book 200407 page 7258.

Thence turn and run southeasterly across Rocky Ridge Road to a point on the easterly right of way line of said Rocky Ridge Road. Said point being the northwest corner of Lot 2 Oak Park Plaza as recorded in Map Book 153 page 23. Thence continue along the northerly line of said Lot 2 to the northeast corner of said Lot 2. Said northeast corner also being the northwest corner of Lot 1-A Resurvey of Oak Park Plaza as recorded in Map Book 191 Page 19 in the Probate Office of Jefferson County, Alabama. Thence continue along the northerly line of said Lot 1-A to the northeast corner of said Lot 1-A. thence turn and run southerly along the easterly line of said lot 1-A to the southeast corner of said Lot 1-A.

Thence continue along the last described course a distance of 66.0 feet more or less to the point of beginning.

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720
TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

September 1, 2015

By Electronic Mail and Regular Mail

City Clerk Rebecca Leavings
Vestavia Hills Municipal Center
513 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Proposed Ordinance to Establish An Entertainment District

Dear Mrs. Leavings:

On August 17, 2015, you sent to me via electronic mail a proposed ordinance regarding the establishment of an entertainment district with a request that I review the same and provide you with any suggested revisions. The purpose of this letter is to comply with your request.

In order to advise you as requested, I reviewed the following:

1. Act Number 2012-438 as amended by Act 2013-382 now appearing as Title 28-3A-17.1 and Title 28-3A-20.1, *Code of Alabama, 1975*.
2. Act Number 2015-267.
3. City of Dothan Ordinance.
4. One opinion of the State of Alabama Attorney General.
5. I consulted with the Alabama League of Municipalities, but it does not have any information regarding this subject and simply referred me to the City of Montgomery.

September 1, 2015

Page 2

I do not have any recommendations for modifications of the body of the ordinance. However, I do recommend that the preamble be amended so as amended to read in words and figures as follows:

“WITNESSETH THESE RECITALS:

WHEREAS, Act 2012-438 as amended by Act 2013-382 now appearing as Section 28-3A-17.1, *Code of Alabama, 1975*, authorized certain municipalities in the State of Alabama to establish entertainment districts within its corporate limits; and

WHEREAS, the Legislature of the State of Alabama enacted Act No. 2015-267, which became law on May 27, 2015, to authorize the City of Vestavia Hills, Alabama to establish no more than three entertainment districts within the corporate City limits; and

WHEREAS, pursuant to the terms, provisions and conditions of Act No. 2015-267, the City Council wishes to establish an entertainment district for the purpose of regulating the sale and consumption of alcoholic beverages as provided herein below.”

Please call me if you have any questions regarding any matters set forth in this legal opinion.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

cc: City Manager Jeff Downes (by e-mail/regular mail)