

**ORDINANCE NO. 1440-15**

**AN ORDINANCE REGULATING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF ALBERTVILLE, ALABAMA, PROVIDING LICENSING PROCEDURES AND ESTABLISHING PUNISHMENT FOR VIOLATIONS.**

**BE IT ORDAINED** by the City Council of the City of Albertville, Alabama, that Ordinance 1323-13 is amended in its entirety to read as follows:

**ARTICLE 1. ALCOHOLIC BEVERAGES**

**SECTION I. SHORT TITLE.**

This ordinance shall be known and may be cited as the “Albertville Alcoholic Beverage Ordinance”.

**SECTION II. PURPOSE.**

This ordinance is enacted for the purposes, among others, of promoting the health and general welfare of the community, of establishing reasonable standards for the regulation and control of the licensing and sales of alcoholic beverages, and of protecting and preserving certain areas, through reasonable consideration, among others, to the character of the areas and their peculiar suitability for particular uses, to the congestion in the roads and streets, to a general view of promoting desirable living conditions and sustaining stability of neighborhoods and property values, and to the prevention of undesirable persons from engaging in or having any interest in alcoholic beverages. This ordinance shall be construed as an exercise by the City of the police power of the State delegated to the City in the regulation of traffic in alcoholic beverages within the City as provided by the Code of Alabama.

**SECTION III. DEFINITIONS.**

Whenever used in this chapter, the definitions set out in the Alcoholic Beverage Licensing Code (section 8-3A-1 et seq. Code of Alabama) are adopted by reference, and made a part as if fully set forth. The following terms shall have the meanings specifically ascribed:

**Alcoholic Beverages:** 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 mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

**Association:** A partnership, limited partnership, limited liability company, or any form of unincorporated enterprise.

**Bartender/Server:** An employee of a retail alcoholic beverage licensee who is directly involved with the opening, mixing, dispensing, serving, or final sale of alcoholic beverages to a customer of the licensed establishment.

**Beer or Malt or Brewed Beverages:** Any beer, lager beer, ale, porter, malt or brewed beverage, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume. The percentage of alcohol must be in compliance with the Board.

**Board:** The Alcoholic Beverage Control Board.

**Brewery:** Any premises licensed by the city to engage in the distillation, production, fermenting, brewing, rectifying or otherwise in the manufacture of only beer, or malt or brewed alcoholic beverages as well as engaging in the receiving, storage or warehousing only of beer, or malt or brewed beverages within the city for shipment inside and outside the state.

**Business Owner:** A person or persons issued a privilege license by the City of Albertville to conduct routine business.

**Carton:** The package or container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer.

**Child Development Facility:** Any child development program or club that promotes extended educational services that is funded partially or completely by federal, state, or local government revenue.

**Church:** An entire house or structure set apart primarily for use for purposes of public worship, and whose sanctuary is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure is kept for that use and not put to any other inconsistent use.

**City:** City of Albertville, Alabama.

**City Alcohol License Fee:** A fee charged by the City to a person or persons that has been granted approval by the Alabama Alcoholic Beverage Board for the privilege of selling alcoholic beverages within the city limits of Albertville as herein enumerated and defined.

**Container:** The single bottle, can, keg, bag or other receptacle, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer, and from which the alcoholic beverage is consumed by or dispensed to the public.

**Convenience Store/Neighborhood Market:** Establishment that sells convenience items, snacks, grocery items, gasoline, and/or other motor fuels. A convenience store shall not be considered a package store if no more than twenty-five percent (25%) of the floor space, excluding coolers and dry storage area, is dedicated to the public display of alcoholic beverages.

**Country Club / Golf Course.** A club, public or private, with a minimum of nine holes, operated to provide golf club facilities including the sale of food and alcoholic beverages either in a club building or on the golf course with no minimum meal per day requirements.

**Distributor:** Any person transporting alcoholic beverage in the City for the person's own retail use or for delivery to a retailer whether or not it is owned by the person.

**Grocery Store:** A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off premises and whose annual gross sales of alcoholic beverages do not exceed 10 percent of its total gross sales.

**Growler:** A glass, ceramic or stainless steel jug that is filled straight from the tap with fresh beer then sealed with a twist-off or hinged cap and carried off-premises.

**Hotel:** A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include a motel but shall not include a rooming house or boarding house.

**Keg:** A small cask or barrel holding beer for off-premises consumption.

**License:** A retail alcoholic beverage license or any other license issued by the Alabama Alcoholic Beverage Control Board requiring consent and approval of the City Council with the exception of licenses issued by the Alabama Alcoholic Beverage Control Board for the sale of beer.

**Licensee:** Any person licensed by the City Council for the privilege of engaging in a business involved in the sale of alcohol.

**Liquor:** Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverages, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer and table wine.

**Manager:** An employee of a retail alcoholic beverage licensee who is given the responsibility and authority by the licensee to direct the operation of the licensed establishment, either solely or in conjunction with other similarly designated employees, by directing the activities of other employees of the licensed establishment. The direction includes, but is not limited to, such responsibilities as assignment of employee tasks, scheduling of employee hours, evaluation of employee performance, and employee hiring or discipline.

**Meal:** A diversified selection of food some of which is not capable of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

**Microbrewery:** A brewery much smaller in size than corporate breweries and are independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique

**Minor:** Any person under 21 years of age.

**Neighborhood Market/Convenience Store/:** Establishment that sells convenience items, snacks, grocery items, gasoline, and/or other motor fuels. A convenience store shall not be considered a package store if no more than twenty-five percent of the floor space, excluding coolers and dry storage area, is dedicated to the public display of alcoholic beverages.

**Opened Container:** A container containing alcoholic beverages which has been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

**Outdoor Cafe.** Any permanent restaurant where food and/or other refreshments are served on or adjacent to the public right-of-way in the City including, but not limited to any restaurant, cafe, cafeteria, or lunch counter where food and/or other refreshments are served. Outdoor cafes do not include establishments that are not licensed as restaurants.

**Package Liquor sales for off-premises consumption:** A package liquor store (Class II liquor license)

**Person:** A natural person, association of natural person, limited liability company, partnership, corporation or other legal entity. Whenever used in a provision prescribing a fine or imprisonment, the term “person” shall mean the partners, members, directors or officers of any partnership, limited liability company, association, corporation or other legal entity.

**Person in Charge:** A person or persons, whether owner, partner, member, officer, or employee of the alcoholic beverage licensee, designated by the licensee as a responsible party for the licensee in ensuring compliance with the law and regulations of the Code of Alabama, Alabama Alcoholic Beverage Control Board, and the Ordinances of Albertville as apply to the operation of a business having retail sales of alcoholic beverages.

**Privilege License:** A privilege license issued by the City of Albertville to a person or persons to conduct routine business.

**Public Place:** Any place or gathering which the public generally attends or is admitted to either by invitation, common consent or right, or by payment of an admission or other charge, and without limitation, shall include any streets, alleys, sidewalks, public easements, or right-of-ways, parking lots designed for use by the general public, public buildings, buildings which are open to the public including but limited to school buildings or grounds, parks and libraries, places where school related and recreational games or contests are held, any theater, auditorium, show, skating rink, dance hall or other place of amusement or any club. The term shall not mean or include premises which have been licensed under the Ordinances of the City and the laws of the State for sale or consumption of alcoholic beverages and no private gathering is included within the meaning of public place with respect to the owners or occupants of the premises or place or to any persons specifically invited. Such term shall not mean or include premises which have been licensed by the City for sale of alcoholic beverages.

**Restaurant:** A reputable place licensed as a restaurant and operated by a responsible person of good reputation, in which a diversified selection of food, refreshments and alcoholic beverages are offered for sale for consumption within the building in which the establishment is located and which meets the following additional requirements:

1. The dining room shall be equipped with tables and chairs accommodating at least fifty persons at one time and adequately air conditioned and heated as appropriate.  
All spaces for a restaurant must comply with the building code occupancy requirements.
3. A kitchen separate and apart from the dining area, but adjoining it, in which food is prepared for consumption by the public and which the food or meals served in the dining area are prepared.
4. At least one meal per day shall be served for each day open and it shall meet the minimum requirements for a Board on-premises license.
5. The serving of food or meals shall constitute the principal business of the establishment with the serving of liquor, malt or brewed beverages, wines or other alcoholic beverages being only an incidental part of the business. During any ninety-day period, the gross receipts from the serving of meals and food shall constitute at least 50 percent of the total gross receipts of the business. The licensee for the establishment shall maintain all invoices for the purchases of food and all types of alcoholic beverages and shall preserve the records for not less than three years. These records shall be available for inspection and audit at the licensee’s premises within the City during regular business hours as the City Clerk may request.

**School:** A state accredited public or private elementary, intermediate, middle, junior high or senior high school.

**Special Events:** An athletic, sporting, or entertainment activity planned in advance by responsible persons or organizations of good reputation for a period not exceeding seven days duration

**State:** The State of Alabama

**Unopened Container:** A container containing alcoholic beverages which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

**Wholesaler:** Any person licensed by the Board to engage in the sale and distribution of table wine and beer, or either, within the state at wholesale only to be sold by export or to retail licensees or other wholesale licensees or others within the State lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only.

**Wine:** All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products, including restored or unrestored pure condensed juice.

Table Wine: Any wine containing not more than 14.9 percent alcohol by volume. Table wine is not liquor, spirituous or vinous.

#### SECTION IV. LOCATION OF PREMISES NEAR CHURCH OR SCHOOL.

- A. Subject to exceptions contained in this section, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where the building in which the premises are located is less than 200 feet from any building in which there is a church, or a public or private elementary, intermediate, middle or junior high, high school and child development facility. These distance restrictions shall not apply to the following:
1. City licensed premises located within zone B1, B2, B3 and B4 (Central Business District). Where the licensed premises are separated from the church or school by a street or highway having four or more traffic lanes and the minimum distance between the licensed premises and the church or school building is at least 200 feet.
  3. Where the church or school was established after the licensed premises began operation and the operation has not been abandoned or discontinued for a period of 12 months the above restrictions do not apply.
  4. Where the City licensed premise is a grocery store.
- B. When measuring from a church or school, the closest exterior wall of the closest building in the church or a school complex where an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from City licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee. Otherwise, the measurement shall be made from the closest point of the licensee's occupancy within the building in question. The method of measurement is a straight line from these points on licensed establishments to points on a church or school.

In instances where the City Council has delegated the authority to make such a determination to an agent, any person aggrieved by the decision of the agent may appeal the agent's decision to the City Council. The appeal must be filed in writing within 10 days of the date of the agent's decision and must specify the details of the reason for the appeal. The City Council shall hold a public hearing on the appeal at its next regularly scheduled meeting which is at least 14 days after the appeal is received by the City Clerk. The aggrieved party shall have the right to address the City Council and present any relevant evidence and testimony at the hearing. The decision of the City Council shall be final.

C. **Compliance with zoning regulations, types of license.**

No license for on-premises or off-premises sale or consumption of alcoholic beverages shall be granted to any person unless the proposed location of the business shall be in one of the following zones according to the zoning ordinance and map in effect for the City at the time of the application:

1. **Wholesale distribution of alcoholic beverages:** Alcoholic beverages for wholesale distribution shall be considered the same as any other products distributed at wholesale.
2. **Beer and wine for off-premises consumption:** A beer and wine store for off-premises consumption (sales) shall be permitted in B1, B2, B3 and B4 zones.
3. **Package liquor sales for off-premises consumption:** A package liquor store (class II liquor license) shall be permitted in B1, B2, B3 and B4 zones.
4. **Restaurant serving alcoholic beverages:** A restaurant retail liquor license shall be permitted in B1, B2, B3 and B4 zones.

#### SECTION V. MAINTENANCE OF ORDER; REPORT OF VIOLATION.

It shall be the duty of each licensee and of each manager or supervisor at any time charged with the management and supervision of any retail liquor, retail table wine or retail malt or brewed licensed premises, while open to the public, to maintain order upon the premises and to exclude from the premises any person who is drunk and disorderly or who commits any breach of the peace, or who uses or engages in offensive, disorderly, threatening, abusive or insulting language, conduct or behavior with the intent to provoke a breach of the peace, or where a breach of the peace might occur. It shall be the duty of each officer, licensee, manager, or person-in-charge of any retail liquor, retail table wine or retail malt or brewed beverage licensed premises within the City, to immediately make a report to the police department of the City of each assault, assault and battery or affray, occurring on the premises while open for business. It shall further be the duty of the person to make a written report of each of the incidents to the police department of the City and to the local field office of the Board within 36 hours of the incident.

#### SECTION VI. OFFENSES IN PUBLIC.

Except as provided in Section XVI (Public Possession or Consumption of Alcohol):

A. It shall be unlawful for any person to drink, sell, serve, dispense or give away, or attempt to drink, sell, serve or give away, any liquor, wine or malt or brewed beverages, while upon any street, alley, sidewalk, public easement, right-of-ways, parking lots designed for use by the general public or in any public building or upon any public property, or while in any other public place in the City.

B. It shall be unlawful for a business licensed by the City (whether or not the business is licensed to sell or furnish alcohol) to allow patrons, customers, invitees or guest to bring alcoholic beverages onto the premises.

C. It shall be unlawful for patrons, customers, invitees or guests to bring alcoholic beverages onto premises licensed to do business by the City, whether or not the business is licensed to sell or furnish alcohol.

#### **SECTION VII. OFFENSES BY SELLER OR AGENT.**

A. It shall be unlawful for any person or any employee, servant or agent of any person to sell, or offer for sale, any liquor, wine or beer to any person visibly intoxicated, or to any minor or any habitual drunkard or person of known intemperate habits.

B. It shall be unlawful for any person to serve a minor or allow a minor to be served any liquor, beer, or wine in any place where such beverages are sold.

C. It shall be unlawful for any person who operates any business of selling liquor, beer or wine to allow any liquor, beer or wine to be sold to any minor, or to be consumed by any minor, on the premises where such liquor, beer or wine is sold.

#### **SECTION VIII. OFFENSES GENERALLY.**

It shall be unlawful to do or perform any of the following acts:

A. For any minor directly or indirectly, to purchase or attempt to purchase malt or brewed beverages, wine or liquor, or alcoholic or intoxicating beverage.

B. For any minor to possess or to consume or attempt to purchase, any malt or brewed beverages, wine or liquor, or alcoholic or intoxicating beverage.

C. For any person to attempt or to sell, furnish, give to or purchase for any minor malt or brewed beverages, wine or liquor, or alcoholic or intoxicating beverage.

D. For any person to hire, employ or allow any minor to serve or dispense alcoholic beverages of any kind. This prohibition does not apply when the only license held by the licensee is an off-premises beer license or an off-premises table wine license or combination provided there is an adult in attendance at all times.

E. For any minor, directly or indirectly, to falsely represent that such person is not a minor by means of which false representation such person buys, receives or otherwise obtains, or attempts to buy, receive or otherwise obtain any malt or brewed beverages, any wine or liquor or any alcoholic or intoxicating beverages.

F. For any person, directly or indirectly, to falsely represent that a minor is not a minor by means of which false representation the person aids or abets or attempts to aid or abet, a minor to buy, receive or otherwise obtain any malt or brewed beverage, wine or liquor or alcoholic or intoxicating beverages.

#### **SECTION IX. FALSE REPRESENTATION.**

It shall be considered a false representation that a minor is not a minor or is not under twenty-one years of age, if the purchaser fails to disclose that the person making the purchase, obtaining or securing the malt or brewed beverages, wine or liquors, or alcoholic or intoxicating beverages, is a minor or has not reached the age of 21.

#### **SECTION X. AUTHORIZED HOURS.**

A. ON-PREMISE. There shall be no prohibited hours for on-premises restaurant retailers.

B. OFF-PREMISE. There shall be no prohibited hours for off-premises retailers.

#### **SECTION XI. RECORDS; REPORTS.**

It shall be the duty of each person subject to the license tax imposed by this chapter to keep complete records of all purchases, sales and deliveries of alcoholic beverages, from which records can be readily obtained information as to the correct amount of license tax due the City. As a part of these records, each wholesaler shall keep an individual ledger or card account for each record, each wholesaler shall keep an individual ledger or card account for each of his customers; and the ledger or card account shall show the correct name and address of each person to whom any alcoholic beverages are delivered, together with the dates and the number of cases sold or delivered. Each wholesaler shall also keep, as evidence of the foregoing, a receipted delivery ticket signed by each purchaser or his authorized agent. Each retailer shall keep an individual ledger or card record showing the correct name and address of each person from whom was purchased alcoholic beverages, a delivery ticket showing each purchase, the date and the number of cases purchased. The records shall be kept posted current and shall be preserved for not less than three years succeeding the calendar year. All of these records shall be open for inspection and audit at the licensed premises within the City during regular business hours as the City Clerk may request. Failure to keep any of the records required by this section, or elsewhere in this chapter, or by any amendment, or refusal to make them available to the City Clerk shall constitute grounds for revocation of any license issued under this chapter. In addition, an annual report, under oath, shall be filed with the City Clerk in January of each year, showing the purchase for the entire prior year.

## **SECTION XII. PACKAGING OF BEVERAGES.**

Retail licensees for off-premise sale of individual or packages of six or less alcoholic beverages must place each container in a bag, box or other similar opaque covering prior to the customer leaving the licensee building used for alcoholic beverage sales

## **SECTION XIII. DELIVERY VEHICLES.**

A manufacturer or wholesaler shall deliver any alcoholic beverages in vehicles bearing the required information on each side of the vehicle as required by the Board.

## **SECTION XIV. OPEN CONTAINERS.**

- A. It shall be unlawful for any person to or allow another person to:
1. Possess, consume or otherwise use any open container containing alcoholic beverages while upon or along any public place, street, road or highway in the City or while in any automobile or other motor vehicle on or along any public street, road or highway in the City, except in the trunk or luggage compartment of a motor vehicle, or while in any other public place in the City.  
Possess or use any alcoholic beverage at any public park, municipal playground, municipal recreation facility, school playground, and school stadium or school recreational facility.
  3. Possess alcoholic beverage in an open glass, bottle, cup, can, keg, bag or other receptacle not its original container while upon or along any public street, road or highway in the City or while on any automobile or other motor vehicle on or along any public street, road or highway in the City, or while in any other public place in the City.
  4. This section shall not apply to any person that has in his or her possession alcoholic beverages in an open container in the passenger area of a motor vehicle of any kind on a public highway or right-of-way of a public highway as defined by Act No. 2000-670. State law shall govern in such situations.

## **Sec. XV – PUBLIC POSSESSION OR CONSUMPTION OF ALCOHOL.**

- A. It shall be unlawful for any person to possess or use any alcoholic, spirituous, vinous, fermented or other alcoholic beverage at any public place. No person shall drink any such liquor in any other public place except in places where such liquors are sold at retail for consumption on the premises pursuant to a license issued by the City and the Board. For the purpose of this section, a "public place" shall be defined and shall be held as including the following:
1. Any street, alley, sidewalk, public park, public building, such as but not limited to the city hall, library, school building, auditorium, recreation center and any other public building open to the public;
  2. Any theater, show, movie house, skating rink, dance hall or other place of amusement;
  3. Any parking lot of any public building, apartment house, theater, movie house, skating rink, dance hall or other place of amusement, restaurant, store or other place where merchandise of any kind is offered for sale;
  4. Any restaurant, dining room, lobby or other public or quasi-public room of a hotel or other similar place;
  5. Any store or place where merchandise of any kind is offered for sale;
  6. Any other place not included above which is generally accessible to the public, such as but not limited to common areas of apartment houses. Such place shall not include a private residence and its surrounding premises.
- B. Alcoholic beverages may be served and consumed:
1. In outdoor cafes approved in accordance with the provisions of Article XVII provided the adjacent host eating establishment holds both a valid Board license and a City alcoholic beverage license and a valid City business license.
  2. During special community events as may be specifically approved for individual events upon application to the City Council provided the required City and State alcoholic beverage licenses are obtained.
  3. During public or private events in the following public buildings and facilities provided the required City and State alcoholic beverage licenses are obtained:
    - a. Albertville Museum
    - b. Albertville Regional Airport
    - c. Albertville Senior Center
    - d. Graham Park & Williamsburg Gardens
    - e. Albertville Public Library
- C. The applicant for a special community event or for a public or private event shall have the Albertville Police Department review the need for security services for the event. The Albertville Police Department shall detail the number of security officers deemed appropriate to maintain public safety at the event based on factors

including but not limited to the type of event, number of attendees, and event venue. The cost of any security services shall be paid by the applicant.

- D. The applicant shall file with the City Clerk a statement agreeing to indemnify and hold harmless the City, its officials, representatives, agents, servants, and employees from any and all claims, damages, judgments, cost, or expenses, including attorney's fees, which they may incur or be required to pay because of any bodily injury, including death, or property damage suffered by any person as a result of or related in any way to the event on City property that involves the furnishing, serving, or sale of alcohol. The applicant shall file with the City Clerk a certificate of insurance showing that the person carries comprehensive general liability insurance or event insurance and liquor liability insurance (if required) issued by an insurance company licensed to do business in the State. Limits of liability for general liability insurance or event insurance shall be at a minimum, \$500,000.00 per occurrence, \$500,000.00 personal and advertising injury, \$1,000,000.00 general aggregate and \$1,000,000.00 products/completed operations aggregate. The general liability insurance or event insurance shall provide coverage for the serving or furnishing of alcoholic beverages. If the event involves the sale of alcoholic beverages or is catered by a person in the business of selling, serving or furnishing alcoholic beverages, a certificate of liquor liability insurance will be required. Limits of liability for liquor liability shall be at a minimum, \$500,000.00 per occurrence and \$1,000,000.00 aggregate. The City shall be named as an additional insured under the general liability insurance, event insurance and liquor liability insurance (if required). The certificate of insurance shall provide the City with thirty days written notice of cancellation or material change in the general liability insurance, event insurance, and liquor liability insurance (if required). The cancellation of any such coverage shall have the effect of suspending the permit for the event(s) covered until a new certificate of insurance complying with the provisions of this section is filed with the City Clerk.

## **SECTION XVI - OUTDOOR CAFÉ**

A. **Applicability of Article.** The provisions of this article shall apply to the establishment, operation and maintenance of outdoor cafes in the B1, B2, B3 and B4 district of the City as defined by the zoning ordinance.

### **B. Outdoor Cafe Permit**

1. It shall be unlawful for any person to create, establish, operate, maintain, or otherwise be engaged in the business of running an outdoor cafe unless issued a current permit issued under the terms of this article. No permit shall be issued for location on public sidewalks or City property unless otherwise provided for in this section. The outdoor cafe shall be contiguous to a food preparation establishment. Access to and from outdoor cafe shall be through restaurant only. No food or drinks served at such outdoor cafes shall be prepared outside.
2. Application for the required permit required herein shall be made to the City Clerk and shall be signed by the applicant, if an individual; by all partners, if a partnership by all members of a limited liability company; and by a duly authorized officer or agent, if a corporation. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information:
  - a. Name, address and telephone number of each individual owner, partner, member or, if a domestic corporation, the names of the directors and chief executive officer of the corporation, or, if a foreign corporation, the name of the registered agent of the corporation for the state and the date on which the foreign corporation became legally qualified to do business in the State.
  - b. The trade or corporate name under which the applicant does business or proposes to do business.
  - c. The location and description of each place where the applicant intends to establish or operate an outdoor café
  - d. The name and address of the person holding title to the property on which the applicant intends to establish or operate an outdoor cafe and, if the applicant is a lessee of the property, a copy of the lease.
  - e. Submission of a description illustrating:
    1. The number, type, materials, color and location of all tables, chairs, umbrellas or other furnishings or fixtures intended to be placed at each outdoor café
    2. The location of any doors leading from any abutting buildings to each outdoor café
    3. The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around each outdoor café
    4. The location where any food or drink is intended to be prepared.
  - f. The type of railing or protective barrier separating the eating and serving area of each outdoor cafe from pedestrian traffic. The barrier shall have balusters or ornamental features such that a 4" diameter sphere cannot pass through any opening up to a height of 34 inches. From a height of 34 inches to 42 inches, a sphere 8 inches in diameter shall not pass through. The minimum height shall be a minimum of 42 inches from finish grade and shall be adequate in strength and attachment. The barrier shall be made from a durable material such as metal, masonry, wood or others and shall be free of hazardous edges that might cause harm to personnel or the general public.
  - g. The location of all existing fire hydrants, parking meters, planters, trash receptacles, outdoor lighting fixtures, utility poles, benches, handicapped ramps, street furniture and any other permanent public fixtures;

- h. The square footage of area occupied by the outdoor cafe.
- i. Any additional information concerning the nature or design of each such outdoor cafe that the Building Inspector may request.

**C. Investigation and Issuance or Denial of Permit.**

1. The Building Inspector shall determine whether the proposed location for which the permit is sought is suitable for the establishment of an outdoor cafe based on whether or not the requirements of this article and all other applicable laws and ordinances relating to the application have been met by the applicant. The City of Albertville Alcohol License Review Committee shall either recommend approval or denial of the application to the City Council. The City Council shall hold a public hearing on the application and either approve or deny the application following the public hearing.

**D. Alcoholic Beverages.**

The issuance of an outdoor cafe permit in accordance with the provisions of this article allows alcoholic beverages purchased from the adjacent host eating establishment to be consumed within the permitted delineated outdoor cafe area provided the eating establishment holds a valid City and State alcoholic beverage licenses and a valid City business license. Any dispensing and/or serving or consuming of alcoholic beverages within the permitted delineated outdoor cafe area must be done in accordance with all applicable ordinances and regulations of the City and the Board.

**E. Furniture and Other Property.**

1. If any furniture or other property is permitted by the City Council to be permanently installed, affixed, or attached to the public right-of-way, the holder of the permit shall be responsible for putting the sidewalk or other public improvements in the same condition they were in at the time the furniture or other improvements were first installed, affixed, or attached. Any furniture or other improvements are the sole responsibility of the owner at all times. Furniture and fixtures shall not impede normal traffic flow.
2. In outdoor cafes where alcoholic beverages are consumed, the permitted area shall be separated from the adjacent area by a permanent divider of not less than 42 inches in height. The design and construction materials shall be approved by the Building Inspector.

**F. Transferability of Outdoor Cafe Permit.**

1. Any change or transfer of ownership of an outdoor cafe for which a permit has been or shall be granted under this chapter shall terminate the permit and shall require a new application and a new permit to conform with all the requirements of this article as upon an original application.
2. No outdoor cafe shall be operated under any name other than that set out in the permit.

**G. Inspection.**

Every outdoor cafe for which a permit is issued under this article and all records relating to its maintenance and operation shall be open to inspection by the health officer or his designated representative and the City's designated representative at any time.

**H. Indemnity**

No permit required by this article shall be granted to any person to operate an outdoor cafe until the person shall have first filed with the City Clerk a statement agreeing to indemnify and hold harmless the City, its agents, representatives, or employees from any and all claims, damages, judgments, costs, or expenses, including attorney's fees, which they may incur or be required to pay because of any bodily injury, including death, or property damage suffered by any person as a result of or related in any way to the operation and maintenance of the outdoor cafe for which the permit is issued, even though the bodily injury or property damage results from negligence on the part of the City, its agents, representatives or employees, or which otherwise might be imputed to any of them.

**I. Liability Insurance Required.**

1. No permit required by this article shall be granted to any person to operate an outdoor cafe until the person shall have first filed with the City Clerk a certificate of insurance showing that the person carries comprehensive general liability insurance coverage issued by an insurance company licensed to do business in the state. Limits of liability for general liability insurance shall be at a minimum, \$500,000.00 per occurrence, \$500,000.00 personal and advertising injury, \$1,000,000.00 general aggregate and \$1,000,000.00 products/completed operations aggregate. The City shall be named as an additional insured under the general liability insurance coverage.
2. The certificate of insurance shall provide the City with thirty days' written notice of cancellation or material change in the general liability insurance coverage. The cancellation of any such coverage shall have the effect of suspending the permit to operate the outdoor cafe covered until a new certificate of insurance

complying with the provisions of this section is filed with the City Clerk.

**J. Miscellaneous Provisions.**

1. Sanitation. Each business operating an outdoor cafe shall dispose of all garbage, trash, and other solid wastes inside the establishment of which it is an extension.  
Litter. Each business operating an outdoor cafe shall be solely responsible for keeping the public right-of-way in front of the business clean and free of litter.
3. Permit Fee. Each business operating an outdoor cafe shall pay an annual permit fee of \$200.00 to the City. The permit fee must be paid at the same time and in addition to the purchase of the business license. All penalties, deadlines, and other regulations governing the City of Albertville business licenses shall be applied to this permit fee.
4. Fire exit. No area for a sidewalk cafe may block or obstruct a fire exit of any building.

**K. Revocation or Suspension of Permit.**

1. Any permit issued under this article shall be subject to revocation or suspension by the council for failure of a permittee to comply with this article, or for any violation of any applicable provision of this article or of any regulation promulgated hereunder, or when, in the opinion of the City Council, the public necessity, convenience or good renders such revocation advisable, upon not less than ten days' written notice to the permittee and after a public hearing.  
It shall be unlawful for any person to operate an outdoor cafe after the effective date of the suspension or revocation of the applicable permit.

**L. Penalties.**

Any person who violates any provision of this Article shall be guilty of an offence against the City and upon conviction shall be punished as provided in Section 1-8 of the Code of Ordinances.

**SECTION XVII. DISCRIMINATION PROHIBITED.**

It shall be unlawful for any alcoholic beverage licensee of the City to discriminate against any person with respect to the sale of any food, beverage, product, cover charge, or admission charge based upon race, color, creed, or sex. No alcoholic beverage licensee shall have or permit any entertainment, show, or presentation on the licensed premises to which any person is excluded based upon race, color, creed, or sex. This section shall apply to the licensee, manager, to any person in charge of any licensed premises, and to any employee of the licensee authorizing, permitting, or committing any violation.

**SECTION XVIII. CITY OF ALBERTVILLE ALCOHOL LICENSE REVIEW COMMITTEE.**

- A. There is created for the purpose of assisting and advising the City Council in the review of applications for City licenses, and inquiry and recommendation concerning complaints or disciplinary action of a licensee, a committee called the City of Albertville Alcohol License Review Committee. The following shall serve as voting members: City Clerk/Treasurer, Building Inspector, Chief of Police or his designated representative; Fire Marshall or his designated representative; Council President; Chairman of Public Safety & Support Services Committee or designated representative; one member appointed by the Council; and one member appointed by the Mayor.
- B. The City Clerk shall act as liaison to the City Council on behalf of the committee. The committee shall hold meetings as are necessary to consider appeals by applicants for alcohol licenses, resolve matters of public concern, or make inquiry into the compliance of a current licensee with this chapter and other provisions of this chapter.
- C. The committee shall upon receipt of approval from the Alabama Bureau of Investigation background check, review the information contained within the application for an alcoholic beverage license and shall submit a written recommendation to the Council concerning the approval or disapproval of the application before the recommendation is submitted to the Board. This process shall not take longer than thirty calendar days (not including time for the Alabama Bureau of Investigation background check and Board approval process).
- D. The committee shall investigate complaints, or initiate its own inquiry, into conditions which may violate provisions of this chapter concerning the operation of any establishment licensed by the City to conduct routine business in the sale of alcoholic beverages as allowed by State law.
- E. The committee shall have the authority to require the licensee to produce records for its review as related to the operation, ownership, or management of the licensed establishment. The committee shall promulgate procedures for documenting and investigating complaints concerning the operation of an alcoholic beverage establishment as well as establishing a method of documenting violations of this chapter by a licensee or its employees.
- F. The committee shall not hinder the police department's ability to enforce criminal violations or City ordinances violations.
- G. The review committee shall operate under bylaws created and approved by the City Council.

## ARTICLE II. LICENSE

### SECTION I. APPLICABILITY WHEN COUNCIL APPROVAL REQUIRED.

In those instances where the consent and approval of the City Council is required for an alcoholic beverage license, other than where specified by statute, the application provisions of this chapter shall apply except as set out in this Ordinance.

### SECTION II. REQUIRED; TRANSFER, SUSPENSION; DISPLAY.

- A. It shall be unlawful for any person to possess any alcoholic beverages within the City for the purpose of sale, or to sell, or keep for sale, or offer for sale, any alcoholic beverages, without having first procured from the City a privilege license and from the Board a liquor license. Licenses issued under this chapter may not be assigned or transferred. The City is authorized to allow the address for the privileged licensed premises to be changed from one place to another within the City, as the City may determine appropriate; but shall not allow the transaction of business at a place for which the license could not originally have been lawfully issued.
- B. In the event of a change of ownership of a licensed establishment, the current licensee shall be required to file a written statement with the City Clerk indicating this occurrence prior to either completing the sale of the licensed business, or relinquishing management or financial control of the business operation, whichever first occurs. The person to whom the licensed establishment is to be sold must file with the City a complete application City license within twenty days of notification to the City of the intent to sell, transfer, or assign the establishment. Upon request of the City Clerk, any applicant may be requested to produce records of the business or the transaction surrounding the sale of the business to determine the parties involved or the effective date of the transaction. These records include, but are not limited to, lease agreements, land sale agreements, bank statements, stock transfers, minutes of corporate board meetings, and/or purchase invoices. Any failure to produce the requested records, or a determination by the City that the transaction is not in compliance with the requirements specified here will result in an immediate forfeiture of the City license upon notification of this determination and an opportunity for a public hearing by the City Council.
- C. Licenses issued by the City shall be deemed to expire, terminate, or otherwise be void when there is a substantial change in ownership in a licensed establishment, or when a licensed establishment is leased, rented, or abandoned, or when possession is otherwise surrendered to another party or parties. An applicant for a new license at a currently licensed establishment may be allowed to operate the establishment for a period not to exceed thirty days if the applicant is in compliance with subparagraph (B) of this section. In this case, the original licensee shall continue to be responsible for the conduct, operation and City tax liabilities of the establishment until such time as a license is issued by the City in the new licensee's name.
- D. Upon the death of an individual licensee, sale of the licensed establishment, or temporary closing of the licensed establishment for a period in excess of thirty days, the City license to sell alcoholic beverages shall be immediately returned to the City Clerk, to be held pending the reopening of the business. In the event the temporary closing is due to any renovation, remodeling, or repair to the licensed premises, the licensee shall provide written evidence of compliance with applicable building, fire, and health codes to the City Clerk, prior to the release of the license.
- E. For the purposes of this section, and to assist in defining a substantial change in ownership, the sale or transfer of twenty percent or more of a corporation's stock shall constitute a substantial change in ownership of the licensee.
- F. The City shall have the right to revoke any privilege license issued by the City for any violation of this chapter or the Board rules and regulations, after notice and opportunity for a hearing before the City Council.
- G. Every privilege license issued by the City to conduct normal and routine business and license issued by the Board shall be conspicuously and constantly exposed under a transparent substance in an area visible to the general public on the licensed premises.

### SECTION III. APPLICATION FOR LICENSE; DEPOSIT.

Each applicant seeking the consent and approval of the City Council for a restaurant on-premises beer, table wine or retail liquor license or other license issued by the Board shall make application to the City Council as required in this chapter. The application shall be upon a form supplied by the City Clerk, and shall be signed and verified by oath or affirmation by the licensee, if a natural person, or in the case of a partnership, association or unincorporated enterprise, limited liability company or its partners, managing member, or in the case of a corporation, by an officer. The applicant shall deposit with the City Clerk the required application fee that includes the background check with the Alabama Bureau of Investigation and the amount of publication costs to be incurred hereunder upon filing the application.

### SECTION IV. REVIEW OF APPLICATIONS.

- A. The application shall be submitted to the City Clerk.
- B. In the event of approval by the City Council, the City Clerk, shall be responsible for ensuring that written approvals of the police, building, fire and health, and City Clerk, are included as a part of the application indicating the satisfactory compliance with the applicable requirements for each respective department.
- C. Subsequent to the City Council approval and the applicant's compliance with subsection B. of this section, the

City Clerk, is authorized to indicate, and communicate in writing, the City's approval for the issuance of a license for the applicant to the Board. The method for the communication of this approval by the City shall be determined based on the most current mechanism indicated as acceptable by the Board's field office supervisor responsible for Marshall County.

## **SECTION V. PUBLIC NOTICE.**

- A. Upon receipt of an application, together with the results of the investigation and recommendations made, the City Clerk shall cause notice to be published (with the exception of applicants for special event retail license for less than seven days) one time in a newspaper of general circulation published in the City, stating that the application will be considered at the next regular meeting of the City Council, which notice must be published at least six days in advance of the next regular meeting of the City Council, and further stating the time and place that it is to be considered and that at such time and place all interested persons may appear at the meeting and be heard for or against the application. This publication shall be at the applicant's expense.
- B. In addition to the published notice required, the applicant shall post on the premises where the business or sale is to be conducted, continuously for a period of not less than seven days prior to the consideration of the application by the City Council, a posted notice of the pending application and public hearing concerning the granting in the manner and form to be supplied by the City Clerk when application is first made to the City Clerk for the license. The notice shall be conspicuously displayed on the front of the building so as to be clearly visible from the street or adjacent sidewalk.
- C. The applicant shall take such steps as may be necessary to meet all requirements of all applicable ordinances, regulations and applicable statutes. When the application for a license is first made the fact of the application shall be communicated to the City Council and a day for hearing shall then be set and supplied to the applicant for insertion in the newspaper and for listing in the posted notice.
- D. The City Council will not consider any application in which the applicant has failed to comply with these requirements.

## **SECTION VI. CONSIDERATION OF APPLICATION.**

In rendering a decision on each application for a license under this chapter, the City Council shall consider, among others, the following factors:

- A. The effects upon residents, real property owners and businesses within five hundred feet of the property for which a license is sought.
- B. The character and reputation of the applicant, each partner, member, officer, member of board of directors, landlord, bartender and manager.
- C. The criminal court records of the applicant, each partner member, officer, and member of the board of directors, landlord, bartender and manager.
- D. The compliance by applicant, each partner, member, officer, member of the board of directors, landlord and manager with the laws of the State and ordinances for the City.
- E. The recommendation of the Alcohol License Review Committee. Any recommendation must be based upon the protection of the health, safety, and public welfare of the community.

## **SECTION VII. FILING FEE.**

The filing fee to cover the costs of processing and investigating each application filed with the City for a City license of any kind or class shall be \$300.00. The City Clerk shall not accept any application for any a license not accompanied by the payment to the City along with payment of the publication costs. The City shall retain the filing fee to cover the expenses of processing and investigating the application, whether or not the application results in approval or denial. The filing fee for special events license applications shall be \$50.00 for non-profit organizations and \$150.00 for all others.

## **SECTION VIII. CITY ALCOHOL LICENSE FEES.**

- A. Each person licensed by the Board who shall engage in the alcoholic beverage, liquor, beer or wine business within the City prior to engaging in the business shall pay to the City an annual privilege business license fee and further license fees as established below:
  - 1. *Beer wholesaler license.* Each person licensed as a beer wholesaler under section 28-3A-1 et seq. of the Code of Alabama 1975, shall pay to the City an annual license fee of \$275.00. In addition, each licensee shall remit to the City Clerk, on forms provided by the Clerk each month the privilege or excise tax levied on the sales of beer by the "Uniform Beer Tax Act," Acts 1982, No. 82-344. Wholesale beer dealers and distributors shall not sell to any retail outlet that does not have a current City license.
  - 2. *Wine wholesaler license.* Each person licensed by the Board as a wine wholesaler under section 28-3A-1 et seq., of the Code of Alabama 1975, shall pay to the City an annual license fee of \$275.00. In addition, each licensee shall remit to the City Clerk on forms provided by the Clerk each month the privilege or excise tax

levied on the sales of table wine by the "Alabama Table Wine Act," Acts 1980, No. 80-382. Wholesale wine dealers shall not sell to any retail outlet not licensed by the City.

1. *Beer and wine wholesale license.* Each person licensed as a beer and wine wholesaler under section 28-3A-1 et seq., Code of Alabama 1975, shall pay to the City an annual license fee \$375.00. In addition, each licensee will remit to the City Clerk on forms provided by the Clerk each month the privilege or excise tax levied on the sales of beer by the "Uniform Beer Tax Act," Acts 1982, No. 82-344. Further, each licensee will remit to the City Clerk on forms provided by the Clerk each month the privilege or excise tax levied on the sales of table wine by the "Alabama Table Wine Act." Wholesale beer and wine dealers shall not sell to any retail outlet not licensed by the City.
2. *Warehouse License.* Each person licensed by the Board to receive, store or warehouse alcoholic beverages within the State for shipment inside and outside the State shall pay to the City an annual license fee of \$500.00.
3. *Country club/Golf course license:* Each club or course licensed by the Board to sell alcoholic beverages in connection with the operation of a country club, with a minimum nine hole course, public or private, which may also sell food and alcoholic beverages on the golf course with no minimum meal per day requirement shall pay to the City an annual license fee of \$1,000.00. Every licensee authorized to sell liquor shall pay an additional license tax of 8 percent of gross receipts on the sale of liquor for either on premises or off premises consumption which privilege or license tax is expressly levied. The payment shall be made on the fifteenth day of the calendar month next succeeding the calendar month for the gross sales made by the licensee during the preceding calendar month.
4. *Hotel retail liquor license:* Each person licensed by the board to operate a hotel retail lounge under section 28-3A-1 et seq., of the Code of Alabama 1975, shall pay to the City an annual license fee of \$2,000.00. In addition to the stated license fee, each person shall pay to the City, on or before the fifteenth day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of eight percent of gross receipts of such business derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month."
5. *Restaurant retail table wine, beer and liquor license.* Each person licensed by the Board to sell alcoholic beverages in connection with the operation of a restaurant under section 28-3A-1 et seq., Code of Alabama 1975, shall pay to the City an annual privilege license fee of \$1,500.00. In addition to the stated license fee, each person shall pay to the City, on or before the fifteenth day of the calendar month next succeeding each separate subject month, for the privilege of engaging in the business in the subject month, an additional license tax of 8 percent of the monthly gross receipts of business derived from sales.
6. *Retail beer and table wine license for off-premises consumption.* Each person licensed by the Board to sell beer and/or table wine for off-premises consumption under section 28-3A-1 et seq., Code of Alabama 1975, shall pay to the City an annual license fee of \$75.00 separately each for beer and wine for a total of \$150.00 for the sale of both.
7. *Retail beer and table wine license for on-premises consumption.* Each person licensed by the Board to sell table wine at retail for on-premises and off-premises consumption under section 28-3A-1 et seq., Code of Alabama 1975, shall pay to the City an annual license fee of \$75.00 each for beer and wine licensee, unless the person shall have paid for an on-premises liquor license.
8. *Retail beer, table wine & liquor license for off-premise consumption.* Each person licensed by the Board to sell liquor, table wine and beer at retail for off-premises consumption under this chapter shall pay to the City an annual license fee of \$1,500.00. Every licensee authorized to sell liquor shall pay an additional license tax of 10 percent of the purchase price of the liquor for either on-premises or off-premises consumption which privilege or license tax is expressly levied. The payment shall be made on the fifteenth day of the calendar month next succeeding the calendar month for the gross sales made by the licensee during the preceding calendar month.
9. *Special events retail license for on-premise consumption.* Each person who has obtained a special events retail beer and table wine license from the Board under Section 28-3A-1 et seq., Code of Alabama 1975, shall pay to the City a privilege or license tax of \$50.00 per day if the special event is conducted by a nonprofit organization, and \$150.00 per day if the special event is conducted by a for-profit organization. No license shall be issued for a period in excess of seven days. Only alcoholic beverages that are authorized by the Board may be sold. All applications for special event licenses shall be filed with the City Clerk at least thirty days in advance of the event for which a license is sought. Further, each person shall pay to the City, on or before the fifteenth day of the calendar month next succeeding each separate subject month, for the privilege of engaging in such business in the subject month, an additional license tax of 10 percent of the monthly gross receipts derived from the sale of all alcoholic beverages, except beer and table wine, received during the immediate next preceding calendar month.

The following shall apply for a special event retail liquor license:

- a. Submit the required filing fee.
- b. Receive affirmative recommendation to the City Council by the City Alcohol Review Committee.
- c. Receive approval from the City Council
- d. Pay the required license fee.
- e. Only four special event licenses are allowed in any one calendar year.
- f. A licensee is required to purchase the alcoholic beverages from a wholesale licensee of the Board.

10. *Vineyard-Manufacturer license.* Each person who has obtained a manufacturer license from the Board under Section 28-3A-1 et seq., Code of Alabama 1975, shall pay to the City an annual license fee of \$350.00.

11. *Importer license.* Each person who has obtained an importer license from the Board under Section 28-3A-1 et seq., Code of Alabama 1975, shall pay to the City an annual license fee of \$350.00.

- B. The term “gross receipts,” as used in subparagraph (A) above, shall not include any so-called “additional license tax” levied by the City under the provisions of this section that are based solely on gross sales and that are directly passed on by the licensee/seller to the consumer/purchaser.
- C. The stated annual license fee levied by the above schedule shall be due January first of each year and shall be delinquent after January thirty-first of the year for which the license is due. A penalty of 10 percent of the license amount shall be collected during February – March; 20 percent during April – June; 30 percent during July – September; and 40 percent October – December. In addition, the person shall pay a \$200.00 citation fee. There shall be no prorating of any license fee because of having operated only a part of a calendar year, except as required under State law, nor shall any rebate be allowed upon revocation, suspension, abandonment or surrender of the license before its expiration. All additional license taxes levied by the schedule shall be due the fifteenth day of the calendar month specified in each levy and shall be delinquent if not reported and paid by this date.
- D. Every person subject to this article may take a discount in an amount equal to 2 percent of all taxes paid to the City under the provisions of this article, provided the reports are made and the taxes paid before they become delinquent. If the reports are not filed within the time here provided and the taxes not paid on the dates here provided, the person shall pay to the City the full amount of tax together with interest at the rate of 3 percent per month, or fraction thereof, from the date the payment of the tax became delinquent, a penalty of 15 percent of the amount of the tax, and a citation fee of \$1.50. This interest, penalty, and citation fee must be paid by the person.

## **SECTIONS IX. RESERVED**

## **SECTION X. REPORTS OF BUSINESS DONE AND TAX DUE**

The person liable for any license tax or other tax imposed by this chapter shall file with the City Clerk on or before the final date on which the tax may be paid without a penalty. This report or reports in such form as the City Clerk may prescribe must evidence the amount of business done and the amount of license tax or other tax due, together with full payment for any tax liability. Any failure to comply with this section is unlawful.

## **SECTION XI. ALABAMA RESPONSIBLE VENDOR ACT**

Section 28-10-1 thru 28-10-8, Code of Alabama 1975 are adopted by reference, and made a part of this ordinance as if fully set forth here.

Each business requesting to sell alcoholic beverages within the City must obtain Business Certification through the Alabama Responsible Vendor Program within 30 days of license approval by the Board.

Upon a business becoming de-certified from the Alabama Responsible Vendor Program, the city privilege license shall be suspended or revoked for a time no more than one year.

## **SECTION XII. ADVERTISING**

There shall be no electric signs, painted signs or signs of any kind displayed outside any place of business advertising alcoholic beverages, and there shall be no advertising of alcoholic beverages except through newspapers, magazines, radio broadcasting stations, commercial vehicles used for transportation of alcoholic beverages and billboards.

## **ARTICLE III VIOLATIONS; PUNISHMENTS; GENERAL PROVISIONS**

### **SECTION 1. VIOLATIONS DECLARED MISDEMEANOR**

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, unless otherwise provided,

shall, upon conviction, be punished in accordance with the provisions of Ordinance 1139, codified as Section 1-8 of the Code of Ordinances of the City of Albertville, Alabama.

**SECTION II. SEVERABILITY**

The provisions of this Ordinance are severable so that if any provision is declared unconstitutional, void, or invalid by a court of competent jurisdiction, all other provisions shall not be affected by such declaration and shall remain in full force and effect as though the unconstitutional, void or invalid provision had not been included in the Ordinance as originally adopted.

**SECTION III. CONFLICTS WITH STATE STATUES**

This Ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter and to be subordinate to it and in no manner intended to supersede any such statutes of the State of Alabama. Any provision in conflict with any provision of any State statute shall be construed so as to be in harmony with it where possible and otherwise to be subordinate to and superseded by the provisions of the State statute.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its adoption and publication according to law.

Nathan Broadhurst  
Nathan Broadhurst, Council President

ATTEST:

Phyllis Webb  
Phyllis Webb, City Clerk

Transmitted to the Mayor this 24 day of September, 2015.

Phyllis Webb  
City Clerk

Approved by the Mayor this 24 day of September, 2015.

Tracy Honea  
Tracy Honea, Mayor