

## CITY OF ARAB, ALABAMA

### Ordinance No. 2019 - 6

WHEREAS, the City Council of the City of Arab, Alabama has previously adopted an Arab Alcoholic Beverage Ordinance (Ordinance 2006-8 as amended); and,

WHEREAS, due to continued growth and change, it has become necessary to amend the Arab Alcoholic Beverage Ordinance for the public good and welfare; and,

WHEREAS, the City Council of the City of Arab hereby authorizes a change to allow alcohol on certain city owned property, amends the special event retail license, and otherwise amends other portions necessary, subject to the requirements and provisions of Ordinance No. 2006-8, as amended, and codified as Chapter 2-5 et. seq. of the Code of Ordinances of the City of Arab, Alabama, now existing as well as any amendments hereinafter adopted;

WHEREAS, the Alcohol Licensee Review Committee has approved and recommended these amendments and additions.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARAB, ALABAMA THAT:

SECTION ONE. Amendment. Chapter 2.5 et. seq. of the Code of Ordinances of the City of Arab, Alabama is hereby amended as follows:

#### **2.5-3 Definitions: which now reads:**

**Licensed Municipal Facility:** The following specific municipal facilities provided that they are authorized by a rental agreement and licensed for a Special Event License and further provided that they shall be restricted to sale/serve beer and wine only: Arab Senior Center

#### **Is amended to read:**

**Licensed Municipal Facility:** The following specific municipal facilities provided that they are authorized by a rental agreement and licensed for a Special Event License: Arab Senior Center, the Amphitheater and Horse Arena areas at Arab City Park, the municipal owned property on the corner of 1<sup>st</sup> Avenue and 1<sup>st</sup> Street in Downtown Arab. Any of the above listed municipal facilities which are outdoors must be specifically marked and identified in the requested license application.

#### **With the following additional definitions added:**

**Sale or sell:** as defined by the state alcoholic beverage control laws. The term includes the indirect sale of alcoholic beverages through the use of tickets, cover charges, door charges, gate fees, membership fees, or other like charges or other forms of consideration that entitle a person to possess or consume alcoholic beverages. This

specifically will not include wine, beer or spirits tastings which are performed in strict conformity with the rules and regulations of the ABC Board.

**Illegal Sales:** means any sale, keeping for sale, or offering for sale of any alcoholic beverages without the benefit of the proper city license, which includes the proper class of license, issued pursuant to this chapter.

**Banquet establishment:** a duly licensed establishment, operated for profit, whether or not a profit is made, that provides facilities for gatherings or events, which includes private events, and which establishment does not hold a city license for the on-premises sale of alcoholic beverages.

**Banquet services:** the services, staffing, or equipment provided by a banquet establishment. The term shall not include the providing of alcoholic beverages.

**Sec. 2.5-6. - Offenses in public. which now reads:**

(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 designated 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. As used in this section, the term "public place" shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include public parks, city hall, library, school buildings auditoriums, any store or place where amusement and any high school athletic contest; provided, that such term shall not mean or include premises which have been duly licensed by the city as provided by the Code of Alabama, 1975.

(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 guests to bring alcoholic beverages onto the licensed 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.

(d) The commission of any offense under this section shall be considered a violation of this chapter.

**Is amended to read:**

(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 designated 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. As used in this section, the term "public place" shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include public parks, city hall, library, school buildings auditoriums, any store or place where amusement and any high school athletic contest; provided, that such term shall not mean or include premises which have been duly licensed by the city as provided by the Code of Alabama, 1975.

(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 guests to bring alcoholic beverages onto the licensed 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.

***(d) Private use. Nothing in this section shall be construed to prevent private use on private premises, provided that in no event are Illegal Sales allowed.***

***(e) Banquet Establishment/Private Event. Nothing in this section shall prohibit private events at a Banquet Establishment as specifically authorized herein.***

***(f)*** The commission of any offense under this section shall be considered a violation of this chapter.

**In addition, the following new provision would be added to the Alcohol Ordinance (presumably to be codified as a new section):**

**Allowance for private events at Banquet Establishments.**

(1) Notwithstanding the foregoing prohibitions including specifically section 2.5-6 (b) and (c), it shall not be unlawful for any person hosting a private event held at a Banquet Establishment to furnish alcoholic beverages, not for sale, to the guests or attendees of the private event.

(2) As such, it shall not be unlawful for a duly licensed Banquet Establishment to provide facilities, which includes banquet services, for a private event provided:

a. The person hosting the event furnishes the alcoholic beverages, not for sale, for the event;

b. No person, which includes those hosting or attending the event, is charged, either directly or indirectly, by the Banquet Establishment for the furnishing of alcoholic beverages. Prima facie proof of a violation of this section shall occur when the Banquet Establishment charges an event that does not include alcoholic beverages less than a private event that includes alcoholic beverages for the same facilities, which includes banquet services. The Banquet Establishment shall make all such charges be available for inspection upon request by the city clerk-treasurer or by the chief of police during normal business hours.

c. No person, including those hosting the private event may charge for the alcoholic beverages. This would include the purchase of tickets for the event (other than for non-profit entities recognized by the state of Alabama).

d. No person connected with the Banquet Establishment, which includes as owner, manager, servant, agent, or employee, or those that otherwise have a profit or pecuniary interest in the premises or the establishment, shall host a private event at the Banquet Establishment where alcoholic beverages are served or provided.

e. The area where the private event is held shall have adequate lighting, which means ambient lighting that is adequate for the purposes of observing the operation of or patrons within the premises.

f. The Banquet Establishment shall be responsible for providing adequate security for a private event based on the number or anticipated number of attendees, the nature of the event, and the prior history of the same or similar events.

g. The Banquet Establishment shall be responsible for ensuring that the host has provisioned adequate server(s) for any alcoholic beverages, at least one of whom must be certified as being trained under the Alabama Responsible Vendor Program.

h. Nothing in this section shall be construed to allow a violation of state and local laws concerning persons under the legal drinking age to occur at a Banquet Establishment.

(1) Severability. The provisions of this Ordinance are severable so that if any provision hereof is declared unconstitutional, void, or invalid by a court of competent jurisdiction, all other provisions hereof 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.

(2) Conflicts with state statutes. This Ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama

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

- (3) Effective date. This Ordinance shall be effective only after publication according to law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARAB, ALABAMA THIS 2<sup>ND</sup> DAY OF DECEMBER, 2019.

**CITY OF ARAB, ALABAMA**  
**Ordinance 2019 - 6**

**ADOPTED ON THIS 2<sup>ND</sup> DAY OF DECEMBER, 2019.**

---

Johnny Hart, Council Member, Place 1

---

Renae Warren, Council Member, Place 2

---

Mark Gullion, Council Member, Place 3

---

Mike Allen, Council Member, Place 4

---

Chris Harper, Council Member, Place 5

---

R.D. Joslin, Mayor

ATTEST:

---

Tony Willis, City Clerk