

ORDINANCE NO. 2018-10

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, ALABAMA, that Chapter 3 of the Code of Florence, Alabama, as amended, is hereby amended to add Section 3-9. - Arts and entertainment districts, to read as follows:

Sec. 3-9. - Arts and entertainment districts.

- (a) Pursuant to Code of Ala., § 28-3A-17.1(d), a Class 5 municipality may establish up to two (2) entertainment districts within the corporate limits, each of which must have not fewer than four (4) licenses holding a restaurant liquor license, an on-premises alcoholic beverage license, or other retail liquor license in that area and each district may not exceed one-half (½) mile by one-half (½) mile in area, but may be irregularly shaped.
- (b) The state alcoholic beverage control board may issue an entertainment district designation for any retail license authorized to sell alcoholic beverages for consumption on the licensed premises within an approved arts and entertainment district. A licensee who receives an entertainment district designation for an on-premises retail license 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 approved open containers of alcoholic beverages and consume the alcoholic beverages anywhere within the confines of the entertainment district but may not enter another licensed premises with open or closed containers of alcoholic beverages acquired elsewhere.
- (c) To exit a licensed premises within the district with alcoholic beverages, all alcoholic beverages shall be in an approved container for the district which shall be a plastic or paper container with designated color(s) and/or logos for the district. The container shall not exceed a volume of sixteen (16) fluid ounces. No person shall be in possession of any alcoholic beverage container within the defined arts and entertainment district area not approved for use within the district. No establishment shall dispense to any person more than two (2) such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises. No licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises in other than approved containers.
- (d) Section 3-8 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 section 3-8 shall apply. Provided however, that the regulations of section 3-8 shall also apply to vehicles in the district and any private or public property within the district that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises.
- (e) Nothing herein is intended to confer any rights or entitlement. Selling alcohol within a district is a privilege, not a right, and is subject at all times to reasonable regulation. The council reserves the right to modify or repeal this article, and any district designation created thereunder, at any time.
- (f) 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.
- (g) The council may create a district whenever it finds that the proposed district meets the minimum qualifications of this section and Code of Ala., § 28-3A-17.1. All districts shall be created by resolution setting out the following:
 - (1) A map delineating the boundaries of the district;
 - (2) Effective dates and times for the district; and
 - (3) Such additional operational rules and criteria the council deems appropriate to meet the goals and objectives of that particular district.

(h) 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 reimbursement for services in connection with a city permit.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, ALABAMA, that the City Clerk is hereby authorized and directed to publish this ordinance in the *Times Daily*, and that this ordinance shall go into effect upon its passage, approval, and publication as provided by law.

ADOPTED this 19TH day of DECEMBER, 2017.



[Signature]
[Signature]
[Signature]
Michael Pope Eubank
[Signature]

CITY COUNCIL

APPROVED this 19TH day of DECEMBER, 2017.

[Signature]
MAYOR

ADOPTED & APPROVED this 19TH day of DECEMBER, 2017.

[Signature]
CITY CLERK