

**ORDINANCE NO. 435**

**AN ORDINANCE TO AMEND ORDINANCE NO. 2017- 401  
TO REVISE THE OPEN CONTAINER PROVISIONS AT SPECIAL EVENTS IN THE  
CITY OF NEW HOPE, ALABAMA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW HOPE ALABAMA AS FOLLOWS:

**Section 1.** That Sec. 2.03 of Ordinance 2017-401 adopted on July 10, 2017, is amended as follows:

**Sec. 2.03. Open Containers**


1. Prohibitions: It shall be unlawful for any person to or allow another person to:
  - A. 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 case of transporting in the trunk or luggage compartment of a motor vehicle, or while in any other public place in the City.
  - B. Possess, consume or use any open containers of alcoholic beverages in any public building, facility, garage or parking lot that is posted with signage at each entrance or in conspicuous places that no alcoholic beverages are allowed on the premises.
  - C. Possess, consume or otherwise use any open container containing alcohol on property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no alcoholic beverages are allowed on the premises.
  - D. Possess or use any alcoholic beverages at any public park, City playground, City recreation facility, school playground, school stadium, or school recreational facility excluding licensed facilities except as specifically authorized by the City Council.
  - E. Possess alcoholic beverages in an open glass, bottle, cup, can, keg, bag, or other receptacle not in its original container upon or along any public 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 or while in any other public place in the City (other than as specifically authorized pursuant to a Special Events Retail License for On-Premises consumption).
2. State Law: The above notwithstanding, 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 § 32-5A-330, Ala. Code 1975. State law shall govern in such situations.
3. Special Events: Notwithstanding any other provision of this Ordinance, persons may possess, consume or otherwise use alcoholic beverages at Special Events for which a Special Events Retail License for On-Premises Consumption has been issued, according to the terms of the

license and within the confines of the area designated by the license during the designated dates and times, subject to the following regulations:

- A. The licensee shall sell alcoholic beverages only to a person over the age of 21 years who has been issued and displays an armband issued by the sponsoring authority, authorizing that person to purchase alcoholic beverages at the Special Event.
- B. The licensee shall dispense alcoholic beverages only in single servings in a paper or plastic cup in a color and with markings designated by the City, which shall contain no more than sixteen (16) ounces of the beverage. No person may be sold more than one serving of alcoholic beverage per purchase.
- C. No person shall possess within the designated area of a Special Event any alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.
- D. No alcoholic beverages shall be removed from the designated area of a Special Event.
- E. No person shall bring into the designated area of a Special Event any alcoholic beverage which was not purchased from an on-premise retail alcohol beverage licensee lawfully doing business within the confines of the Special Event who has met all requirements of the Alabama Alcoholic Beverage Control Board and the City to be designated as a vendor of alcoholic beverages at the Special Event.
- F. No person shall possess, consume or otherwise use within the designated area of a Special Event any open container containing alcohol in any public building or property or privately owned building or property inside the designated area of a Special Event that is posted with signage in conspicuous places that no alcoholic beverages are allowed on the premises.
- G. No licensee shall provide any alcoholic beverage to a person who appears to be intoxicated or impaired from the use of alcohol and/or a controlled substance.

**Section 2.** This ordinance shall be effective immediately upon its adoption by the City Council and approval by the Mayor, and its publication as required by law.

READ, PASSED, AND ADOPTED AT A REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL OF THE CITY OF NEW HOPE, ALABAMA, ON THIS THE 19<sup>th</sup> DAY OF June, 2023.

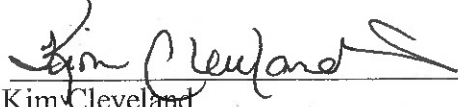
  
Butch Taylor, Mayor  
City of New Hope, Alabama

ATTEST:

  
Kimberly Cleveland, City Clerk

CERTIFICATION OF THE CITY CLERK

I, Kim Cleveland, City Clerk of the City of New Hope, Alabama, hereby certify that the attached and foregoing Ordinance No. 435 of the City of New Hope, Alabama, was duly passed, and adopted by the City Council at its regular meeting on the 19<sup>th</sup> day of June, 2023, and published by posting of same for a period of not less than thirty days commencing on the day following the passing of the ordinance, in three public places, namely: New Hope City Hall, the New Hope Post Office, and the New Hope Telephone Co-op, all in the City of New Hope, Alabama.

  
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Kim Cleveland  
City Clerk