

ORDINANCE NO. 2012-1150

**AN ORDINANCE TO AMEND CHAPTER 50 OF THE CODE OF ORDINANCES
FOR THE CITY OF ORANGE BEACH, ALABAMA TO ADD A NEW ARTICLE
IX ENTITLED "ENTERTAINMENT DISTRICTS."**

BE IT ORDAINED by the City Council of the City of Orange Beach that Chapter 50 of the Code of Ordinances for the City of Orange Beach is hereby amended to add a new Article IX entitled "Entertainment Districts" as follows:

Section 1. Findings and Intent.

- (a) The City of Orange Beach is a resort island community renowned for its natural environment, and is a popular destination for tourists, conventions, sporting tournaments, and entertainment events.
- (b) Effective May 16, 2012 the State of Alabama passed into law Act No. 2012-438 (hereafter the "Act").
- (c) The Act authorizes any city that has an established downtown development entity to create and establish a maximum of two entertainment districts.
- (d) Once created, the Alabama Alcoholic Beverage Control Board may issue an entertainment district designation for retail alcoholic beverage licenses within the 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 the district. Patrons may not, however, enter another licensed premise with open or closed containers of alcoholic beverages acquired elsewhere.
- (e) Orange Beach has heretofore established the Orange Beach Downtown Redevelopment Authority pursuant to Chapter 54A of Title 11 of the Alabama Code and is therefore eligible under the Act to create an entertainment district.
- (f) The Council has considered the merits of establishing such districts and believes that entertainment districts may benefit the city by enhancing pedestrian-oriented areas for outdoor special events that can include, but is not limited to, parades, concerts, car shows, boat shows, fishing tournaments, fundraising events for local nonprofit organizations, holiday events, and beer and wine tasting events.
- (g) The Council finds that other cities, both within and without the State of Alabama have had success with such districts, and believes it is in the best interest of the City to provide for the creation of such districts as provided herein.
- (h) The Council finds that it is prudent to proceed deliberately and cautiously. 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 ordinance, and any district designation created thereunder, at any time.

Section 2. Definitions.

"AABCB" means the Alabama Alcoholic Beverage Control Board

"District" means an Entertainment District established by a Resolution of the City Council pursuant to this Article. The District boundaries may not exceed ½ mile by

½ mile in area, but may be irregularly shaped.

“Licensee” means any person holding a liquor license within a District.

“Licensed Premise” means any business within a District which holds, a retail liquor license issued by the AABCB and the City of Orange Beach.

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

“Resolution” means a duly adopted resolution of the City Council creating a District.

Section 3. General Provisions for District Designation.

3.1 The Council may create a District whenever it finds that the proposed district meets them minimum qualifications of the Act and this ordinance, 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:

- (a) A description of the proposed District;
- (b) Plan for security, parking and other operational criteria within the District;
- (c) How the proposed District will compliment the City’s economic development goals, Comprehensive Plan, the Planning Neighborhood District in which it is located, and the surrounding area.

3.2 The Council may establish the maximum number of Districts as provided by state law.

3.3 District boundaries must conform to the requirements of state law, currently no larger than one-half (½) mile by one-half (½) mile in area, but may be irregularly shaped.

3.4 All Districts shall be created by Resolution setting out the following:

- (a) the findings upon which the designation is based;
- (b) a map delineating the boundaries of the District;
- (c) effective dates for the District; and
- (d) such additional operational rules and criteria the Council deems appropriate to meet the goals and objectives of that particular district.

Section 4. District Rules.

4.1 Upon the creation of an Entertainment District as provided herein:

(a) Any Licensee who receives an Entertainment District designation from the AABCB shall comply with all laws, rules, and regulations which govern its license type, including the provisions of this ordinance and the Resolution creating the district.

(b) Patrons, guests or members of the licensee may exit the licensed premises with open containers of alcoholic beverages and consume alcoholic beverages anywhere within the confines of the District, but may not enter another licensed premise with open containers or closed containers of alcoholic beverages.

(c) No Licensee who receives an Entertainment District designation by the AABCB shall allow alcoholic beverages to be removed from the licensed premises in any

bottles or glass containers.

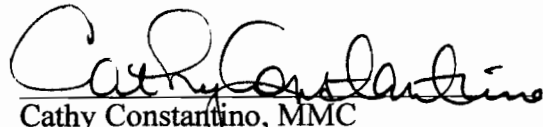
Section 5. Reservation of Rights/Rules of Construction.

The Council reserves the right to modify or repeal this ordinance, and any district designation created thereunder, at any time. Nothing in this ordinance shall be construed to create any right or entitlement to an entertainment district designation.

Section 6. Effective Date.

This Ordinance shall be effective immediately after the date of adoption and publication as required by law.

ADOPTED this 5th day of July, 2012.


Cathy Constantino, MMC
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2012-1150 was posted on _____ in the following three (3) public places:
Orange Beach City Hall _____
Orange Beach Post Office _____
Orange Beach Public Library _____


Cathy Constantino, City Clerk