

ORDINANCE NO: 2013-1170

**AN ORDINANCE TO AMEND CHAPTER 50, ARTICLE VII,
SECTION 50-489 OF THE CODE OF ORDINANCES
OF THE CITY OF ORANGE BEACH –
“LIQUOR LICENSE” - “PROXIMITY OF BUSINESS TO SCHOOLS”**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, as follows:

SECTION 1.

Chapter 50, Article VII, Section 50-489 of the Code of Ordinances for the City of Orange Beach is hereby amended to read as follows:

“Sec. 50-489. - Proximity of business to schools.

- (a) **Findings.** The City of Orange Beach is a resort island community that is dependent upon tourism as a major source of economic activity. While the council recognizes that the sale of alcoholic beverages is a necessary part of that industry, it is necessary, prudent and in the best interest of its full-time residents to restrict the types of businesses that are permitted to sell alcoholic beverages near public schools.
- (b) **Definitions.** The following definitions shall apply to this section:
- (1) *Meal* means a diversified selection of food some of which is not susceptible to being consumed in the absence of at least some articles of tableware and which cannot be consumed while one is standing or walking about.
- (2) *Restaurant* means a reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises.
- (c) Except as provided in subsection (e) below, no business license authorizing the sale of any alcoholic beverage, whether on-premise or off-premise, shall be issued to any person proposing to operate said business within 1,000 feet of any public Pre-K through grade 12 school, as measured in the manner set out in paragraph (e) of this section.
- (d) The prohibition against the sale of alcoholic beverages set forth in subsection (c) above shall not apply to any restaurant properly licensed to sell retail liquor, beer and ~~retail~~-table wine as allowed by a restaurant retail (020) liquor license so long as no more than 25 percent of the restaurant's gross income is derived from the sale of liquor, beer and wine.
- (e) The distance relating to prohibited locations shall be measured from any point on the property line of the establishment to any point on the property line of the school. Each applicant shall provide such information as may be required by the department to establish distance.
- (f) Notwithstanding the above, in the event any school locates or relocates to within 1,000 feet of a business lawfully selling alcoholic beverages, that business may continue to operate until such time as the business is closed for a continuous period of 180 days or more. Such businesses may not be enlarged, expanded or intensified.
- (g) Any business that is lawfully selling beer and/or wine on the effective date of this ordinance may continue to operate until such time as the business is closed for a continuous period of 180 days or more.
- (h) Any business found to have violated this section shall have its license suspended or revoked pursuant to sections 50-488 and 50-73 of the City Code.”

This Ordinance shall be effective on and after its adoption and publication as required by law.

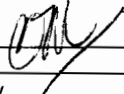
SECTION 2:

All ordinances or parts of ordinances in conflict are to the extent of such conflict repealed.

ADOPTED this 2nd day of April, 2013.

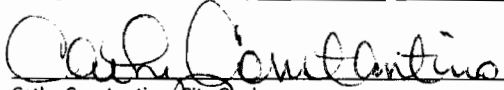

Cathy Constantino, City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2013-1170 was posted on 4/4/2013 in the following three (3) public places:

Orange Beach City Hall 

Orange Beach Post Office _____

Orange Beach Public Library _____


Cathy Constantino, City Clerk