ORDINANCE NO. 26-1040

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 3 ALCOHOLIC BEVERAGES OF THE MUNICIPAL CODE OF THE CITY OF HUNTSVILLE, ALABAMA

BE IT ORDAINED by the City Council for the City of Huntsville, Alabama, as follows:

Section 1. Chapter 3, Section 3-171 of the Code of Ordinances of the City of Huntsville Alabama is hereby deleted.

Section 2. Chapter 3, Sections 3-3, 3-23, 3-25, 3-27, 3-28, 3-29, 3-30, 3-31, 3-52, 3-53, 3-81, 3-82, 3-83, 3-84, 3-85, 3-86, 3-87, 3-88, 3-89, 3-90, and 3-91 of the Code of Ordinances of the City of Huntsville Alabama is hereby amended as follows:

Sec. 3-3. Duties and powers of the director of finance generally.

The finance director shall administer and enforce the licenses imposed by this chapter. The finance director shall have the power to enter upon the premises of any city licensed premises and to examine, or cause to be examined by any agent or representative designated by him for that purpose, any books, papers, records, memoranda, or other documents bearing upon the administration or enforcement of this chapter.

Sec. 3-23. Bottle permit for authorized special event.

(a) Purpose; application required. It is the goal of the city to promote the use and enjoyment of public parks in the central city area, as that area is delineated in section 18-31 of this Code, by allowing attendees, excluding minors, of an authorized special event to bring, take, or carry, in original unopened containers, beer or table wine only into the event for their personal consumption during the event. Subject to the eligibility requirements of this section, any bona fide nonprofit organization duly formed in accordance with federal and state tax laws that is hosting a special event in a public park in the central city area, that does not include the sale of alcoholic beverages, is eligible to apply to the finance director for a bottle permit on forms provided by the finance director. The permit would allow attendees of the event, excluding minors, to bring, take, or carry, in original unopened containers, beer or table wine only into the event for their personal consumption during the event.

(b) Approval process. The finance director, as a part of the application process, may require information of the applicant, consistent with section 3-84 of this chapter, which he determines to be appropriate in order to determine eligibility and suitability. Upon submittal of a completed application an investigation may be conducted in accordance with section 3-86.

(c) Requirements for issuance. Bottle permits will be issued for qualified entities hosting special events in public parks in the central city area only where each of the following requirements is met:

(1) The special event must be free of charge and not involve any type of fee or other form of remuneration for those attending the event, which includes ticket sales, entrance fees,

and cover charges. This prohibition does not preclude duly licensed vendor sales, excluding alcoholic beverage sales.

(2) For profit entities may provide voluntary contributions for the special event, but may not act as a host of the event.

(3) The event may not be licensed for the sale of alcoholic beverages.

(4) Attendees of the event, excluding minors, may bring, take, or carry, in original unopened containers, beer or table wine only into the event for their personal consumption during the event. Kegs shall not be allowed. The host of the event shall in no event furnish any alcoholic beverages to the attendees of the event.

(5) No open containers shall be removed from the event area and it shall be the responsibility of the host of the event to ensure compliance with this provision.

(6) A sign shall be posted at each entrance of the event notifying attendees that the event holds a bottle permit allowing attendees of the event, excluding minors, to bring, take, or carry, in original unopened containers, beer or table wine only into the event for their personal consumption during the event.

(7) The duration of the event shall be limited to the time specified in the approved bottle permit.

(8) The applicant shall, where required to do so by the finance director, obtain a lease from the city council for use of the public space, which may include indemnification and insurance requirements. All required permitting for the event shall be obtained, which may include a special event permit pursuant to chapter 23, article VI of this Code.

(d) Where all of the eligibility requirements are met for qualified applicants, the finance director shall report his findings to the specialty license review committee, which is authorized, on behalf of the city council, to issue a bottle permit for an authorized special event. Permits may be issued for a one-time event or a reoccurring event, at the discretion of the committee. In addition, the committee may attach reasonable conditions to the permit, not inconsistent with this chapter or state alcoholic beverage control laws, which it deems relevant for the public health, safety, and general welfare, which may include security requirements for the event.

(e) Failure to comply with the permitting requirements or conditions shall constitute a violation of this section.

Sec. 3-25. Prohibitions against brown bagging, exceptions.

(a) *Brown-bagging prohibited.*

(1) Consistent with the rules and regulations promulgated by the ABC board, it shall be unlawful for a licensee holding a city license issued pursuant to this chapter to allow on the city licensed premises the consumption or possession of any type of alcoholic beverage which the licensee is not authorized to sell. Further, the practice of brown bagging or customers bringing on the licensed premises their own alcoholic beverages is prohibited on city licensed premises. This brown bagging provision shall not apply to alcoholic beverages, for which the appropriate Alabama tax has been paid, which are brought on the premises of a class I club (not operated for pecuniary gain) licensees. The same prohibitions concerning the practice of brown bagging shall also apply in regard to other city business licensees, their customers, and their premises.

(2) It shall be unlawful for a city licensee or other city business licensee, their respective owners, managers, servants, agents, or employees, to knowingly allow the practice of brown bagging to occur on the premises for which the license is held.

(3) It shall be unlawful for a customer, member, guest, invitee, or patron of a city licensee or other city business licensee to violate the prohibition of brown bagging.

(b) *Exception for private events at banquet establishments.*

(1) Notwithstanding the foregoing prohibitions in subsection (a) of this section, 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) Notwithstanding the foregoing prohibitions in subsection (a) of this section, 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 post in a visible location on the premises all charges and fees for its facilities and banquet services, which shall be available for inspection upon request by the finance director or by the chief of police during normal business hours.

c. 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.

d. 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.

e. 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.

(c) 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.

Sec. 3-27. Arts and Entertainment District

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning:

Approved container means a purple-colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is an arts and entertainment

district permittee, bearing the name or logo of the district or the name or logo of the arts and entertainment district permittee.

Arts and entertainment district or *district* means the district established hereinafter in subsection (b) of this section, as such district may be from time to time amended.

Arts and entertainment district area or *area* means public places within the art and entertainment district, except for an excluded public place.

Arts and entertainment district event means a chapter 23 special event that meets each of the following criteria:

(1) The event is open to the general public and may or may not include an admission fee for entrance into the event.
(2) The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Arts and entertainment district permittee or *permittee* means an on-premise retail city licensee permitted by the city in accordance with subsection (f) of this section.

Chapter 23 special event means a special event governed by chapter 23, article VI of this Code.
Excluded public place means a public place within the arts and entertainment district that is not included within the arts and entertainment district area as follows:

(1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
(2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
(3) An area being used for a chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;
(4) An area being used for a chapter 23 special event that is licensed to sell alcoholic beverages or that holds a bottle permit issued under section 3-23; or
(5) The premises of a city licensee.

(b) *Purpose.*
(1) *Purpose of section*. The purpose of this section is:
a. To establish districts authorized by Code of Ala. 1975, § 28-3A-17.1, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under section 3-22(b), regulations against removal of open containers under subsections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the

parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of another city business licensee under subsection 3-25(a); and

b. To establish regulations governing the district.

(2) *Purpose of arts and entertainment districts.* In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

(c) *Quigley Arts and Entertainment District established.*

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the Quigley Arts and Entertainment District, which is also shown on the appended map incorporated herein by reference, which district shall constitute an entertainment district pursuant to Code of Ala. 1975, § 28-3A-17.1:

A tract of land located in Sections 35 and 36, both of which are in Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, and also lying in Sections 01 and 02, both of which are in Township 4 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the intersection of the East bank of Pinhook Creek and the North right of way (ROW) of Clinton Avenue; thence from the Point of Beginning, Northwest along the East bank of Pinhook Creek to a point located on the Southern edge of pavement of Holmes Avenue; thence East along the Southern edge of pavement of Holmes Avenue to a point located on the Southern edge of pavement of Holmes Avenue and the Western edge of pavement of Monroe Street; thence Southeast along the Western edge of pavement a distance of 493 feet to a point located on the North ROW of Clinton Avenue; thence Northeast along the North ROW of Clinton Avenue to a point on the West ROW of Spragins Street; thence Northwest along the West ROW of Spragins Street to a point on the North ROW of Holmes Avenue; thence continue Northwest along the West ROW of Spragins Street a distance of 440 feet; thence North 63 Degrees East a distance of 51 feet to a point on the East ROW of Spragins St; thence North 58 Degrees East a distance of 270 feet to the Western edge of pavement of Jefferson Street; thence Southeast along the Western edge of pavement of Jefferson Street a distance of 445 feet to the intersection of the said Western edge of pavement of Jefferson Street and the North ROW of Holmes Avenue; thence Northeast along the North ROW of Holmes Avenue to a point located on the West ROW of Washington Street; thence Northwest along the Western ROW of Washington Street a distance of 327 feet; thence North 58 Degrees East a distance of 184 feet; thence South 31 Degrees East a distance of 49 feet; thence North 58 Degrees East a distance of 31 feet; thence South 32 Degrees East a distance of 76 feet; thence South 58 Degrees West 153 feet to a point located on the East ROW of Washington Street; thence Southeasterly along the Eastern ROW of Washington Street to a point located at the intersection of the East ROW of Washington Street and the North ROW of Holmes Avenue; thence Northeast along the North ROW of Holmes Avenue to a point located on the West ROW of Greene Street; thence North along the West ROW of Greene Street to a point located on the South ROW of Monroe Street; thence North 45 Degrees West a distance of 181 feet to a point located on the West ROW of Meridian Street; thence Northeasterly along the West ROW of Meridian Street to a point located on the South ROW of Cleveland Avenue; thence Northwest along the South ROW of Cleveland Avenue to a point located on East ROW of the Norfolk

Southern Railroad; thence Northeasterly along the East ROW of the Norfolk Southern Railroad to a point located on the Southern edge of pavement of Pratt Avenue; thence East along the Southern edge of pavement of Pratt Avenue a distance of 197 feet to a point at the beginning of a curve to the right; thence Southeasterly around said curve to the right a chord distance of 57 feet; said point being located on the Western edge of pavement of Meridian Street; thence Southwesterly along the Western edge of pavement of Meridian Street a distance of 614 feet; thence South 55 Degrees East a distance of 73 feet to a point located on the East ROW of Meridian Street; thence Southwesterly along the East ROW of Meridian Street to a point at the beginning of a curve to the left located on the South ROW of Walker Avenue; thence Southeasterly around said curve to the left a chord distance of 374 feet; thence South 21 Degrees East a distance of 97 feet to a point located on the East ROW of Greene Street; thence continue South along the East ROW of Greene Street a distance of 386 feet; thence North 57 Degrees East a distance of 129 feet to a point; thence South 31 Degrees East a distance of 49 feet to a point; thence South 58 Degrees West a distance of 5 feet to a point; thence South 31 Degrees East a distance of 12 feet to a point located on the Northern edge of pavement of Holmes Avenue; thence Northeast along the Northern edge of pavement of Holmes Avenue to a point located at the intersection of the Northern edge of pavement of Holmes Avenue with the Western edge of pavement of Monroe Street; thence South 49 Degrees East a distance of 92 feet to a point located on the Western edge of pavement of Lincoln Street; thence Southeasterly along the Western edge of pavement of Lincoln Street a distance of 136 feet to a point; thence South 13 Degrees West a distance of 12 feet to a point; thence South 33 Degrees West a distance of 8 feet to a point; thence South 59 Degrees West a distance of 10 feet to a point; thence North 38 Degrees West a distance of 77 feet to a point; thence North 77 Degrees West a distance of 21 feet to a point; thence South 58 Degrees West a distance of 149 feet to a point; thence South 31 Degrees East a distance of 63 feet to a point; thence South 58 Degrees West a distance of 109 feet to a point located on the East ROW of Greene Street; thence Southeast along the East ROW of Greene Street a distance of 81 feet to the Southwest corner of Parking Lot “D”; thence South 58 Degrees West a distance of 56 feet to a point on the West ROW of Greene Street; thence South 58 Degrees West a distance of 164 feet; thence South 32 Degrees East a distance of 565 feet to a point located on the South ROW of Randolph Avenue; thence Southwest along the South ROW of Randolph Avenue a distance of 30 feet to the western most property line of the Church of Christ; thence South 32 Degrees East a distance of 42 feet; thence South 58 Degrees West a distance of 89 feet; thence South 31 Degrees East a distance of 244 feet; thence North 59 Degrees East a distance of 94 feet; thence South 32 Degrees East a distance of 36 feet to a point located on the North ROW of Eustis Avenue; thence Northeast along the North ROW of Eustis Avenue a distance of 378 feet to a point; thence South 32 Degrees East a distance of 229 feet to a point; thence South 57 Degrees West a distance of 208 feet to a point on the West ROW of Greene Street; thence Northwesterly along the West ROW of Greene Street to a point located at the intersection of the West ROW of Greene Street and the South ROW of Eustis Avenue; thence Southwest along the South ROW of Eustis Avenue a distance of 190 feet; thence South 31 Degrees East a distance of 172 feet; thence South 57 Degrees West a distance of 96 feet to a point located on the East ROW of Franklin Street; thence Southeast along the East ROW of Franklin Street to a point located on the South ROW of Gates Avenue; thence Southwest along the South ROW of Gates Avenue to a point located on the East ROW of Madison Street; thence Southeast along the East ROW of Madison Street to a point located on the South ROW of Williams Avenue; thence Southwest along the South ROW of Williams Avenue to a point

located at the intersection of the South ROW of Williams Avenue and the East ROW of Gallatin Street; thence Southeasterly along the East ROW of Gallatin Street to a point located on the South ROW of Lowe Avenue; thence West crossing over Gallatin Street to a point on the Western edge of pavement of Gallatin Street and the South ROW of Lowe Avenue; thence Southeast along the Western edge of pavement of Gallatin Street to a point on the Western edge of pavement of Gallatin Street and the Northern edge of pavement of Saint Clair Avenue; thence West along the Northern edge of pavement of Saint Clair Avenue to a point located on the West ROW of Dr. Joseph L Lowery Boulevard; thence Northerly along the West ROW of Dr. Joseph L Lowery Boulevard to the beginning of a curve to the left located on the North ROW of Pelham Avenue; thence Northwest along said curve to the left a chord distance of 346 feet to a point located on the South ROW of Lowe Avenue; thence Northwesterly along the South ROW of Lowe Avenue a distance of 714 feet; thence South 29 Degrees West a distance of 178 feet; thence South 82 Degrees West a distance of 7 feet; thence South 27 Degrees West a distance of 286 feet to the point of beginning of a curve to the right located on the South ROW of Davis Circle; thence Northwesterly around said curve to the right a chord distance of 236 feet to a point of curvature to the Left; thence Southwesterly along said curve to the left a chord distance of 99 feet to a point located on the South ROW of a traffic circle; thence North 61 Degrees West a distance of 133 feet to a point on the South ROW of Heart of Huntsville Drive; thence Northwest along the South ROW of Heart of Huntsville Drive a distance of 708 feet to a point; thence South 15 Degrees West a distance of 96 feet to a point; thence South 9 Degrees West a distance of 44 feet to a point; thence South 23 Degrees West a distance of 90 feet to a point; thence South 30 Degrees West a distance of 76 feet to a point; thence South 5 Degrees West a distance of 10 feet to a point; thence South 65 Degrees West a distance of 16 feet to a point; thence South 26 Degrees West a distance of 49 feet to a point; thence South 4 Degrees East a distance of 46 feet to a point; thence South 20 Degrees West a distance of 280 feet to a point; thence South 69 Degrees West a distance of 53 feet to a point; thence North 73 Degrees West a distance of 29 feet to a point; thence North 21 Degrees West a distance of 71 feet to a point; thence North 32 Degrees West a distance of 467 feet to a point; thence North 2 Degrees West a distance of 14 feet to a point located on the Southern edge of pavement of Constellation Place Drive; thence Northeasterly along the Southern edge of pavement of Constellation Place Drive to a point on the South ROW of Heart of Huntsville Drive; thence N 44 Degrees East a distance of 65 feet to a point on the North ROW of Heart of Huntsville Drive; thence Southeast along the North ROW of Heart of Huntsville Drive a distance of 672 feet to a point on the Eastern margin of Pinhook Creek; thence Northwest along the Eastern margin of Pinhook Creek a distance of 1,500 feet to the Point of Beginning.

Also included is a portion of a bike lane and part of Monroe Street, more particularly described as beginning at a point located at the intersection of the Southern edge of pavement of Monroe Street and the Western edge of pavement of Spragins Street; thence from the Point of Beginning, South along the Western edge of pavement of Spragins Street a distance of 247 feet; thence North 61 Degrees East 18 feet to a point located on the East margin of said bike lane; thence Northerly along the East margin of said bike lane a distance of 240 feet; thence North 25 Degrees West a distance of 69 feet to the Northern edge of pavement of Monroe Street; thence Southwest along the Northern edge of pavement of Monroe Street a distance of 19 feet; thence South 25 Degrees East 63 feet to the Southern edge of pavement of Monroe Street and the Point of Beginning.

Also included is the Depot Greenway and the portion of the Gateway Greenway that is West of Meridian Street.

Less and Except the following tracts of land:

A tract of land described as commencing at the Northwest Corner of Section 01, Township 04 South, Range 01 West of the Huntsville Meridian, Madison County, Alabama; thence from the Point of Commencement, South 89 Degrees East a distance of 396 feet to the Point of Beginning; thence from the Point of Beginning, South 58 Degrees West a distance of 59 feet to a point; thence South 32 Degrees East a distance of 92 feet to a point; thence North 58 Degrees East a distance of 13 feet to a point; thence South 32 Degrees East a distance of 69 feet to a point at the beginning of a curve to the right; thence along said curve to the right having a radius of 83 feet and a chord bearing and distance of South 31 Degrees East, 67 feet to a point; thence South 18 Degrees West a distance of 86 feet to a point; thence South 35 Degrees West a distance of 96 feet to a point at the beginning of a curve to the right; thence along said curve to the right having a radius of 139 feet and a chord bearing and arc length of North 19 Degrees West, 584 feet to a point; thence North 2 Degrees East a distance of 35 feet to a point; thence North 16 Degrees West a distance of 17 feet to a point; thence North 32 Degrees West a distance of 45 feet to a point; thence South 58 Degrees West a distance of 20 feet to a point; thence North 32 Degrees West a distance of 40 feet to a point; thence South 58 Degrees West a distance of 240 feet to a point; thence South 33 Degrees East a distance of 17 feet to a point; thence South 58 Degrees West a distance of 89 feet to a point; thence South 7 Degrees West a distance of 30 feet to a point; thence South 36 Degrees East a distance of 508 feet to a point; thence South 54 Degrees West a distance of 260 feet to a point; thence North 36 Degrees West a distance of 503 feet to a point; thence North 54 Degrees East a distance of 216 feet to a point; thence North 7 Degrees East a distance of 73 feet to a point; thence North 58 Degrees East a distance of 80 feet to a point; thence North 32 Degrees West a distance of 69 feet to a point; thence North 58 Degrees East a distance of 28 feet to a point; thence North 32 Degrees West a distance of 51 feet to a point; thence South 58 Degrees West a distance of 60 feet to a point; thence North 32 Degrees West a distance of 248 feet to a point; thence North 58 Degrees East a distance of 117 feet to a point; thence South 77 Degrees East a distance of 26 feet to a point; thence South 32 Degrees East a distance of 274 feet to a point; thence North 58 Degrees East a distance of 137 feet to a point; thence North 31 Degrees West a distance of 418 feet to a point; thence North 59 Degrees East a distance of 89 feet to a point; thence North 44 Degrees East a distance of 28 feet to a point at the beginning of a curve to the right; thence along said curve to the right having a radius of 172 feet and a chord bearing and distance of North 83 Degrees East, 150 feet to a point; thence South 32 Degrees East a distance of 141 feet to a point; thence South 58 Degrees West a distance of 89 feet to a point; thence South 32 Degrees East a distance of 228 feet to a point; thence North 58 Degrees East a distance of 24 feet to a point; thence South 32 Degrees East a distance of 125 feet back to the point of beginning;

And also:

Water Canal that is connected to the Big Spring Lagoon that lies South of the Von Braun Center; North and West of Monroe Street and East of Pinhook Creek;

And also:

Big Spring Lagoon that lies between Monroe Street, Williams Avenue and Church Street;

And also:

A tract of land described as beginning at a point located on the East ROW of Monroe Street and is further described as being located South 48 Degrees East a distance of 240 feet from the intersection of the Monroe Street centerline and the Clinton Avenue centerline; thence North 58 Degrees East a distance of 320 feet; thence North 31 Degrees West a distance of 183 feet; thence North 57 Degrees East a distance of 217 feet; thence South 85 Degrees East a distance of 14 feet; thence South 32 Degrees East a distance of 384 feet; thence South 58 Degrees West a distance of 159 feet; thence South 31 Degrees East a distance of 134 feet; thence South 37 Degrees West a distance of 202 feet; thence North 56 Degrees West 77 feet; thence South 59 Degrees West a distance of 97 feet; thence North 32 Degrees West a distance of 167 feet; thence South 58 Degrees West a distance of 72 feet; thence North 33 Degrees West a distance of 171 feet to the point of beginning;

And also:

A tract of land described as beginning at a point located South 18 Degrees West a distance of 34 feet from the intersection of the Spragins Street centerline and the Clinton Avenue centerline; thence South 31 Degrees East a distance of 473 feet; thence South 56 Degrees West a distance of 283 feet; thence North 32 Degrees West a distance of 424 feet; thence North 2 Degrees West a distance of 21 feet; thence North 21 Degrees East a distance of 57 feet; thence North 57 Degrees East a distance of 231 feet to the point of beginning;

And also:

A tract of land described as commencing at a point located at the intersection of the North ROW of Holmes Avenue and the Western Edge of Pavement of Jefferson Street; thence from the Point of Commencement, South 89 Degrees West a distance of 80 feet to the Point of Beginning; thence from the Point of Beginning, South 58 Degrees West a distance of 202 feet to a point; thence North 31 Degrees West a distance of 301 feet to a point; thence North 58 Degrees East a distance of 199 feet to a point; thence South 33 Degrees East a distance 291 feet to a point; thence South 7 Degrees West a distance of 11 feet back to the point of beginning;

And also:

A tract of land described as beginning at a point located North 18 Degrees East a distance of 47 feet from the intersection of the Spragins Street centerline and the Clinton Avenue centerline; thence North 32 Degrees West a distance of 155 feet; thence North 57 Degrees East a distance of 148 feet; thence South 33 Degrees East a distance of 157 feet; thence South 58 Degrees West a distance of 151 feet to the point of beginning;

And also:

A tract of land described as beginning at a point located North 89 Degrees East a distance of 40 feet from the intersection of the Spragins Street centerline and the Clinton Avenue centerline; thence North 57 Degrees East a distance of 158 feet; thence South 31 Degrees East a distance of 321 feet; thence South 58 Degrees West a distance of 154 feet; thence North 32 Degrees West a distance of 317 feet to the point of beginning;

And also:

A tract of land described as beginning at a point located South 79 Degrees East a distance of 36 feet from the intersection of the Jefferson Street centerline and the Clinton Avenue centerline; thence North 58 Degrees East a distance of 294 feet; thence South 33 Degrees East a distance of 164 feet; thence South 58 Degrees West a distance of 297 feet; thence North 32 Degrees West a distance of 165 feet to the point of beginning;

And also:

A tract of land described as beginning at a point located South 82 Degrees East a distance of 113 feet from the intersection of the North Side Square centerline and the West Side Square centerline; thence North 59 Degrees East a distance of 221 feet; thence South 32 Degrees East a distance of 233 feet; thence South 59 Degrees West a distance of 224 feet; thence North 31 Degrees West a distance of 232 feet to the point of beginning;

And also:

A tract of land described as beginning at a point located South 16 Degrees West a distance of 60 feet from the intersection of the Fountain Circle centerline and the Madison Street centerline; thence South 32 Degrees East a distance of 299 feet; thence South 57 Degrees West a distance of 256 feet; thence North 31 Degrees West a distance of 254 feet; thence North 1 Degrees East a distance of 45 feet; thence North 55 Degrees East a distance of 228 feet to the point of beginning;

And also:

A tract of land described as beginning at a point located at the intersection of the West ROW of Madison Street and the South ROW of Gates Avenue; thence Southeasterly along the West ROW of Madison Street 300 feet to a point on the North ROW of Williams Avenue; thence Southwesterly along the North ROW of Williams Avenue 251 feet to a point on the East ROW of Fountain Circle; thence Northwesterly along the East ROW of Fountain Circle 85 feet; thence Northeasterly and parallel to the North ROW of Williams Avenue 92 feet; thence Northwesterly and parallel to the East ROW of Fountain Circle 133 feet; thence Southwesterly and parallel to the North ROW of Williams Avenue 66 feet; thence Northwesterly and parallel to the East ROW of Fountain Circle 56 feet; thence Northeasterly and parallel to the North ROW of Williams Avenue 66 feet; thence Northwesterly and parallel to the East ROW of Fountain Circle 27 feet to

a point located on the South ROW of Gates Avenue; thence Northeasterly along the South ROW of Gates Avenue 164 feet back to the point of beginning;

And also:

A tract of land described as beginning at a point located North 59 Degrees West a distance of 54 feet from the intersection of the Fountain Circle centerline and the Willaims Avenue centerline; thence South 58 Degrees West a distance of 98 feet; thence South 48 Degrees West a distance of 179 feet; thence South 57 Degrees West a distance of 24 feet; thence South 74 Degrees West a distance of 24 feet; thence North 89 Degrees West a distance of 24 feet; thence North 72 Degrees West a distance of 25 feet; thence North 38 Degrees West a distance of 116 feet; thence North 31 Degrees West a distance of 234 feet; thence North 59 Degrees East a distance of 362 feet; thence South 33 Degrees East a distance of 354 feet to the point of beginning;

And also:

A tract of land described as being bound by Williams Avenue to the North, Gallatin Street to the East, Lowe Avenue to the South and Dr Joseph L Lowery Boulevard to the West;

And also:

A tract of land described as beginning at a point located South 63 Degrees West a distance of 173 feet from the intersection of the Pelham Avenue centerline and the Gallatin Street centerline; thence South 10 Degrees East a distance of 323 feet; thence North 71 Degrees East a distance of 8 feet; thence South 19 Degrees East a distance of 50 feet; thence South 71 Degrees West a distance of 27 feet; thence South 10 Degrees East a distance of 108 feet; thence South 81 Degrees West a distance of 87 feet; thence South 90 Degrees West a distance of 114 feet; thence North 10 Degrees West a distance of 223 feet; thence North 80 Degrees East a distance of 10 feet; thence North 10 Degrees West a distance of 40 feet; thence South 80 Degrees West a distance of 10 feet; thence North 10 Degrees West a distance of 121 feet; thence North 80 Degrees East a distance of 73 feet; thence North 10 Degrees West a distance of 62 feet; thence North 80 Degrees East a distance of 56 feet; thence North 69 Degrees East a distance of 82 feet to the point of beginning; and containing 149.93 acres, more or less.

(2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the arts and entertainment districts established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of an arts and entertainment district or permitting under this section.

(3) In the event the arts and entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to Code of Ala. 1975, § 28-3A-17.1, then the city may amend this section to either eliminate the arts and entertainment district or modify the district so as to remain in compliance with Code of Ala. 1975, § 28-3A-17.1, unless applicable state alcoholic beverage control laws

allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(4) Where this section provides for the opening of a portion of the arts and entertainment district, that portion that is opened shall not have fewer than the required number of alcoholic beverage licensees.

(5) Reserved.

(d) *Opening of the district.*

(1) *Regular hours of district*. The regular hours of operation for the district shall be between the hours of 12:00 noon to 10:00 p.m. daily; provided, however, in the case of New Year's Eve/New Year's Day, the regular hours of operation shall be between the hours of 12:00 noon on December 31st to 1:00 a.m. on January 1st.

(2) *Arts and entertainment district event.*

a. An event organizer of a chapter 23 special event that is an arts and entertainment district event, including an organized event on private property that requires city event services in accordance with subsection 23-202(d) of this Code, may request, with the organizer's application for a chapter 23 special event permit and on forms provided by the city, that the arts and entertainment district, or a portion thereof specified in the request, be opened during the chapter 23 special event.

b. The request shall be processed with the application for a chapter 23 special event permit and the event organizer, as that term is defined in chapter 23, article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the chapter 23 special event independent of the opening of the arts and entertainment district shall be governed by chapter 23, article VI of this Code.

c. The event organizer that requests that only a portion of the district be opened shall be responsible for the costs associated with delineating the partial opening of the district. A partial opening of the district and the manner of delineating the opening shall be subject to the approval of the event administrator.

d. The event administrator, as that term is defined in chapter 23, article VI of this Code, shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he may elect to obtain from the city's planning division, and to approve, approve with conditions, or disapprove the opening of all or a portion of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) *City-sponsored opening of the district*. At any time and from time to time, the city, through the mayor or his designee, may elect to sponsor the opening of all or a portion of the arts and entertainment district.

(e) *Conduct in the entertainment district.*

(1) The regulations of subsection 3-22(b) of this article, 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 subsection 3-22(b) shall apply.

(2) The regulations of subsections 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premises, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of the arts and entertainment district permittee providing the same, during the hours of operation of the arts and entertainment district. Otherwise the regulations of subsections 3-24(a) through (c) shall apply.

(3) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, 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 subsection 3-24(d) shall apply.

(4) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the arts and entertainment district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise the regulations of subsection 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk cafe areas of the city licensee.

(5) 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.

(6) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at Code of Ala. 1975, § 32-5A-330.

(7) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking.

*(*f) *Permitting.*

(1) *Qualifications.* In order to qualify for an arts and entertainment district permit, an applicant shall meet each of the following:

a. The applicant shall be a city licensee that is authorized by the city to sell alcoholic beverages at retail for on-premises consumption; and

b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to the retail license or the operation of the city licensed premises.

(2) *Application process; permit duration.* A city licensee that meets the qualification of subsection (1) above may apply with the finance department to become an arts and entertainment district permittee by filling out a form provided by the city. The finance director may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the denial. The permit shall be a one-time permit issued subject to and conditioned upon the permit holder's compliance and continued compliance with applicable provisions of this chapter and other law regulating alcoholic beverage licenses and arts and entertainment districts, as well as with applicable provisions of the zoning laws, which includes variances and special exceptions granted under the authority of the zoning ordinance. At the discretion of the finance

director, a permit may be issued by either: (1) appropriate notation on the business license of the approved permittee indicating an approved permit, or (2) issuance of a separate permit document, which shall be posted in a conspicuous place next to the permittee's business license. A permit shall be valid unless or until terminated in the manner provided for by this chapter.. Any event that would require an application for an alcoholic beverage license issued under this chapter shall also require a new application for an arts and entertainment district permit.

(3) *Action against permit*. A permit may be revoked, suspended, or not renewed by the finance director if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the finance director to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the adverse action.

(g) Security.

(1) *Temporary closure of district*. At any time and from time to time, the chief of police shall have the authority to temporarily close the 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 a reimbursement for city services provided in connection with the opening of the district for an arts and entertainment district event.

(2) *Number of permits*. The chief of police shall have the authority at any time and from time to time to limit the number of arts and entertainment district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the finance director. If there is a question as to first in time, the finance director is authorized to conduct a random drawing to decide the issue.

Sec. 3-28. Providence Entertainment District.

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning.

Approved container means a purple-colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is an entertainment district permittee, bearing the name or logo of the district or the name or logo of the entertainment district permittee.

Chapter 23 special event means a special event governed by chapter 23, article VI of this Code.

Entertainment district or *district* means the district established hereinafter in subsection (b) of this section, as such district may be from time to time amended.

Entertainment district area or *area* means public places within the entertainment district, except for an excluded public place.

Entertainment district permittee or *permittee* means an on-premise retail city licensee permitted by the city in accordance with subsection (f) of this section.

Excluded public place means a public place within the entertainment district that is not included within the entertainment district area as follows:

(1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(3) An area being used for a chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;

(4) An area being used for a chapter 23 special event that is licensed to sell alcoholic beverages; or

(5) The premises of a city licensee.

(b) *Purpose*. The purpose of this section is:

(1) To establish districts authorized by Code of Ala. 1975, § 28-3A-17.1, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under section 3-22(b), regulations against removal of open containers under sections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under section 3-24(d), and regulations against brown bagging on the premises of an other city business licensee under section 3-25(a); and

(2) To establish regulations governing the district.

(c) Providence Entertainment District established.

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the Providence Entertainment District, which is also shown on the appended map incorporated herein by reference, which district shall constitute an entertainment district pursuant to Code of Ala. 1975, § 28-3A-17.1: All that part of Section 25, Township 03 South, Range 02 West of the Huntsville Meridian, in the City of Huntsville, Madison County, Alabama; more particularly described as commencing at the Southwest Corner of said Section 25; thence from the Point of Commencement, North 09 Degrees 58 Minutes 18 Seconds East 4507.14 feet to the Point of Beginning; said Point of Beginning is further described as being located on the South Margin of Stockton Street; thence from the Point of Beginning, North 85 Degrees 26 Minutes 24 Seconds East 52.45 feet to a point; thence South 07 Degrees 47 Minutes 36 Seconds East 92.74 feet to a point; thence North 87 Degrees 34 Minutes 38 Seconds East 40.76 feet to a point; thence South 08 Degrees 28 Minutes 17 Seconds East 108.07 feet to a point; thence South 22 Degrees 39 Minutes 23 Seconds East 24.54 feet to a point; thence South 11 Degrees 44 Minutes 20 Seconds West 4.24 feet to a

point; thence South 48 Degrees 20 Minutes 33 Seconds East 14.54 feet to a point; thence South 40 Degrees 34 Minutes 41 Seconds West 22.27 feet to a point; thence South 46 Degrees 49 Minutes 23 Seconds East 17.65 feet to a point; thence South 09 Degrees 27 Minutes 19 Seconds East 7.35 feet to a point; thence South 89 Degrees 24 Minutes 00 Seconds East 36.32 feet to a point; thence North 00 Degrees 36 Minutes 06 Seconds East 2.09 feet to a point; thence South 89 Degrees 23 Minutes 58 Seconds East 24.32 feet to a point; thence South 00 Degrees 35 Minutes 56 Seconds West 2.76 feet to a point; thence South 89 Degrees 24 Minutes 02 Seconds East 11.95 feet to a point; thence North 00 Degrees 36 Minutes 03 Seconds East 13.61 feet to a point; thence South 89 Degrees 23 Minutes 53 Seconds East 7.28 feet to a point at the beginning of a curve to the right; thence along said curve to the right having a radius of 19.63 feet and a chord bearing and distance of South 89 Degrees 23 Minutes 53 Seconds East 31.15 feet to a point; thence North 79 Degrees 05 Minutes 49 Seconds East 24.94 feet to a point; thence South 89 Degrees 36 Minutes 03 Seconds East 27.41 feet to a point; thence North 00 Degrees 44 Minutes 25 Seconds East 15.03 feet to a point; thence South 88 Degrees 21 Minutes 13 Seconds East 53.63 feet to a point; thence South 89 Degrees 37 Minutes 34 Seconds East 6.89 feet to a point; thence North 03 Degrees 48 Minutes 42 Seconds West 5.99 feet to a point; thence North 90 Degrees 00 Minutes 00 Seconds East 9.56 feet to a point; thence North 06 Degrees 20 Minutes 28 Seconds West 18.03 feet to a point; thence North 90 Degrees 00 Minutes 00 Seconds East 12.34 feet to a point at the beginning of a curve to the left; thence along said curve to the left having a radius of 16.68 feet and a chord and bearing of North 74 Degrees 19 Minutes 41 Seconds East 10.33 feet to a point; thence South 49 Degrees 50 Minutes 32 Seconds East 7.30 feet to a point; thence South 39 Degrees 09 Minutes 24 Seconds West 3.17 feet to a point; thence South 50 Degrees 02 Minutes 19 Seconds East 38.67 feet to a point; thence North 40 Degrees 35 Minutes 41 Seconds East 12.24 feet to a point; thence North 49 Degrees 52 Minutes 16 Seconds West 9.68 feet to a point; thence North 40 Degrees 02 Minutes 59 Seconds East 16.57 feet to a point; thence South 49 Degrees 52 Minutes 27 Seconds East 9.68 feet to a point; thence North 40 Degrees 27 Minutes 06 Seconds East 153.32 feet to a point; thence North 48 Degrees 40 Minutes 30 Seconds East 9.76 feet to a point; thence South 48 Degrees 51 Minutes 18 Seconds East 32.01 feet to a point; thence North 39 Degrees 44 Minutes 51 Seconds East 46.68 feet to a point; thence North 40 Degrees 17 Minutes 54 Seconds East 28.34 feet to a point; thence South 49 Degrees 42 Minutes 10 Seconds East 10.94 feet to a point; thence North 40 Degrees 17 Minutes 47 Seconds East 43.04 feet to a point; thence North 49 Degrees 42 Minutes 16 Seconds West 10.74 feet to a point; thence North 40 Degrees 17 Minutes 47 Seconds East 21.03 feet to a point; thence South 49 Degrees 42 Minutes 25 Seconds East 11.7 feet to a point; thence North 40 Degrees 18 Minutes 00 Seconds East 17.48 feet to a point; thence South 49 Degrees 42 Minutes 14 Seconds East 52.34 feet to a point; thence South 67 Degrees 34 Minutes 36 Seconds East 19.43 feet to a point; thence North 35 Degrees 08 Minutes 30 Seconds East 46.19 feet to a point; thence North 05 Degrees 55 Minutes 03 Seconds East 18.05 feet to a point; thence North 35 Degrees 52 Minutes 42 Seconds East 71.47 feet to a point; thence South 89 Degrees 51 Minutes 19 Seconds East 23.65 feet to a point; thence North 58 Degrees 14 Minutes 06 Seconds East 17.56 feet to a point; thence North 41 Degrees 52 Minutes 00 Seconds East 167.34 feet to a point; thence North 45 Degrees 24 Minutes 34 Seconds East 40.49 feet to a point; thence North 47 Degrees 00 Minutes 49 Seconds East 31.31 feet to a point; thence South 43 Degrees 56 Minutes 52 Seconds East 136.98 feet to a point; thence South 41 Degrees 28 Minutes 05 Seconds West 25.89 feet to a point; thence South 40 Degrees 34 Minutes 05 Seconds West 11.38 feet to a point; thence South 49 Degrees 25 Minutes 50 Seconds East 2.37 feet to a point; thence South 40

Degrees 34 Minutes 11 Seconds West 11.63 feet to a point; thence South 49 Degrees 26 Minutes 23 Seconds East 2.34 feet to a point; thence South 40 Degrees 34 Minutes 22 Seconds West 19.96 feet to a point; thence North 49 Degrees 25 Minutes 31 Seconds West 11.12 feet to a point; thence South 42 Degrees 02 Minutes 24 Seconds West 11.38 feet to a point; thence South 48 Degrees 40 Minutes 03 Seconds East 6.29 feet to a point; thence South 40 Degrees 34 Minutes 35 Seconds West 11.38 feet to a point; thence South 49 Degrees 25 Minutes 54 Seconds East 5.12 feet to a point; thence South 38 Degrees 31 Minutes 02 Seconds West 11.63 feet to a point; thence South 49 Degrees 25 Minutes 13 Seconds East 5.73 feet to a point; thence South 40 Degrees 34 Minutes 27 Seconds West 8.08 feet to a point; thence North 49 Degrees 25 Minutes 11 Seconds West 6.15 feet to a point; thence South 40 Degrees 34 Minutes 11 Seconds West 11.63 feet to a point; thence North 49 Degrees 25 Minutes 14 Seconds West 5.13 feet to a point; thence South 40 Degrees 34 Minutes 19 Seconds West 22.83 feet to a point; thence South 49 Degrees 25 Minutes 24 Seconds East 5.13 feet to a point; thence South 40 Degrees 34 Minutes 22 Seconds West 11.62 feet to a point; thence South 49 Degrees 25 Minutes 42 Seconds East 8.33 feet to a point; thence South 40 Degrees 34 Minutes 08 Seconds West 8.08 feet to a point; thence North 49 Degrees 25 Minutes 51 Seconds West 15.54 feet to a point; thence South 40 Degrees 34 Minutes 22 Seconds West 11.62 feet to a point; thence North 49 Degrees 25 Minutes 08 Seconds West 3.92 feet to a point; thence South 40 Degrees 34 Minutes 16 Seconds West 25.58 feet to a point; thence North 49 Degrees 25 Minutes 43 Seconds West 15.83 feet to a point; thence South 40 Degrees 34 Minutes 21 Seconds West 16.62 feet to a point; thence South 49 Degrees 25 Minutes 38 Seconds East 25.71 feet to a point; thence North 40 Degrees 34 Minutes 16 Seconds East 19.08 feet to a point; thence South 49 Degrees 25 Minutes 30 Seconds East 11.38 feet to a point; thence North 40 Degrees 34 Minutes 38 Seconds East 3.92 feet to a point; thence South 49 Degrees 25 Minutes 38 Seconds East 11.62 feet to a point; thence North 40 Degrees 34 Minutes 15 Seconds East 6.75 feet to a point; thence South 49 Degrees 25 Minutes 41 Seconds East 8.08 feet to a point; thence North 40 Degrees 36 Minutes 52 Seconds East 0.46 feet to a point; thence South 49 Degrees 25 Minutes 38 Seconds East 11.62 feet to a point; thence South 40 Degrees 34 Minutes 16 Seconds West 11.12 feet to a point; thence South 49 Degrees 25 Minutes 43 Seconds East 22.83 feet to a point; thence North 40 Degrees 34 Minutes 03 Seconds East 11.12 feet to a point; thence South 49 Degrees 25 Minutes 49 Seconds East 11.63 feet to a point; thence North 40 Degrees 34 Minutes 21 Seconds East 5.69 feet to a point; thence South 49 Degrees 25 Minutes 27 Seconds East 8.08 feet to a point; thence South 40 Degrees 34 Minutes 41 Seconds West 5.27 feet to a point; thence South 47 Degrees 22 Minutes 22 Seconds East 11.63 feet to a point; thence South 40 Degrees 34 Minutes 25 Seconds West 11.12 feet to a point; thence South 49 Degrees 25 Minutes 39 Seconds East 22.83 feet to a point; thence North 40 Degrees 34 Minutes 30 Seconds East 11.13 feet to a point; thence South 49 Degrees 25 Minutes 38 Seconds East 11.62 feet to a point; thence South 39 Degrees 01 Minutes 00 Seconds West 9.21 feet to a point; thence South 49 Degrees 09 Minutes 18 Seconds East 3.97 feet to a point; thence North 40 Degrees 28 Minutes 10 Seconds East 7.04 feet to a point; thence North 41 Degrees 46 Minutes 20 Seconds East 7.81 feet to a point; thence North 45 Degrees 18 Minutes 38 Seconds East 2.23 feet to a point; thence South 60 Degrees 33 Minutes 39 Seconds East 4.13 feet to a point; thence South 42 Degrees 02 Minutes 53 Seconds West 10.98 feet to a point; thence South 49 Degrees 25 Minutes 49 Seconds East 11.63 feet to a point; thence South 40 Degrees 34 Minutes 01 Seconds West 2.37 feet to a point; thence South 49 Degrees 25 Minutes 43 Seconds East 11.37 feet to a point; thence South 40 Degrees 34 Minutes 10 Seconds West 7.62 feet to a point; thence South 49 Degrees 25 Minutes 30 Seconds East 7.00 feet to a

point; thence South 57 Degrees 35 Minutes 00 Seconds East 18.07 feet to a point; thence South 39 Degrees 50 Minutes 04 Seconds West 310.07 feet to a point; thence South 33 Degrees 22 Minutes 35 Seconds West 39.42 feet to a point; thence South 10 Degrees 15 Minutes 29 Seconds West 7.81 feet to a point; thence South 50 Degrees 11 Minutes 40 Seconds East 240.30 feet to a point; thence South 45 Degrees 00 Minutes 00 Seconds East 5.12 feet to a point; thence South 40 Degrees 30 Minutes 00 Seconds West 242.96 feet to a point; thence South 34 Degrees 35 Minutes 45 Seconds West 75.59 feet to a point; thence South 58 Degrees 02 Minutes 12 Seconds West 31.26 feet to a point; thence South 88 Degrees 46 Minutes 02 Seconds West 47.98 feet to a point; thence North 17 Degrees 21 Minutes 09 Seconds West 9.64 feet to a point; thence North 39 Degrees 12 Minutes 15 Seconds East 11.53 feet to a point; thence North 49 Degrees 29 Minutes 38 Seconds West 135.70 feet to a point; thence North 54 Degrees 42 Minutes 52 Seconds West 7.08 feet to a point; thence North 53 Degrees 36 Minutes 09 Seconds West 164.31 feet to a point; thence North 51 Degrees 33 Minutes 32 Seconds West 35.77 feet to a point; thence South 13 Degrees 32 Minutes 38 Seconds West 153.16 feet to a point; thence South 15 Degrees 02 Minutes 38 Seconds West 35.00 feet to a point; thence North 74 Degrees 57 Minutes 21 Seconds West 52.00 feet to a point; thence South 21 Degrees 53 Minutes 12 Seconds West 25.18 feet to a point; thence North 74 Degrees 57 Minutes 22 Seconds West 54.00 feet to a point; thence North 88 Degrees 06 Minutes 01 Seconds West 12.78 feet to a point; thence South 08 Degrees 02 Minutes 18 Seconds West 27.94 feet to a point; thence South 05 Degrees 54 Minutes 50 Seconds West 27.09 feet to a point; thence South 03 Degrees 57 Minutes 54 Seconds West 27.09 feet to a point; thence South 02 Degrees 00 Minutes 54 Seconds West 27.09 feet to a point; thence South 01 Degree 02 Minutes 22 Seconds West 8.68 feet to a point; thence North 88 Degrees 13 Minutes 34 Seconds West 77.35 feet to a point; thence South 84 Degrees 21 Minutes 48 Seconds West 38.13 feet to a point; thence North 83 Degrees 51 Minutes 10 Seconds West 206.87 feet to a point; thence North 37 Degrees 21 Minutes 25 Seconds West 35.05 feet to a point; thence North 23 Degrees 47 Minutes 01 Second West 73.58 feet to a point; thence North 05 Degrees 29 Minutes 12 Seconds West 164.41 feet to a point; thence North 10 Degrees 28 Minutes 30 Seconds East 75.06 feet to a point; thence North 05 Degrees 15 Minutes 58 Seconds East 40.47 feet to a point; thence North 05 Degrees 30 Minutes 37 Seconds West 250.46 feet to a point; thence North 17 Degrees 05 Minutes 04 Seconds East 28.33 feet to a point; thence North 88 Degrees 22 Minutes 38 Seconds East 23.76 feet to a point; thence North 07 Degrees 26 Minutes 18 Seconds West 157.42 feet to a point; thence North 09 Degrees 13 Minutes 11 Seconds West 14.47 feet to a point; thence North 09 Degrees 22 Minutes 54 Seconds West 14.47 feet to a point; thence North 09 Degrees 32 Minutes 32 Seconds West 14.47 feet to a point at the beginning of a curve to the right; thence along said curve to the right having a radius of 16.89 feet and a chord bearing and distance of North 38 Degrees 16 Minutes 01 Second East 24.48 feet back to the Point of Beginning and containing 16.84 Acres, more or less.

(2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the entertainment district established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of the entertainment district or permitting under this section.

(3) In the event the entertainment district established by this section falls below the number of retail liquor licensees required for the establishment of the district according to Code of Ala. 1975, § 28-3A-17.1(d), then the city may amend this section to either eliminate the

entertainment district or modify the district so as to remain in compliance with section 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of retail liquor licensees remaining.

(d) *Opening of the district.*

(1) *Regular hours of district.* The regular hours of operation for the entertainment district shall be between the hours of 12:00 noon and 11:00 p.m., daily; provided, however, in the case of New Year's Eve/New Year's Day, the regular hours of operation shall be between the hours of 12:00 noon on December 31st and 1:00 a.m. on January 1st

(2) *Chapter 23 special event opening of district.*

a. An event organizer of a chapter 23 special event, including an organized event on private property that requires city event services in accordance with section 23-202(d) of this Code, may request, with the organizer's application for a chapter 23 special event permit and on forms provided by the city, that the entertainment district be opened during the chapter 23 special event.

b. The request shall be processed with the application for a chapter 23 special event permit and the event organizer, as that term is defined in chapter 23, article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the chapter 23 special event independent of the opening of the entertainment district shall be governed by chapter 23, article VI of this Code.

c. The event administrator, as that term is defined in chapter 23, article VI of this Code, shall have the authority to approve, approve with conditions, or disapprove the opening of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) *City-sponsored opening of the district.* At any time and from time to time the city, through the mayor or his designee, may elect to sponsor the opening of all or a portion of the entertainment district.

(e) *Conduct in the entertainment district.*

(1) The regulations of section 3-22(b) of this article, 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 entertainment district area during the hours of operation of the entertainment district. Otherwise, the regulations of section 3-22(b) shall apply.

(2) The regulations of section 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premises, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of the entertainment district permittee providing the same, during the hours of operation of the entertainment district. Otherwise the regulations of section 3-24(a) through (c) shall apply.

(3) The regulations of section 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved

container within the confines of the entertainment district area during the hours of operation of the entertainment district. Otherwise, the regulations of section 3-24(d) shall apply.

(4) The regulations of section 3-25(a) of this article, concerning brown bagging on the premises of an other city business licensee, shall not apply in the entertainment district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise the regulations of section 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk cafe areas of the city licensee.

(5) 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.

(6) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at Code of Ala. 1975, § 32-5A-330.

(7) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking.

(f) *Permitting.*

(1) *Qualifications.* In order to qualify for an entertainment district permit an applicant shall meet each of the following:

a. The applicant shall be a city licensee that is authorized by the city to sell alcoholic beverages at retail for on-premises consumption; and

b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to the retail license or the operation of the city licensed premises.

(2) *Application process; permit duration*. A city licensee that meets the qualification of subsection (1) above may apply with the finance department to become an arts and entertainment district permittee by filling out a form provided by the city. The finance director may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the denial. The permit shall be a one-time permit issued subject to and conditioned upon the permit holder's compliance and continued compliance with applicable provisions of this chapter and other law regulating alcoholic beverage licenses and arts and entertainment districts, as well as with applicable provisions of the zoning laws, which includes variances and special exceptions granted under the authority of the zoning ordinance. At the discretion of the finance director, a permit may be issued by either: (1) appropriate notation on the business license of the approved permittee indicating an approved permit, or (2) issuance of a separate permit document, which shall be posted in a conspicuous place next to the permittee’s business license. A permit shall be valid unless or until terminated in the manner provided for by this chapter. Any event that would require an application for an alcoholic beverage license issued under this chapter shall also require a new application for an arts and entertainment district permit.

(3) *Action against permit*. A permit may be revoked, suspended, or not renewed by the finance director if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the finance director to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the adverse action.

(g) *Security.*

(1) *Temporary closure of district.* At any time and from time to time, the chief of police shall have the authority to temporarily close the entertainment 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 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 a reimbursement for city services provided in connection with the opening of the district for a chapter 23 special event.

(2) *Number of permits*. The chief of police shall have the authority at any time and from time to time to limit the number of entertainment district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the finance director. If there is a question as to first in time, the finance director is authorized to conduct a random drawing to decide the issue.

Sec. 3-29. Butler Green Arts and Entertainment District.

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning.

Approved container means a purple colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is a district permittee, bearing the name or logo of the permittee.

Arts and entertainment district event means a chapter 23 special event that meets each of the following criteria:

(1) The event is open to the general public and may or may not include an admission fee for entrance into the event.

(2) The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Brewery means a brewery located within the district that holds a manufacturer's license from the ABC board and city, which is authorized by law to sell beer at retail for off- premises consumption.

Chapter 23 special event means a special event governed by chapter 23, article VI of this Code.

Customer means an individual who is not a minor, as that term is defined by the state alcoholic beverage control laws, that possesses an alcoholic beverage provided by a district permittee for consumption in the district area during the hours of the operation of the district.

District means the Butler Green Arts and Entertainment District established hereinafter in subsection (c) of this section, as such district may be from time to time amended.

District area or *area* means public places within the district, except for an excluded public place.

District permittee or *permittee* means the holder of a permit issued by the city pursuant to subsection (h) of this section.

Excluded public place means a public place within the district that is not included within the district area as follows:

(1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(3) An area being used for a chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;

(4) An area being used for a chapter 23 special event that is licensed to sell alcoholic beverages; or

(5) The premises of a city licensee.

On-premise retailer means an on-premise alcoholic beverage retailer located within the district that holds a license from the state and city authorizing the retail sale of alcoholic beverages for on-premise consumption.

(b) *Purpose.*

(1) *Purpose of section.* The purpose of this section is as follows:

a. With regard to on-premise retailers, to establish a district authorized by Code of Ala. 1975, § 28-3A-17.1, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against removal of open containers under subsections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of an other city business licensee under subsection 3-25(a);

b. With regard to breweries, to establish a district within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of an other city business licensee under subsection 3-25(a); and

c. To establish regulations governing the district.

(2) *Purpose of arts and entertainment district.* In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

(c) *Butler Green Arts and Entertainment District established.*

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the Butler Green Arts and Entertainment District, which is also shown on the appended map incorporated herein by reference, which district shall constitute an entertainment district pursuant to Code of Ala. 1975, § 28-3A-17.1:

A tract of land located in the North half of Sections 02 and 03, both of which are in Township 4 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, more particularly described as commencing at a point in the center of Clinton Ave W; said point is further described as being located at the intersection of the road centerlines of Hicks Pl NW and Clinton Ave W; thence Southwesterly along the centerline of Clinton Ave W a distance of 587 feet; thence Northwesterly and parallel to Hicks Pl NW a distance of 20 feet to the Northern edge of pavement of Clinton Ave W and also the Point of Beginning.

Thence from the Point of Beginning, continue Northwesterly and parallel to Hicks Pl NW a distance of 221 feet to a point on the Southern edge of pavement of Hicks Ave NW; thence Southwesterly and parallel to Clinton Ave W a distance of 502 feet to a point on the Western edge of pavement of Lowry St NW; thence Northwesterly along the Western edge of pavement of Lowry St NW a distance of 205 feet to a point at the beginning of a curve to the left; thence Northwesterly around said curve to the left having a chord distance of 34 feet to a point on the Southern edge of pavement of Hall Ave NW; thence Southwesterly along the Southern edge of pavement of Hall Ave NW a distance of 1,270 feet to a point on the Eastern edge of pavement of Triana Blv NW; thence West a distance of 75 feet to a point located on the Western edge of pavement of Triana Blv NW and on the North right-of-way (ROW) of 4th Ave NW; thence continue West along the North ROW of 4th Ave NW a distance of 696 feet; thence North and parallel to Triana Blv NW a distance of 320 feet to a point located on the South ROW of 3rd Ave NW; thence West along the South ROW of 3rd Ave NW a distance of 641 feet; thence South and parallel to Triana Blv NW a distance of 354 feet; thence West and parallel to 3rd Ave NW a distance of 364 feet; thence South and parallel to Triana Blv NW a distance of 277 feet to a point at the beginning of a curve to the left; thence Southeasterly around said curve to the left having a chord distance of 91 feet to a point located on the North ROW of Governors Dr SW; thence East along the North ROW of Governors Dr SW a distance of 300 feet; thence North and parallel to Triana Blv NW a distance of 17 feet; thence East and parallel to Governors Dr SW a distance of 430 feet to a point located on the West ROW of 9th St NW; thence North along the West ROW of 9th St NW a distance of 292 feet; thence East and parallel to Governors Dr SW a distance of 32 feet to a point on the Eastern edge of pavement of 9th St NW and also on the South ROW of 4th Ave NW; thence East along the South ROW of 4th Ave NW a distance of 941 feet to a point on the Eastern edge of pavement of Triana Blv NW; thence South along the Eastern edge of pavement of Triana Blv NW a distance of 281 feet to a point at the beginning of a curve to the left; thence Southeasterly around said curve to the left having a chord distance of 50 feet to a point located on the Northern edge of pavement of Governors Dr SW; thence East along the Northern edge of pavement of Governors Dr SW a distance of 322 feet to a point on the Northern edge of pavement of Clinton Ave W; thence Northeasterly along the Northern edge of pavement

of Clinton Ave W a distance of 1,678 feet to the Point of Beginning. Said tract of land contains 29.70 Acres more or less.

(2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the district established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of the district or permitting under this section.

(3) In the event the entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to Code of Ala. 1975, § 28-3A-17.1, then the city may amend this section to either eliminate the entertainment district or modify the district so as to remain in compliance with section 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(d) *Opening of the district*.

(1) *Regular hours of district.* The regular hours of operation for the arts and entertainment district shall be between the hours of 12:00 noon and 11:00 p.m., daily; provided, however, in the case of New Year's Eve/New Year's Day, the regular hours of operation shall be between the hours of 12:00 noon on December 31st and 1:00 a.m. on January 1st.

(2) *Chapter 23 special event opening of district.*

a. An event organizer of a chapter 23 special event that is an arts and entertainment district event, including an organized event on private property that requires city event services in accordance with section 23-202(d) of this Code, may request, with the organizer's application for a chapter 23 special event permit and on forms provided by the city, that the district be opened during the chapter 23 special event.

b. The request shall be processed with the application for a chapter 23 special event permit and the event organizer, as that term is defined in chapter 23, article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the chapter 23 special event independent of the opening of the district shall be governed by chapter 23, article VI of this Code.

c. The event administrator, as that term is defined in chapter 23, article VI of this Code, shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he may elect to obtain from the city's planning division, and to approve, approve with conditions, or disapprove the opening of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) *City-sponsored opening of the district.* At any time and from time to time the city, through the mayor or his designee, may elect to sponsor the opening of the district.

(e) *Exemptions in the district for on-premise retailers and their customers*. In the case of on-premise retailers who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, 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 district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsections 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premise, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of an on-premise retailer who is a district permittee during the hours of operation of the district. Otherwise the regulations of subsections 3-24(a) through (c) shall apply.

(3) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the district area during the hours of operation of the district by a customer wearing an approved wristband. Otherwise, the regulations of subsection 3-24(d) shall apply.

(4) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise the regulations of section 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(f) *Exemptions in the district for breweries and their customers.* In the case of breweries who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, 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 beer in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of beer in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-24(d) shall apply.

(3) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of an other city business licensee, shall not apply in the district area during the hours of operation of the district in the case of beer in an approved container. Otherwise the regulations of section 3-25(a) shall apply. Nothing in this subsection (2) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(g) *Required conduct in the district.*

(1) Nothing in this section shall be construed to relieve a brewery, its servants, agents, or employees from complying with the hours of sale set forth in section 3-133(b) of this article or those set forth in the state alcoholic beverage control laws.

(2) For beer that will be removed from the licensed premises for off-premise consumption, a brewery, its servants, agents, and employees, shall furnish the beer to its customers in authorized unopened containers, which shall remain sealed while on the brewery's licensed premises.

(3) No person shall remove an open container of alcoholic beverages from the district.

(4) All alcoholic beverages possessed or consumed within the district shall be obtained from district permittees.

(5) 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.

(h) *Permitting.*

(1) *Qualifications.* In order to qualify for a permit under this subsection, an applicant shall meet each of the following conditions:

a. The applicant shall be a city licensee that is an on-premise retailer or a brewery; and

b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to its license or the operation of the city licensed premises.

(2) *Application process; permit duration*. A city licensee that meets the qualification of subsection (1) above may apply with the finance department to become an arts and entertainment district permittee by filling out a form provided by the city. The finance director may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the denial. The permit shall be a one-time permit issued subject to and conditioned upon the permit holder's compliance and continued compliance with applicable provisions of this chapter and other law regulating alcoholic beverage licenses and arts and entertainment districts, as well as with applicable provisions of the zoning laws, which includes variances and special exceptions granted under the authority of the zoning ordinance. At the discretion of the finance director, a permit may be issued by either: (1) appropriate notation on the business license of the approved permittee indicating an approved permit, or (2) issuance of a separate permit document, which shall be posted in a conspicuous place next to the permittee’s business license. A permit shall be valid unless or until terminated in the manner provided for by this chapter.. Any event that would require an application for an alcoholic beverage license issued under this chapter shall also require a new application for an arts and entertainment district permit.

(3) *Action against permit*. A permit may be revoked, suspended, or not renewed by the finance director if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the finance director to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the adverse action.

(4) *Number of permits.* The chief of police shall have the authority at any time and from time to time to limit the number of district permits issued in a given license year should he,

in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the finance director. If there is a question as to first in time, the finance director is authorized to conduct a random drawing to decide the issue.

(i) *Security.*

(1) *Temporary closure of district*. At any time and from time to time, the chief of police shall have the authority to temporarily close 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 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 a reimbursement for city services provided in connection with the opening of the district for a Chapter 23 special event.

(j) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at Code of Ala. 1975, § 32-5A-330.

(k) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking.

(l) Nothing in the section shall be construed to authorize a brewery to operate contrary to the state alcoholic beverage control laws governing manufacturers, including Code of Ala. 1975, § 28-3A-6.

Sec. 3-30. MidCity Arts and Entertainment District.

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning.

Approved container means a purple colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is a district permittee, bearing the name or logo of the permittee.

Arts and entertainment district event means a chapter 23 special event that meets each of the following criteria:

(1) The event is open to the general public and may or may not include an admission fee for entrance into the event.

(2) The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Brewery means a brewery located within the district that holds a manufacturers license from the ABC board and city, which is authorized by law to sell beer at retail for off-premises consumption.

Chapter 23 special event means a special event governed by chapter 23, article VI of this Code.

Customer means an individual who is not a minor, as that term is defined by the state alcoholic beverage control laws, that possesses an alcoholic beverage provided by a district permittee for consumption in the district area during the hours of the operation of the district.

District means the MidCity Arts and Entertainment District established hereinafter in subsection (c) of this section, as such district may be from time to time amended.

District area or *area* means public places within the district, except for an excluded public place.

District permittee or *permittee means* the holder of a permit issued by the city pursuant to subsection (h) of this section.

Excluded public place means a public place within the district that is not included within the district area as follows:

(1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(3) An area being used for a chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;

(4) An area being used for a chapter 23 special event that is licensed to sell alcoholic beverages; or

(5) The premises of a city licensee.

On-premise retailer means an on-premise alcoholic beverage retailer located within the district that holds a license from the state and city authorizing the retail sale of alcoholic beverages for on-premise consumption.

(b) *Purpose.*

(1) *Purpose of section.* The purpose of this section is as follows:

a. With regard to on-premise retailers, to establish a district authorized by Code of Ala. 1975 § 28-3A-17.1, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against removal of open containers under subsections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of another city business licensee under subsection 3-25(a);

b. With regard to breweries, to establish a district within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city

licensee under subsection 3-24(d), and regulations against brown bagging on the premises of another city business licensee under subsection 3-25(a); and

c. To establish regulations governing the district.

(2) *Purpose of arts and entertainment district*. In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

(c) *MidCity Arts and Entertainment District established.*

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the MidCity Arts and Entertainment District, which is also shown on the appended map incorporated herein by reference, which district shall constitute an entertainment district pursuant to Code of Ala. 1975, § 28-3A-17.1:

A tract of land located in Section 31, Township 03 South, Range 01 West of the Huntsville Meridian, Madison County, Alabama, more particularly described as commencing at a point located at the Center of the East Boundary of said Section 31; thence from the Point of Commencement, North 89 Degrees 29 Minutes 27 Seconds West, a distance of 1649.34 feet to the Point of Beginning; thence from the Point of Beginning, South 01 Degree 09 Minutes 38 Seconds East, a distance of 478.49 feet to a point at the beginning of a curve to the left; thence around said curve to the left, with a radius of 302.91 feet, a chord distance and bearing of South 45 Degrees 08 Minutes 24 Seconds West, a distance of 261.20 feet to a point; thence South 89 Degrees 56 Minutes 57 Seconds West, a distance of 215.53 feet to a point; thence North 84 Degrees 03 Minutes 03 Seconds West, a distance of 140.69 feet to a point; thence North 87 Degrees 46 Minutes 31 Seconds West, a distance of 106.32 feet to a point; thence North 11 Degrees 20 Minutes 26 Seconds West, a distance of 124.69 feet to a point; thence North 19 Degrees 39 Minutes 33 Seconds West, a distance of 25.67 feet to a point; thence North 03 Degrees 59 Minutes 54 Seconds West, a distance of 508.61 feet to a point; thence North 89 Degrees 35 Minutes 04 Seconds West, a distance of 17.44 feet to a point; thence North 01 Degree 02 Minutes 15 Seconds East, a distance of 347.32 feet to a point; thence North 01 Degree 40 Minutes 42 Seconds East, a distance of 806.52 feet to a point; thence South 88 Degrees 20 Minutes 52 Seconds East, a distance of 378.25 feet to a point; thence North 05 Degrees 37 Minutes 10 Seconds West, a distance of 346.19 feet to a point; thence North 11 Degrees 29 Minutes 23 Seconds West, a distance of 322.44 feet to a point; thence South 82 Degrees 36 Minutes 19 Seconds West, a distance of 230.88 feet to a point; thence North 27 Degrees 24 Minutes 23 Seconds East, a distance of 85.09 feet to a point; thence North 47 Degrees 52 Minutes 51 Seconds East, a distance of 486.51 feet to a point; thence North 77 Degrees 04 Minutes 57 Seconds East, a distance of 157.38 feet to a point; thence South 71 Degrees 44 Minutes 55 Seconds East, a distance of 465.34 feet to a point; thence South 85 Degrees 03 Minutes 59 Seconds East, a distance of 42.15 feet to a point; thence South 71 Degrees 19 Minutes 01 Second East, a distance of 385.82 feet to a point; thence South 69 Degrees 06 Minutes 26 Seconds East, a distance of 715.75 feet to a point; thence South 09 Degrees 53 Minutes 18 Seconds East, a distance of 102.45 feet to a point; thence South 09 Degrees 20 Minutes 41 Seconds West, a distance of 274.61 feet to a point; thence South 04 Degrees 20 Minutes 05 Seconds West, a distance of 270.89 feet to a point; thence South 03 Degrees 46

Minutes 30 Seconds West, a distance of 344.34 feet to a point; thence South 05 Degrees 20 Minutes 02 Seconds West, a distance of 94.08 feet to a point; thence South 04 Degrees 35 Minutes 03 Seconds West, a distance of 544.97 feet to a point; thence South 03 Degrees 32 Minutes 36 Seconds West, a distance of 81.50 feet to a point; thence North 89 Degrees 28 Minutes 33 Seconds West, a distance of 1301.81 feet back to the Point of Beginning. Said tract containing 99.98 Acres, more or less.

(2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the district established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of the district or permitting under this section.

(3) In the event the entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to section 28-3A-17.1, Code of Ala. 1975, then the city may amend this section to either eliminate the entertainment district or modify the district so as to remain in compliance with section 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(d) *Opening of the district.*

(1) *Regular hours of district.* The regular hours of operation for the arts and entertainment district shall be between the hours of 12:00 noon and 11:00 p.m., daily; provided, however, in the case of New Year's Eve/New Year's Day, the regular hours of operation shall be between the hours of 12:00 noon on December 31st and 1:00 a.m. on January 1st.

(2) *Chapter 23 special event opening of district.*

a. An event organizer of a chapter 23 special event that is an arts and entertainment district event, including an organized event on private property that requires city event services in accordance with section 23-202(d) of this Code, may request, with the organizer's application for a chapter 23 special event permit and on forms provided by the city, that the district be opened during the chapter 23 special event.

b. The request shall be processed with the application for a chapter 23 special event permit and the event organizer, as that term is defined in chapter 23, article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the chapter 23 special event independent of the opening of the district shall be governed by chapter 23, article VI of this Code.

c. The event administrator, as that term is defined in chapter 23, article VI of this Code, shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he may elect to obtain from the city's planning division, and to approve, approve with conditions, or disapprove the opening of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) *City-sponsored opening of the district*. At any time and from time to time the city, through the mayor or his designee, may elect to sponsor the opening of the district.

(e) *Exemptions in the district for on-premise retailers and their customers*. In the case of on-premise retailers who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, 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 district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsections 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premise, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of an on-premise retailer who is a district permittee during the hours of operation of the district. Otherwise, the regulations of subsections 3-24(a) through (c) shall apply.

(3) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the district area during the hours of operation of the district by a customer wearing an approved wristband. Otherwise, the regulations of subsection 3-24(d) shall apply.

(4) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise, the regulations of section 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(f) *Exemptions in the district for breweries and their customers*. In the case of breweries who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, 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 beer in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of beer in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-24(d) shall apply.

(3) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the district area during the hours of operation of the district in the case of beer in an approved container. Otherwise, the regulations of section 3-25(a) shall apply. Nothing in this subsection (2) shall be construed to

allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(g) *Required conduct in the district.*

(1) Nothing in this section shall be construed to relieve a brewery, its servants, agents, or employees from complying with the hours of sale set forth in section 3-133(b) of this article or those set forth in the state alcoholic beverage control laws.

(2) For beer that will be removed from the licensed premises for off-premise consumption, a brewery, its servants, agents, and employees, shall furnish the beer to its customers in authorized unopened containers, which shall remain sealed while on the brewery's licensed premises.

(3) No person shall remove an open container of alcoholic beverages from the district.

(4) All alcoholic beverages possessed or consumed within the district shall be obtained from district permittees.

(5) 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.

(h) *Permitting.*

(1) *Qualifications*. In order to qualify for a permit under this subsection, an applicant shall meet each of the following conditions:

a. The applicant shall be a city licensee that is an on-premise retailer or a brewery; and

b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to its license or the operation of the city licensed premises.

(2) *Application process; permit duration*. A city licensee that meets the qualification of subsection (1) above may apply with the finance department to become an arts and entertainment district permittee by filling out a form provided by the city. The finance director may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the denial. The permit shall be a one-time permit issued subject to and conditioned upon the permit holder's compliance and continued compliance with applicable provisions of this chapter and other law regulating alcoholic beverage licenses and arts and entertainment districts, as well as with applicable provisions of the zoning laws, which includes variances and special exceptions granted under the authority of the zoning ordinance. At the discretion of the finance director, a permit may be issued by either: (1) appropriate notation on the business license of the approved permittee indicating an approved permit, or (2) issuance of a separate permit document, which shall be posted in a conspicuous place next to the permittee’s business license. A permit shall be valid unless or until terminated in the manner provided for by this chapter.. Any event that would require an application for an alcoholic beverage license issued under this chapter shall also require a new application for an arts and entertainment district permit.

(3) *Action against permit*. A permit may be revoked, suspended, or not renewed by the finance director if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse

decision of the finance director to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the adverse action.

(4) *Number of permits.* The chief of police shall have the authority at any time and from time to time to limit the number of district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the finance director. If there is a question as to first in time, the finance director is authorized to conduct a random drawing to decide the issue.

(i) *Security.*

(1) *Temporary closure of district*. At any time and from time to time, the chief of police shall have the authority to temporarily close 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 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 a reimbursement for city services provided in connection with the opening of the district for a chapter 23 special event.

(j) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at Code of Ala. 1975 § 32-5A-330.

(k) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking.

(l) Nothing in the section shall be construed to authorize a brewery to operate contrary to the state alcoholic beverage control laws governing manufacturers, including Code of Ala. 1975 § 28-3A-6.

Sec. 3-31. Bridge Street Arts and Entertainment District.

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning.

Approved container means a purple colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is a district permittee, bearing the name or logo of the permittee.

Arts and entertainment district event means a Chapter 23 special event that meets each of the following criteria:

(1) The event is open to the general public and may or may not include an admission fee for entrance into the event.

(2) The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Brewery means a brewery located within the district that holds a manufacturers license from the ABC board and city, which is authorized by law to sell beer at retail for off- premises consumption.

Chapter 23 special event means a special event governed by Chapter 23, Article VI of this Code.

Customer means an individual who is not a minor, as that term is defined by the state alcoholic beverage control laws, that possesses an alcoholic beverage provided by a district permittee for consumption in the district area during the hours of the operation of the district.

District means the Bridge Street Arts and Entertainment District established hereinafter in subsection (c) of this section, as such district may be from time to time amended.

District area or *area* means public places within the district, except for an excluded public place.

District permittee or *permittee* means the holder of a permit issued by the city pursuant to subsection (h) of this section.

Excluded public place means a public place within the district that is not included within the district area as follows:

(1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

(3) An area being used for a Chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;

(4) An area being used for a Chapter 23 special event that is licensed to sell alcoholic beverages; or

(5) The premises of a city licensee.

On-premise retailer means an on-premise alcoholic beverage retailer located within the district that holds a license from the state and city authorizing the retail sale of alcoholic beverages for on-premise consumption.

(b) *Purpose.*

(1) *Purpose of section*. The purpose of this section is as follows:

a. With regard to on-premise retailers, to establish a district authorized by section 28-3A-17.1, Code of Ala. 1975, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against removal of open containers under subsections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and

regulations against brown bagging on the premises of another city business licensee under subsection 3-25(a);

b. With regard to breweries, to establish a district within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of another city business licensee under subsection 3-25(a); and

c. To establish regulations governing the district.

(2) *Purpose of arts and entertainment district*. In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

(c) *Bridge Street Arts and Entertainment District established.*

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the Bridge Street Arts and Entertainment District, which is also shown on the appended map incorporated herein by reference, which district shall constitute an entertainment district pursuant to section 28-3A-17.1, Code of Ala. 1975:

All that part of the Southwest Quarter of Section 06, Township 04 South, Range 01 West of the Huntsville Meridian, Madison County, Alabama; particularly described as commencing at the Southwest Corner of said Section 06; thence from the Point of Commencement, North 73 Degrees 09 Minutes 47 Seconds East, a distance of 2179.97 feet to the Point of Beginning of the following described tract of land; Thence from the Point of Beginning, South 01 Degree 31 Minutes 03 Seconds West, a distance of 19.08 feet; thence North 88 Degrees 28 Minutes 57 Seconds West, a distance of 39.34 feet; thence North 64 Degrees 39 Minutes 13 Seconds West, a distance of 27.38 feet; thence North 88 Degrees 07 Minutes 22 Seconds West, a distance of 15.89 feet; thence South 68 Degrees 11 Minutes 56 Seconds West, a distance of 26.65 feet; thence North 88 Degrees 20 Minutes 41 Seconds West, a distance of 45.07 feet; thence North 00 Degrees 46 Minutes 28 Seconds West, a distance of 19.27 feet; thence North 87 Degrees 58 Minutes 23 Seconds West, a distance of 348.81 feet; thence North 88 Degrees 37 Minutes 30 Seconds West, a distance of 265.36 feet; thence North 02 Degrees 29 Minutes 41 Seconds East, a distance of 136.28 feet; thence South 88 Degrees 13 Minutes 51 Seconds East, a distance of 217.16 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, a distance of 93.56 feet; thence North 29 Degrees 10 Minutes 39 Seconds East, a distance of 31.02 feet; thence North 71 Degrees 53 Minutes 24 Seconds East, a distance of 43.56 feet; thence North 90 Degrees 00 Minutes 00 Seconds East, a distance of 10.68 feet; thence North 07 Degrees 51 Minutes 12 Seconds West, a distance of 71.15 feet; thence South 90 Degrees 00 Minutes 00 Seconds East, a distance of 53.86 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, a distance of 16.67 feet; thence North 90 Degrees 00 Minutes 00 Seconds East, a distance of 14.75 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, a distance of 69.78 feet; thence North 78 Degrees 57 Minutes 36 Seconds West, a distance of 16.96 feet; thence North 05 Degrees 49 Minutes 38 Seconds East, a distance of 23.41 feet to a point at the beginning of a curve to the left; thence along said curve with a radius of 56.22 feet; a chord bearing and chord distance of North 42

Degrees 43 Minutes 55 Seconds West, 67.94 feet; thence North 86 Degrees 57 Minutes 52 Seconds West, a distance of 39.61 feet; thence North 02 Degrees 27 Minutes 14 Seconds East, a distance of 33.63 feet; thence North 87 Degrees 32 Minutes 46 Seconds West, a distance of 288.08 feet; thence North 02 Degrees 27 Minutes 14 Seconds East, a distance of 243.52 feet; thence North 87 Degrees 32 Minutes 46 Seconds West, a distance of 50.54 feet; thence North 02 Degrees 27 Minutes 14 Seconds East, a distance of 57.23 feet; thence South 66 Degrees 27 Minutes 41 Seconds East, a distance of 56.54 feet; thence South 87 Degrees 38 Minutes 29 Seconds East, a distance of 303.73 feet; thence North 02 Degrees 21 Minutes 31 Seconds East, a distance of 37.16 feet; thence South 87 Degrees 38 Minutes 29 Seconds East, a distance of 165.96 feet; thence North 07 Degrees 47 Minutes 44 Seconds West, a distance of 92.08 feet; thence South 80 Degrees 16 Minutes 21 Seconds West, a distance of 24.66 feet; thence North 09 Degrees 27 Minutes 44 Seconds West, a distance of 81.27 feet; thence South 79 Degrees 17 Minutes 54 Seconds West, a distance of 25.73 feet; thence North 17 Degrees 44 Minutes 03 Seconds West, a distance of 17.95 feet; thence North 32 Degrees 40 Minutes 50 Seconds West, a distance of 43.73 feet; thence North 05 Degrees 42 Minutes 38 Seconds West, a distance of 13.96 feet; thence North 01 Degree 43 Minutes 48 Seconds East, a distance of 241.99 feet; thence North 03 Degrees 29 Minutes 42 Seconds East, a distance of 79.66 feet; thence North 01 Degree 37 Minutes 32 Seconds East, a distance of 232.73 feet to a point at the beginning of a curve to the right; thence along said curve with a radius of 33.07 feet; a chord bearing and chord distance of North 49 Degrees 23 Minutes 55 Seconds East, 44.82 feet; thence South 88 Degrees 07 Minutes 18 Seconds East, a distance of 339.07 feet to a point at the beginning of a curve to the right; thence along said curve with a radius of 46.74 feet; a chord bearing and chord distance of South 44 Degrees 33 Minutes 21 Seconds East, 63.35 feet; thence South 02 Degrees 07 Minutes 26 Seconds West, a distance of 265.19 feet to a point at the beginning of a curve to the left; thence along said curve with a radius of 44.39 feet; a chord bearing and chord distance of South 50 Degrees 13 Minutes 08 Seconds East, 55.71 feet; thence South 87 Degrees 39 Minutes 47 Seconds East, a distance of 319.27 feet; thence South 02 Degrees 20 Minutes 14 Seconds West, a distance of 63.46 feet; thence South 87 Degrees 39 Minutes 46 Seconds East, a distance of 104.61 feet; thence South 02 Degrees 20 Minutes 14 Seconds West, a distance of 112.40 feet; thence North 87 Degrees 39 Minutes 46 Seconds West, a distance of 91.84 feet; thence South 02 Degrees 20 Minutes 14 Seconds West, a distance of 46.91 feet to a point at the beginning of a curve to the right; thence along said curve with a radius of 103.40 feet; a chord bearing and chord distance of South 87 Degrees 07 Minutes 54 Seconds East, 104.67 feet; thence South 04 Degrees 43 Minutes 44 Seconds West, a distance of 615.77 feet; thence North 88 Degrees 26 Minutes 43 Seconds West, a distance of 239.83 feet; thence South 01 Degree 33 Minutes 17 Seconds West, a distance of 144.59 feet; thence South 88 Degrees 26 Minutes 43 Seconds East, a distance of 58.27 feet; thence South 01 Degree 33 Minutes 17 Seconds West, a distance of 334.71 feet; thence North 88 Degrees 26 Minutes 45 Seconds West, a distance of 228.70 feet back to the Point of Beginning and containing 30.86 acres, more or less.

Less and Except the following from the above described tract:

All that part of the Southwest Quarter of Section 06, Township 04 South, Range 01 West of the Huntsville Meridian, Madison County, Alabama; particularly described as commencing at the Southwest Corner of said Section 06; thence from the Point of Commencement, North 67 Degrees 29 Minutes 18 Seconds East, a distance of 1718.68 feet to the Point of Beginning of the

following described tract of land; thence from the Point of Beginning, North 88 Degrees 34 Minutes 19 Seconds West, a distance of 32.96 feet to a point at the beginning of a curve to the left; thence along said curve with a radius of 67.58 feet; a chord bearing and chord distance of North 22 Degrees 39 Minutes 51 Seconds East, 16.83 feet; thence North 01 Degree 24 Minutes 26 Seconds East, a distance of 109.53 feet; thence North 88 Degrees 13 Minutes 51 Seconds West, a distance of 10.05 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, a distance of 89.96 feet; thence North 28 Degrees 54 Minutes 00 Seconds East, a distance of 22.27 feet; thence North 71 Degrees 53 Minutes 24 Seconds East, a distance of 20.41 feet; thence South 87 Degrees 39 Minutes 40 Seconds East, a distance of 155.43 feet; thence North 59 Degrees 28 Minutes 53 Seconds East, a distance of 70.69 feet; thence South 86 Degrees 39 Minutes 22 Seconds East, a distance of 75.12 feet; thence South 03 Degrees 20 Minutes 38 Seconds West, a distance of 22.12 feet; thence South 86 Degrees 39 Minutes 22 Seconds East, a distance of 17.37 feet; thence South 03 Degrees 20 Minutes 38 Seconds West, a distance of 82.15 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 106.36 feet; thence South 03 Degrees 20 Minutes 38 Seconds West, a distance of 35.40 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 71.87 feet; thence North 03 Degrees 20 Minutes 38 Seconds East, a distance of 25.90 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 77.47 feet; thence North 03 Degrees 20 Minutes 38 Seconds East, a distance of 21.20 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 38.16 feet; thence South 01 Degree 50 Minutes 04 Seconds West, a distance of 190.95 feet back to the Point of Beginning and containing 0.78 acres, more or less.

(2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the district established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of the district or permitting under this section.

(3) In the event the entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to section 28-3A-17.1, Code of Ala. 1975, then the city may amend this section to either eliminate the entertainment district or modify the district so as to remain in compliance with section 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(d) *Opening of the district.*

(1) Regular hours of district. The regular hours of operation for the entertainment district shall be between the hours of 4:00 pm to 10:00 pm on Thursday and between the hours of 12:00 noon to 10:00 p.m. on Friday, Saturday, and Sunday.

(2) Chapter 23 special event opening of district.

a. An event organizer of a Chapter 23 special event that is an arts and entertainment district event, including an organized event on private property that requires city event services in accordance with section 23-202(d) of this Code, may request, with the organizer's application for a Chapter 23 special event permit and on forms provided by the city, that the district be opened during the chapter 23 special event.

b. The request shall be processed with the application for a Chapter 23 special event permit and the event organizer, as that term is defined in Chapter 23, Article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the Chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the Chapter 23 special event independent of the opening of the district shall be governed by Chapter 23, Article VI of this Code.

c. The event administrator, as that term is defined in Chapter 23, Article VI of this Code, shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he may elect to obtain from the city's planning division, and to approve, approve with conditions, or disapprove the opening of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) City-sponsored opening of the district. At any time and from time to time the city, through the mayor or his designee, may elect to sponsor the opening of the district.

(e) *Exemptions* in the district for on-premise retailers and their customers. In the case of on-premise retailers who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, 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 district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsections 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premise, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of an on-premise retailer who is a district permittee during the hours of operation of the district. Otherwise, the regulations of subsections 3-24(a) through (c) shall apply.

(3) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the district area during the hours of operation of the district by a customer wearing an approved wristband. Otherwise, the regulations of subsection 3-24(d) shall apply.

(4) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise, the regulations of section 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(f) *Exemptions in the district for breweries and their customers.* In the case of breweries who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, 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 beer in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of beer in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-24(d) shall apply.

(3) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the district area during the hours of operation of the district in the case of beer in an approved container. Otherwise, the regulations of section 3-25(a) shall apply. Nothing in this subsection (2) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(g) *Required conduct in the district.*

(1) Nothing in this section shall be construed to relieve a brewery, its servants, agents, or employees from complying with the hours of sale set forth in section 3-133(b) of this article or those set forth in the state alcoholic beverage control laws.

(2) For beer that will be removed from the licensed premises for off-premise consumption, a brewery, its servants, agents, and employees, shall furnish the beer to its customers in authorized unopened containers, which shall remain sealed while on the brewery's licensed premises.

(3) No person shall remove an open container of alcoholic beverages from the district.

(4) All alcoholic beverages possessed or consumed within the district shall be obtained from district permittees.

(5) 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.

(h) *Permitting.*

(1) *Qualifications*. In order to qualify for a permit under this subsection, an applicant shall meet each of the following conditions:

a. The applicant shall be a city licensee that is an on-premise retailer or a brewery; and

b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to its license or the operation of the city licensed premises.

(2) *Application process; permit duration*. A city licensee that meets the qualification of subsection (1) above may apply with the finance department to become an arts and entertainment district permittee by filling out a form provided by the city. The finance director may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days

after the denial. The permit shall be a one-time permit issued subject to and conditioned upon the permit holder's compliance and continued compliance with applicable provisions of this chapter and other law regulating alcoholic beverage licenses and arts and entertainment districts, as well as with applicable provisions of the zoning laws, which includes variances and special exceptions granted under the authority of the zoning ordinance. At the discretion of the finance director, a permit may be issued by either: (1) appropriate notation on the business license of the approved permittee indicating an approved permit, or (2) issuance of a separate permit document, which shall be posted in a conspicuous place next to the permittee's business license. A permit shall be valid unless or until terminated in the manner provided for by this chapter.. Any event that would require an application for an alcoholic beverage license issued under this chapter shall also require a new application for an arts and entertainment district permit.

(3) *Action against permit*. A permit may be revoked, suspended, or not renewed by the finance director if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the finance director to the specialty license review committee by filing a written notice of appeal with the finance director within 15 days after the adverse action.

(4) *Number of permits*. The chief of police shall have the authority at any time and from time to time to limit the number of district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the finance director. If there is a question as to first in time, the finance director is authorized to conduct a random drawing to decide the issue.

(i) *Security.*

(1) *Temporary closure of district.* At any time and from time to time, the chief of police shall have the authority to temporarily close 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 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 a reimbursement for city services provided in connection with the opening of the district for a Chapter 23 special event.

(j) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at § 32-5A-330, Code of Ala. 1975.

(k) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking.

(l) Nothing in the section shall be construed to authorize a brewery to operate contrary to the state alcoholic beverage control laws governing manufacturers, including § 28-3A-6 Code of Ala. 1975.

Sec. 3-52. Transfer of state license; new city license required.

(a) No city license issued under the provisions of this chapter shall be transferred or assigned from one location to another or from one licensee to another person.

(b) Where a city licensee makes application with the ABC board for a transfer of its state license from one location to another or from one licensee to another person, then the transferee must obtain approval from the city for the state transfer and, in addition, must apply for a new city license for the new location or new person and meet all the requirements of this chapter for the new license. The transferee shall have 60 days from the date the transfer application is made with the state to complete the transfer process and obtain a new city license, subject to extensions granted by the finance director upon written request for good cause shown. In the case of a location transfer, no business regulated by this chapter shall be conducted at the proposed location until the process is complete and a new license has been issued for the new location.

(c) In the case of failure to complete the transfer process and obtain a new city license in a timely manner, where the ABC board in accordance with state alcoholic beverage control laws allows the original licensee to resume control and operation of the licensed premises, then the original city licensee shall also be allowed to resume its operations at the original location.

Sec. 3-53. Change of ownership, management, or name of licensee; expansion of city licensed premises.

(a) *Change of ownership, etc*. Subject to section 3-52 concerning state transfers and new city licenses, city licenses shall be deemed to expire, terminate, or otherwise be void when there is a substantial change of ownership in the licensee; when a licensed establishment is leased, rented, or abandoned; or when possession is otherwise surrendered to another person. A city license issued to a corporation does not terminate by transfer of ownership of its stock, and a new license is not required even with a complete change in ownership of the capital stock of a corporate licensee, although the provisions of subsection (d), below, shall apply.

(b) *Temporary closure or interruption*. Upon the death of an individual city licensee, sale of the licensed business, temporary closing of the licensed business, or other interruption in the operation of a licensed business, the city license shall immediately be delivered to the finance director, to be held pending the reopening of said business according to this chapter. However, where there is a surviving partner in a partnership entity possessing a city license, or a surviving spouse of a deceased licensee, such survivor may complete the current license year operating as a city licensee, having the same rights and responsibilities as the named licensee, without obtaining a new city license, provided: (1) the survivor notifies the finance director in writing within 20 days after the death of the licensee, and (2) the survivor is otherwise qualified to hold a city license. A surviving spouse or partner must complete a new application in his/her own name and receive approval prior to operation the next license year.

(c) *New officers or directors of licensed corporations*. When a licensed corporation elects new officers or directors, said corporation shall notify the finance director in writing within 20 days thereafter. Such notification shall contain the names, positions, social security numbers, places of birth, dates of birth, home addresses, and how long the newly-elected officials have lived at said addresses. No person shall serve as a director or officer of a licensed corporation who is otherwise unqualified to obtain an original city license in their own name, and the city license shall be subject to action being taken against the license, where the person continues to hold the position of director or officer with the licensed corporation. This section

shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges.

(d) *New shareholders of licensed corporations*. When ownership of 20 percent or more of a corporation's shares is transferred or there accrues a 20 percent transfer of shares since the licensing year began, a corporation shall notify the finance director in writing within 20 days thereafter. The letter shall contain the name of the persons to whom the stock was transferred, social security number, place of birth, date of birth, home address, how long the stock transferee has lived at that address, and what quantity of shares was transferred. No person shall own shares through transfer or accrual in a licensed corporation who is otherwise unqualified to obtain an original city license in their own name. The specialty license review committee shall have discretion in determining the qualifications of any transferee of stock shares, and may, in its discretion, suspend the corporation's license during the period of time that the unqualified shareholder retains ownership of said shares, subject to the right of appeal to the city council in accordance with section 3-91. This section shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges.

(e) *Noncorporate licensees.* When a noncorporate licensee has a change of ownership effecting 20 percent or more thereof, the licensee shall notify the finance director in writing within 20 days thereafter, and a new application shall be submitted by the new entity created by such change of ownership. No person shall become the owner or otherwise be interested in the operation of a noncorporate city licensed premises who is otherwise unqualified to obtain an original license in their own name.

(f) *Additional information*. Additional information concerning licensed businesses and persons associated therewith shall be submitted when requested by the finance director.

(g) *Change of trade name*. In the event a city licensee changes its trade name during a license year, the licensee must notify the finance director within 20 days of such change.

(h) *Expansion of licensed premises*. All expansions of city licensed premises shall be subject to the city's approval. Whenever a licensee proposes to expand its city licensed premises it shall make application therefor with the finance director and shall submit such relevant information as the finance director may require. The application for expansion shall be considered by the specialty license review committee, on behalf of the city council, in accordance with this article and the committee's decision is subject to the same right of appeal as for original license applications.

Sec. 3-81. Classification and qualifications of licensing.

(a) *Classifications of alcoholic beverage licenses.* Subject to subsection (c) of this section, upon approval of an application, the director of finance is authorized to issue alcoholic beverage licensing in accordance with the classifications and qualifications established by the state alcoholic beverage control laws and this chapter.

(b) *Classifications of consumable hemp product licenses*. Subject to subsection (c) of this section, upon approval of an application, the finance director is authorized to issue consumable hemp product licensing in accordance with the classifications and qualifications established by the state consumable hemp product laws and this chapter.

(c) *Zoning requirements*. Where the city's zoning laws, which includes variances or special exceptions granted pursuant thereto, establish certain requirements, qualifications, or conditions for city licensees or city licensed premises, which includes the requirement that an on-

premises retailer maintain a minimum in sales of meals or other items, it shall be a requirement, qualification, or condition for licensing under this chapter, and failure to comply therewith shall constitute a violation of this chapter.

Sec. 3-82. Application filing fee for license.

There is required, as a filing fee to cover the costs of processing and investigating each application filed with the city for an alcoholic beverage or consumable hemp product license of any kind or class, the sum of $100.00; and the finance director shall not accept any application for any such license not accompanied by payment to the city. The filing fee shall be retained by the city to cover the expenses of processing and investigating the application, whether or not the application results in approval or denial; however, the filing fee for special events license applications shall be $25.00.

Sec. 3-83. When application for license refused.

(a) The finance director shall not accept an application for an alcoholic beverage or consumable hemp product license from any applicant which has had a license application for the same classification of license at the same location denied within 180 days immediately preceding the date of application; however, the specialty license review committee may vote to consider any such application upon written request where the committee finds a substantial change in the ownership or circumstances with respect to the application. The committee's decision regarding whether to so consider such application is final.

(b) The finance director shall not accept an application for an alcoholic beverage or consumable hemp product license from an applicant whose state license has been denied, or is under suspension or revocation.

Sec. 3-84. Application.

(a) *Generally*. Each applicant for a license shall make application to the city as required in this section. The application shall be upon an appropriate form supplied by the finance director for such purpose and shall be signed and verified by oath or affirmation by the owner if a natural person or, in the case of an association, partnership, or limited liability company, by a member or partner, or in the case of a corporation by an executive officer, or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority.

(b) *Contents generally.*

(1) For purposes of this subsection (b), the term information shall mean information of any kind or in any form specified by the application, which may include but is not necessarily limited to documentation, statements, certifications, evidence, site plans, reports, and instruments.

(2) Every applicant for a license, in addition to information required under the state alcoholic beverage control laws, or state consumable hemp product laws as appropriate, which includes the rules and regulations promulgated by the ABC board governing applications, shall also provide, as part of such application, information which the finance director determines is

relevant for a determination of qualification of licensing and compliance with this chapter and the laws of the state and city, which includes detailed information about:

a. The applicant, which includes formation documents for a business or non-profit entity;

b. Persons having ownership, control, or management of or an interest in the establishment to be licensed, which includes identifying information, residency history, contact information, background information, and criminal history;

c. The funding of the business;

d. Past licensing;

e. The proposed city licensed premises, which includes its location and a site plan that includes patios and parking areas;

f. On-premises meal preparation and service, which, in the case of mandatory on-premises meal preparation and service, shall include the description of a fully functional kitchen;

g. Premises operation, which includes security personnel and their background, which includes criminal history; and

h. The ownership or lease of the proposed city licensed premises, which includes, in the case of a tenancy, the landlord and his interest in or control of the proposed licensee, if any.

(c) *Security plan.*

(1) For purposes of this subsection (c) the term *approved security plan* means the security plan approved by the chief of police in accordance with this subsection, as such plan may be amended from time to time as hereinafter provided. The approved security plan shall constitute the minimum security measures which must be taken by the licensee and nothing in this subsection (c) shall be construed to prevent the licensee, at any time and from time to time, from implementing additional or more stringent security measures above the minimum approved security plan without the need to obtain the approval of the chief of police.

(2) An applicant for an on-premises license with a maximum occupancy exceeding 250 persons shall submit a proposed security plan with its application. The plan shall explain in detail the security measures which the applicant proposes to use for the proposed city licensed premises and proposed licensee's parking area, which includes security personnel, methods of crowd control, prevention of underage drinking, access control of minors under the age of 19 in the case of class I lounge liquor retailers, security lighting, and such other security measures the chief of police may require based on the proposed location, the class of license, the proposed occupancy number, prior history, and whether the establishment will have entertainment.

(3) The plan shall be subject to the approval of the chief of police and, once approved, shall be a qualification for and condition of licensing. It shall be a violation of this chapter for the licensee to fail to follow the approved security plan.

(4) At any time or from time to time the licensee may request in writing that the chief of police reduce the approved security measures contained in the approved security plan where the applicant is able to demonstrate to the satisfaction of the police chief that the remaining security measures are adequate under the circumstances to protect the public health, safety, and general welfare. At any time and from time to time the police chief may require an enhancement in the security measures contained in the approved security plan where he determines such enhancement is required in order to protect the public health, safety, or general welfare due to occurrences on the licensed premises or licensee's parking area.

(d) *Fingerprints.* As a part of the application process the finance director may require that persons having ownership, control, or management of or an interest in the establishment to be licensed, as well as its security personnel, submit fingerprints to the chief of police who shall forward the fingerprints to the appropriate agencies for identification and investigation.

(e) *Duty to update.* Subject to section 3-53, a licensee shall have an ongoing duty to notify the finance director in writing of any applicable changes in: (1) the persons having ownership, control, or management of or an interest in the licensee, (2) the licensee's security personnel, and (3) the landlord and his interest in or control of the licensee. The licensee may be required to make application for such changes, which shall be processed as for an original application, subject to the same rights of appeal.

(f) *False information*. It shall be unlawful for an applicant to knowingly submit false or incorrect information with an application. In the event any false, incorrect, or incomplete information is found on an application for a license, the license is subject to denial, action being taken against it, or other appropriate action, and no waiver, estoppel, or laches will run against the city, in connection with any false, incorrect, or incomplete information made by an applicant on an application.

(g) Applicants requesting a consumable hemp product license shall provide a full and complete copy of their application made to the ABC board that shall include all documents and other things provided to the ABC board with such application. For the purposes of consumable hemp product licenses, the term applicant shall have the meaning provided by the state consumable hemp product laws.

Sec. 3-85. Notice.

(a) All applicants for a license, except those applying for a Special Event Retail License, shall provide written notification in accordance with this section to all current owners of real property, as shown in the records on file in the tax assessor's office, and occupants of residential dwellings, which are located within 500 feet of the property to be licensed, which includes the proposed licensee's parking area, as measured from the external boundary of the property to be licensed, which includes the proposed licensee's parking area.

(b) The notice shall include the date and time the application is scheduled to be voted on by the specialty license review committee, the location of the meeting, and such other information the finance director may require, which includes the right of interested persons to appear before the committee, and also of their right to appeal any ruling of the committee to the city council. Notice shall be sent via U.S. Mail, proper postage prepaid to said owners and occupants and notice shall be completed at least one week before the meeting at which the application is scheduled to be acted upon by the committee.

(c) The applicant shall file with the finance director a list of the names and street addresses to which notice was sent and shall certify that the required notice was given. In lieu of notice being sent by first class mail, the finance director is authorized to require that notice be

sent by certified mail, return receipt requested, as proof of delivery, which proof shall be submitted to the finance director upon request.

(d) Nothing herein shall be construed to prevent, as a part of the investigation required in section 3-86, the finance director or chief of police from contacting or notifying owners or occupants of real property adjacent to or in the vicinity of the proposed city licensed premises about the pending application and to advise them of their right to be heard on the application.

Sec. 3-86. Investigations.

Upon receipt of a completed application the finance director and chief of police shall each conduct or cause to be conducted an investigation and inquire into all matters and things contained in the application as well as other matters relevant to the pending application and to submit their findings to the specialty license review committee for its consideration, on behalf of the city council, after the investigation is complete, together with recommendations for action.

Sec. 3-87. Specialty license review committee.

(a) There is created, for the purpose of assisting the city council in reviewing and approving applications for licenses and performing other matters specifically assigned to the committee by this chapter, a committee to be known as the specialty license review committee. The committee shall assist the city council in the consideration and special investigation of all applications for licensing under this chapter. The committee shall be composed of the finance director or an administrative officer of the finance department designated by the finance director; the chief of police or an officer of the police department designated by the chief of police; and the director of planning or an employee of the planning department designated by the director of planning. In the event of a vacancy in the office of the finance director, chief of police, or director of planning the Mayor shall designate the individual who would otherwise be designated by the office holder of the vacant office.

(b) There shall be at least two regular meetings of the committee each month to review applications which are in order for consideration. The committee may call special meetings on such other days and at such other times as it may deem necessary to carry out the duties assigned to it. Prior to acting upon any application, the committee shall hold a hearing at which the applicant or his representative, any person required to receive notice of the meeting, and any member of the public who wishes may be heard on the application. The committee shall provide notice of its meetings as required by law.

(c) The committee, based upon the factors set forth in section 3-89, may, on behalf of the city council, approve or deny an application. However, no license application may be acted upon at the same meeting where it is introduced. In approving a license the committee may attach reasonable conditions, not inconsistent with this chapter or the state alcoholic beverage control laws, or state consumable hemp product laws as appropriate, which it deems necessary for the public health, safety, and general welfare.

(d) If an application for a license is denied by the committee, the applicant may appeal to the city council by filing a notice of appeal with the finance director within 7 days of the date of the meeting at which the license was denied. In the event an application for a license

is approved, any member of the public, which includes owners or occupants of nearby property, may appeal to the city council by filing a notice of appeal with the finance director within 7 days of the date of the meeting at which the license was approved. The city council shall set a hearing on any such appeal within a reasonable time. The decision of the council shall be final.

(e) No license shall be issued to any person until the appeal period provided for in this section or any other applicable law shall have elapsed.

Sec. 3-88. Appeal to city council.

(a) Upon receipt of an appeal from the specialty license review committee, the finance director will notify the city council of the appeal and the city council shall set a hearing on any such appeal within a reasonable time thereafter. Notice of the date and time of the appeal shall be given to the appellant, the applicant if different than the appellant, and any person, willing to provide his address, that provided testimony for or against an application to the specialty license review committee. At the hearing on the appeal, all interested persons, which include but are not necessarily limited to those persons notified of the hearing, shall have the right to present evidence, the right to introduce witnesses, and the right to be represented by an attorney.

(b) The city council shall render a decision within 30 days after the conclusion of the hearing. In approving a license the city council may attach reasonable conditions, not inconsistent with this chapter or the state alcoholic beverage control laws, or state consumable hemp laws as appropriate, which it deems necessary for the public health, safety, and general welfare. The city council's decision shall be final.

(c) No license shall be issued to any person during the pendency of any appeal provided for in this ordinance or by any other applicable law.

Sec. 3-89. Qualification for licensing.

(a) In considering the application for a city license, whether by the specialty license review committee or the city council on appeal, all relevant factors may be considered, which includes, among others and without limitation, the following:

(1) Compliance with this chapter and the state alcoholic beverage control laws, or state consumable hemp product laws as appropriate, which includes classification specific requirements or qualifications for licensing;

(2) Compliance with other city ordinances, rules, and regulations, which includes the city's zoning laws and any variances or special exceptions granted pursuant thereto;

(3) Suitability of the applicant and persons having ownership, control, or management of or an interest in the establishment to be licensed;

(4) Any required security plan and suitability of security personnel;

(5) Location of the premises, which includes adjacent or nearby uses;

(6) Information contained in the application, which includes criminal history;

(7) Results of the investigation conducted in accordance with section 3-86;

(8) Testimony presented at any hearings conducted on the application, which includes testimony of the owners or occupants of nearby property as well as the general public; and

(9) Impact upon the welfare, health, peace, temperance, morals, and safety of the public.

(b) In an appeal to the city council, the city council may consider the decision of the specialty license review committee and any reasons given therefor.

(c) No applicant shall be deemed eligible for a license under this chapter nor shall an application be approved without having first obtained all required permits from the health department, and without fully meeting applicable requirements of the technical codes of the city, the fire prevention codes of the state and of the city, the zoning laws of the city, and other applicable city laws which regulate the business or the premises.

(d) No license shall be issued to any applicant for a consumable hemp product license that has been convicted of a disqualifying offense within 10 years of the date of application. Disqualifying offense has the meaning provided by the state consumable hemp product laws.

Sec. 3-90. Issuance of license; security.

(a) Upon the approval of a license, the finance director shall issue the license to the applicant upon the payment of the required fee, except that no fee shall be required for a consumable hemp products license. Before any city license may be issued to a retailer that sells liquor for on-premises consumption, except for a special events retailer, such licensee shall deliver to and maintain with the finance director a bond, payable to the city in the penal sum of $25,000.00, which bond shall be executed by some surety company authorized to do business in the state and in the city, and conditioned to promptly pay to the city all such amounts as may become due to the city under the terms of chapter 15, article IV, chapter 24, article IV and any other amount which may become due to the city for privilege license, sales, use, or gross receipts taxes after the date of such bond. If by reason of any liabilities existing against the bond or against any additional bond provided for, it should appear to the finance director that such bond does not provide full security of $25,000.00 after deducting existing liability, the finance director, as often as such condition may exist, shall demand additional bond of $25,000.00 or more; and it shall be the duty of such licensee to furnish bond within ten days after such demand.

(b) In lieu of any bond, which it may be or become the duty of the licensee to furnish under subsection (a) of this section, such licensee may, at the discretion of the finance director, deposit with the finance director cash or readily marketable securities, satisfactory in form and content to the finance director of a value equivalent to the amount of security contemplated in this section to be provided by the suretyship of surety upon bond. Any such collateral securities, or letter of credit, which may be impaired in value by existing liabilities there against, or otherwise, shall be restored or repaired by furnishing additional securities or bond, so that at all times revenues to become due shall be secured to the extent of $25,000.00 or more.

(c) It shall be unlawful for any licensee to do any business in the city while in default in the provision of security as contemplated in this section, regardless of any amount of licenses or taxes which he may have heretofore paid.

(d) Such bond shall include the endorsement to the effect that such bond shall not be canceled without notice of cancellation being served on the finance director, in writing, by certified mail, at least 30 days prior to the date of cancellation.

Sec. 3-91. Suspension by specialty license review committee.

(a) *Suspension authorized.*

(1) Subject to the license holders right to appeal the decision of the committee as hereinafter provided, the specialty license review committee may, upon the petition of the finance director, suspend a city license for up to a period of one year for cause where the licensee, or any partners, members, officers, or directors of the licensee, has or have violated this chapter or any state alcoholic beverage control laws, or any state consumable hemp product laws, or where the city licensed premises has been conducted in a manner prejudicial to the welfare, health, peace, temperance, safety, or morals of the public.

(2) Action against a license shall be commensurate with the grounds for the action and, where appropriate, shall be progressive in nature, unless the grounds for the action warrant that harsher action be taken.

(3) Nothing in this section shall be construed to prevent the city council from taking action against a city license in accordance with applicable law, which includes section 15-56 of this Code.

(b) *Process.*

(1) The specialty license review committee, upon petition by the finance director, shall set a hearing on the matter as soon as practicable. Notice of the hearing, the basis for the proposed action, and the opportunity to be heard shall be provided by the committee in the same manner as set forth subsection 15-56(c) of this Code. If a party fails to appear at the hearing of the matter the specialty license review committee may proceed with the hearing and render a decision in the absence of the party.

(2) Following the hearing the committee may take the actions as specified in subsection (c) of this section.

(3) Notification of the specialty license review committee's decision shall be mailed to the licensee in the same manner as the notice of the hearing as provided hereinabove.

(4) In the event the committee takes action against a city license, the license holder may appeal the decision to the city council by filing a written notice of appeal stating the basis of the appeal with the finance director within 15 days after the committee's decision. The city council shall set a hearing on the appeal as soon as practicable, and proceed in accordance with section 15-56(c) of this Code; provided, however, the council need not provide the appellant with the grounds for action. Following the hearing, the city council may take the actions specified in subsection (c) of this section.

(c) *Actions.*

(1) A city license may be suspended for up to one year and any licensee, which includes its owners, whose license is suspended shall be, at the discretion of the specialty license review committee or city council in the case of an appeal, ineligible to have any license under this chapter until the expiration or removal of the suspension period. A suspension may provide for automatic removal of the suspension upon the completion of remedial action.

(2) During a period of suspension no new or different alcoholic beverage license or consumable hemp product license will be issued to any other applicant for the same location or in the same business name, as that of the suspended licensee; provided, however, this section is not intended to prohibit innocent landlords or lessors from exercising contractual rights under a rental agreement or a written lease in the event of default by a tenant or lessee.

(3) Immediately following a final decision to take action against a city license, a notice thereof shall be mailed to the ABC board.

(4) During a period of suspension, no alcoholic beverages or consumable hemp products may be possessed on the city licensed premises, nor may a licensee, its owners, managers, servants, agents, or employees, permit others to bring, possess, or consume alcoholic beverages or consumable hemp products on the city licensed premises during such period.

(5) During the period of suspension of a city license, the licensee shall post a sign, supplied by the finance director, on the city licensed premises stating that their license has been suspended and state the applicable period of suspension. The sign shall be displayed in a conspicuous location in or on a front window or door and shall be readily visible from outside the premises.

(d) *Emergency closure.*

(1) For purposes of this subsection (d) the term emergency means an occurrence upon a city licensed premises or the licensee's parking area that poses an immediate threat to the health or safety of the public, which includes the patrons or employees of the establishment and public officials, and that demands immediate closure of the licensed establishment in order to properly respond to the emergency.

(2) The chief of police may order an immediate closure of a city on-premises licensee without the need for prior notice or an opportunity to be heard in the case of an emergency. The licensee may reopen as soon as the emergency is over.

Section 3. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville Alabama are specifically included herein by reference as if fully set forth.

Section 4. This ordinance shall become effective upon its adoption and publication.

ADOPTED this the 19th day of November 2026.

/s/ David Little
President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 19th day of November 2026.

/s/ Tommy Battle
Mayor of the City of Huntsville,
Alabama