

Ordinance No. 1908

Ordinance Creating Entertainment District

WHEREAS, the City of Talladega, Alabama desires to create and entertainment district pursuant to authority granted in Code of Alabama 1975, §28-3A-17.1; and

WHEREAS, the proposed area for the entertainment district in downtown Talladega as set forth and designated on the map which is attached as Exhibit 1 meets the Code of Alabama 1975, §28-3A-17.1; and

WHEREAS, the Council of the City of Talladega believes that a downtown entertainment district will provide both economic and social benefit for the City;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, as follows:

Section 1. Creation and establishment of districts

Under the authority granted in Code of Alabama 1975, §28-3A-17.1, the city does hereby create and establish an entertainment district on the map which is attached as Exhibit 1 to the ordinance. The designation of any street or portion of a street within the entertainment district shall include sidewalks, which run parallel with and immediately adjacent to each side of that street or portion of that street within the entertainment district.

Section 2. Outside consumption of alcoholic beverages permitted; conditions.

Any on premise retail alcohol beverage licensee located within the entertainment district, herein licensee, who satisfies all requirements of the Alabama Alcoholic Beverage Control Board shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 4:00 p.m. and 10:00 p.m. seven (7) days a week, with no more than one (1) open container of alcoholic beverage and consume that beverage anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained, subject to the following regulations:

- (1) A person may not enter another premises that is licensed to sell alcohol with an open container of alcohol acquired elsewhere
- (2) A licensee shall allow alcoholic beverages to be removed from the licensed premises only in a recyclable paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee. Any alcoholic beverage removed from a licensed premises pursuant to this article must remain in the paper or plastic cup with the commercially printed name and/or logo of the licensee who sold the alcoholic beverage for consumption purposes. No alcoholic beverages shall be removed from the licensed premises in a can, bottle or glass container except upon the licensee's outdoor sit-down dining area situated on the licensee's property or on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Talladega.
- (3) No licensee shall allow a patron, guest or member to exit its licensed premises with more than one (1) open container of alcoholic beverage, and it shall be unlawful for any person to exit such licensed premises with more than one (1) open container.
- (4) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass container or to possess any open can, bottle, or glass container of alcoholic beverages on the public streets, sidewalks, right-of-way and parking lots located within an entertainment district.
- (5) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size.
- (6) No person shall possess on the streets, sidewalks, rights-of-way, parking lots or any other public area located within the entertainment district any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.
- (7) No person shall possess on the streets, sidewalks, rights-of-way, parking lots, or any other public area located within the entertainment district any open alcoholic beverage which was not purchased from an on-premises retail alcohol beverage licensee lawfully

- doing business within the entertainment district who has met all the requirements of the Alabama Alcoholic Beverage Control Board and the City of Talladega
- (8) The city shall have the right to extend or reduce the days and the hours during which a patron, guest or member of a licensee may exit the licensed premises, which extension or reduction shall be determined by resolution for a specific event or date.

Section 3. Consumption of alcoholic beverages in a motor vehicle prohibited

It shall be unlawful for any person to consume any alcoholic beverage while in the confines of a motor vehicle while the motor vehicle is located upon a public street, parking lot or other place to which the public has or is permitted to have access within an entertainment district.

(1) Exceptions.

- a. A passenger in a motor vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid license for the operation of a vehicle for hire;
- b. A passenger of a bus in which the driver holds a valid operator's license.

Section 4. Alcoholic beverages purchased outside the entertainment district are not allowed in open containers in district.

No alcoholic beverages purchased at any location other than a licensee in the entertainment district who has met the requirements of the Alabama Alcoholic Beverage Control Board and city, which allows a person to exit the licensed premises with an open container of alcoholic beverage, shall be allowed in open containers in the entertainment district.

Section 5. Drinking in public places

To the extent this article conflicts with prior ordinances of the City of Talladega prohibiting drinking in public places, the authority allowing conduct as prescribed by this article shall supersede any prior city ordinances.

Section 6. Modification and elimination of article.

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

Section 7. Possession and consumption of alcohol in excluded places

The consumption and possession of open containers of alcoholic beverages shall not be allowed in any public building, facility, garage or parking lot within an entertainment district that is posted with conspicuous signage at each entrance or in conspicuous places that no alcoholic beverages are allowed on the premises.

Section 8. The provisions of this ordinance are severable. If any section, subsection or provision shall be declared to be invalid or unconstitutional by judgement or decree of a court of competent jurisdiction, such judgement or decree shall not affect any other section, subsection or provision of this Ordinance.

Section 9. This ordinance shall take effect upon its approval by the City Council, or upon it otherwise becoming law, but shall nevertheless be published as required by law.

ADOPTED AND APPROVED on this the 18th day of April, 2022.

Council President Horace Patterson
Council Member Vickey Hall
Councilman Joe Power
Council Member Betty Spratlin
City Manager Seddrick Hill
Attested to: Joanna Medlen, City Clerk