

1 HB185  
2 181328-1  
3 By Representative Buskey (N & P)  
4 RFD: Mobile County Legislation  
5 First Read: 14-FEB-17

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8 SYNOPSIS: This bill would relate to Class 2  
9 municipalities. The bill would include Class 2  
10 municipalities as municipalities authorized to  
11 establish five entertainment districts and would  
12 specify the licensed premises of a holder of a  
13 retail liquor license.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to Class 2 municipalities; to amend Section  
20 28-3A-17.1, Code of Alabama 1975, to further provide for  
21 entertainment districts; and to further define the licensed  
22 premises of a holder of a retail liquor license.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 28-3A-17.1, Code of Alabama 1975,  
25 is amended to read as follows:

26 "§28-3A-17.1.

1           "(a) The provisions of this section shall only apply  
2 to Class 1, Class 2, Class 3, Class 4, and Class 5  
3 municipalities and municipalities with an incorporated arts  
4 council, main street program, or downtown development entity.

5           "(b) Upon compliance of the applicant with the  
6 provisions of this chapter, and the regulations made  
7 thereunder which are not in conflict with the provisions of  
8 this section, the Alabama Alcoholic Beverage Control Board may  
9 issue an entertainment district designation for any retail  
10 license authorized in this chapter which allows the licensee  
11 to sell alcoholic beverages for consumption on the licensed  
12 premises and which licensed premises is located in an  
13 entertainment district established as provided in subsection  
14 (d). A licensee who receives an entertainment district  
15 designation for an on-premises retail license shall comply  
16 with all laws, rules, and regulations which govern its license  
17 type, except that the patrons, guests, or members of that  
18 licensee may exit that licensed premises with open containers  
19 of alcoholic beverages and consume alcoholic beverages  
20 anywhere within the confines of the entertainment district,  
21 which shall be permitted, but may not enter another licensed  
22 premises with open containers or closed containers of  
23 alcoholic beverages acquired elsewhere.

24           "(c) The permission granted by subsection (b)  
25 permitting the consumption of alcoholic beverages anywhere  
26 within the confines of the entertainment district shall not  
27 extend the confines of the licensed premises.

1           "(d) The governing body of any ~~Class 2, or~~ Class 5  
2 municipality covered by Act 2013-382, or a municipality with  
3 an incorporated arts council, main street program, or downtown  
4 development entity may establish not more than two  
5 entertainment districts within its corporate limits, each of  
6 which must have not fewer than four licensees holding a retail  
7 liquor license in that area, and each district may not exceed  
8 one-half mile by one-half mile in area, but may be irregularly  
9 shaped.

10           "(e) The governing body of a Class 1 municipality,  
11 Class 2 municipality, Class 4 municipality, Class 3  
12 municipality, or any municipality which is located 15 miles  
13 north of the Gulf of Mexico, may establish up to five  
14 entertainment districts within the corporate limits, each of  
15 which must have not fewer than four licensees holding a  
16 restaurant retail liquor license, an on-premises alcoholic  
17 beverage license, or other retail liquor license in that area  
18 and each district may not exceed one-half mile by one-half  
19 mile in area, but may be irregularly shaped.

20           "The governing body of a Class 8 municipality which  
21 is located in a county with a Class 3 municipality may  
22 establish two entertainment districts within its corporate  
23 limits which may not have fewer than four licensees holding a  
24 retail liquor license in that area and may not exceed one-half  
25 mile by one-half mile in area, but may be irregularly shaped.

26           "For the purposes of this subsection, the term  
27 on-premises as applied to consumption within such

1 entertainment district shall include anywhere within the  
2 district, regardless of the terms and conditions of licensure.

3 "(f) In a Class 2 municipality, the licensed  
4 premises in an entertainment district of a holder of a retail  
5 liquor license shall include the area on a municipal sidewalk  
6 or deck immediately adjacent or connected to the premises and,  
7 during special events, directly outside the entrance to the  
8 premises.

9 "~~(f)~~ (g) All laws or parts of laws which conflict  
10 with this section are repealed. All general, local, and  
11 special laws or parts of such laws insofar as they designate  
12 or restrict the boundaries, size, or area of such  
13 entertainment districts are hereby repealed."

14 Section 2. This act shall become effective  
15 immediately following its passage and approval by the  
16 Governor, or its otherwise becoming law.