

1 HB188
2 181366-2
3 By Representative Blackshear
4 RFD: Economic Development and Tourism
5 First Read: 14-FEB-17

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8 SYNOPSIS: Current law authorizes the governing bodies
9 of certain Class 5 municipalities to establish
10 entertainment districts within the corporate limits
11 of the municipalities with no fewer than four
12 licensees holding a retail liquor license in each
13 district.

14 This bill would allow the governing body of
15 a Class 5 municipality organized under Act 77-71,
16 1977 Regular Session (Acts 1977, p. 78), as
17 amended, to establish no more than two
18 entertainment districts within its corporate limits
19 with no fewer than three licensees holding a
20 restaurant retail liquor license, an on-premises
21 alcoholic beverage license, or other retail liquor
22 license.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 28-3A-17.1, Code of Alabama 1975,
2 to allow the governing body of a Class 5 municipality
3 organized under Act 77-71, 1977 Regular Session (Acts 1977, p.
4 78), as amended, to establish no more than two entertainment
5 districts within the corporate limits of the municipality with
6 no fewer than three licensees holding a restaurant retail
7 liquor license, an on-premises alcoholic beverage license, or
8 other retail liquor license.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 "§28-3A-17.1.

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

17 "(b) Upon compliance of the applicant with the
18 provisions of this chapter, and the regulations made
19 thereunder which are not in conflict with the provisions of
20 this section, the Alabama Alcoholic Beverage Control Board may
21 issue an entertainment district designation for any retail
22 license authorized in this chapter which allows the licensee
23 to sell alcoholic beverages for consumption on the licensed
24 premises and which licensed premises is located in an
25 entertainment district established as provided in subsection
26 (d). A licensee who receives an entertainment district
27 designation for an on-premises retail license shall comply

1 with all laws, rules, and regulations which govern its license
2 type, except that the patrons, guests, or members of that
3 licensee may exit that licensed premises with open containers
4 of alcoholic beverages and consume alcoholic beverages
5 anywhere within the confines of the entertainment district,
6 which shall be permitted, but may not enter another licensed
7 premises with open containers or closed containers of
8 alcoholic beverages acquired elsewhere.

9 "(c) The permission granted by subsection (b)
10 permitting the consumption of alcoholic beverages anywhere
11 within the confines of the entertainment district shall not
12 extend the confines of the licensed premises.

13 "(d) (1) Subject to subdivision (2), the ~~The~~
14 governing body of any Class 2, or Class 5 municipality covered
15 by Act 2013-382, or a municipality with an incorporated arts
16 council, main street program, or downtown development entity
17 may establish not more than two entertainment districts within
18 its corporate limits, each of which must have not fewer than
19 four licensees holding a retail liquor license in that area,
20 and each district may not exceed one-half mile by one-half
21 mile in area, but may be irregularly shaped.

22 "(2) Notwithstanding subdivision (1) to the
23 contrary, the governing body of a Class 5 municipality
24 organized under Act 77-71, 1977 Regular Session (Acts 1977, p.
25 78), as amended, may establish not more than two entertainment
26 districts within its corporate limits, each of which must not
27 have fewer than three licensees holding a restaurant retail

1 liquor license, an on-premises alcoholic beverage license, or
2 other retail liquor license in that area, and each district
3 may not exceed one-half mile by one-half mile in area, but may
4 be irregularly shaped.

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

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

21 "For the purposes of this subsection, the term
22 on-premises as applied to consumption within such
23 entertainment district shall include anywhere within the
24 district, regardless of the terms and conditions of licensure.

25 "(f) All laws or parts of laws which conflict with
26 this section are repealed. All general, local, and special
27 laws or parts of such laws insofar as they designate or

1 restrict the boundaries, size, or area of such entertainment
2 districts are hereby repealed."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.