

1 SB48
2 203648-1
3 By Senator Elliott
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20
6 PFD: 01/22/2020

SYNOPSIS: Existing Alabama law does not authorize certain cities or townships to create entertainment districts for the sale and consumption of alcoholic beverages.

This bill would authorize the governing body of a Class 8 municipality with an incorporated arts council, main street program, or downtown development entity that is located primarily on an island to establish three entertainment districts within its corporate limits.

A BILL
TO BE ENTITLED
AN ACT

Relating to entertainment districts; to amend Section 28-3A-17.1, Code of Alabama 1975, to authorize the governing body of certain municipalities to establish three entertainment districts within its corporate limits that meet certain qualifications.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The Legislature declares that this act
3 regulated the liquor traffic within the meaning and intent of
4 Section 104 of the Constitution of Alabama of 1901.

5 Section 2. Section 28-3A-17.1, Code of Alabama 1975,
6 is amended to read as follows:

7 "§28-3A-17.1.

8 "(a) (1) Notwithstanding any rule adopted by the
9 board, the board may issue an entertainment district
10 designation to any retailer licensee that is licensed to sell
11 alcoholic beverages for on-premises consumption and to any
12 manufacturer licensee that conducts tastings or samplings on
13 the licensed premises, provided the licensees are located in
14 an entertainment district established pursuant to this
15 section.

16 "(2) A licensee who receives an entertainment
17 district designation under this subsection shall comply with
18 all laws and rules governing its license type, except that the
19 patrons, guests, or members of that licensee may exit that
20 licensed premises with open containers of alcoholic beverages
21 and consume alcoholic beverages anywhere within the confines
22 of the entertainment district, which shall be permitted, but
23 may not enter another licensed premises with open containers
24 or closed containers of alcoholic beverages acquired
25 elsewhere.

26 "(3) The permission granted by this subsection
27 permitting the consumption of alcoholic beverages anywhere

1 within the confines of the entertainment district shall not
2 extend the confines of the licensed premises.

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

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

24 "(d) The governing body of a Class 8 municipality
25 which is located in a county with a Class 3 municipality may
26 establish two entertainment districts within its corporate
27 limits that may not have fewer than four licensees holding a

1 retail liquor license in that area, and each district may not
2 exceed one-half mile by one-half mile in area, but may be
3 irregularly shaped.

4 "(e) For the purposes of subsection (c), the term
5 on-premises as applied to consumption within the entertainment
6 district shall include anywhere within the district,
7 regardless of the terms and conditions of licensure.

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

14 "(g) The governing body of a Class 8 municipality
15 that is located in a county with a Class 2 municipality and is
16 primarily located on an island may establish three
17 entertainment districts within its corporate limits. One
18 district must have no fewer than two licensees holding a
19 retail liquor license in a business or commercial area; one
20 district may be established in a business or commercial area
21 at times when Special events are held as designated by the
22 governing body; and one district may be established on
23 property owned by the Dauphin Island Property Owners
24 Association and known as the Isle Dauphine Complex. Each
25 district may not exceed one-half mile by one-half mile in
26 area, but may be irregularly shaped.

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

9 "(1) For the purpose of the subsection, the term
10 on-premises as applied to consumption within the entertainment
11 district shall include anywhere within the district regardless
12 of the terms or conditions of licensure.

13 "(2) For the purpose of this subsection, the
14 licensed premises in an entertainment district of a holder of
15 a retail liquor license shall include the area on a deck,
16 boardwalk, or municipal sidewalk immediately adjacent or
17 connected to the premises and, during special events, directly
18 outside the entrance of the premises.

19 ~~"(h)~~ (i) All laws or parts of laws which conflict
20 with this section are repealed. All general, local, and
21 special laws or parts of such laws insofar as they designate
22 or restrict the boundaries, size, or area of such
23 entertainment districts are hereby repealed."

24 Section 3. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.