

1 HB224  
2 197361-1  
3 By Representative Brown (C)  
4 RFD: Economic Development and Tourism  
5 First Read: 19-MAR-19

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

12 This bill would authorize the governing body  
13 of a Class 8 municipality that is located in a  
14 county with a Class 2 municipality and is primarily  
15 located on an island to establish three  
16 entertainment districts within its corporate  
17 limits.

18 This bill would also define the licensed  
19 premises of the holder of a retail liquor license  
20 within the entertainment districts, and eliminate  
21 inconsistencies.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
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1           Relating to entertainment districts; to amend  
2 Section 28-3A-17.1 of the Code of Alabama 1975; to authorize  
3 the governing body of certain municipalities to establish  
4 three entertainment districts within its corporate limits that  
5 meet certain qualifications.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7           Section 1. The Legislature declares that this act  
8 regulates the liquor traffic within the meaning and intent of  
9 Section 104 of the Constitution of Alabama of 1901.

10           Section 2. Section 28-3A-17.1 of the Code of Alabama  
11 1975 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)~~ (a) (1) 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)~~ this section.

1           "(2) A licensee who receives an entertainment  
2 district designation for an on-premises retail license shall  
3 comply with all laws, and rules, ~~and regulations which that~~  
4 govern its license type, except that the patrons, guests, or  
5 members of that licensee may exit that licensed premises with  
6 open containers of alcoholic beverages and consume alcoholic  
7 beverages anywhere within the confines of the entertainment  
8 district, which shall be permitted, but may not enter another  
9 licensed premises with open containers or closed containers of  
10 alcoholic beverages acquired elsewhere.

11           "~~(c)~~ (3) The permission granted by subsection ~~(b)~~ (a)  
12 permitting the consumption of alcoholic beverages anywhere  
13 within the confines of the entertainment district shall not  
14 extend the confines of the licensed premises.

15           "~~(d)~~ (b) The governing body of any Class 5  
16 municipality covered by Act 2013-382, or a municipality with  
17 an incorporated arts council, main street program, or downtown  
18 development entity, may establish not more than two  
19 entertainment districts within its corporate limits, each of  
20 which must have not fewer than four licensees holding a retail  
21 liquor 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           "~~(e)~~ (c) The governing body of a Class 1  
25 municipality, Class 2 municipality, Class 3 municipality,  
26 Class 4 municipality, ~~Class 3 municipality,~~ or any  
27 municipality which is located 15 miles north of the Gulf of

1 Mexico, may establish up to five entertainment districts  
2 within the corporate limits, each of which must have not fewer  
3 than four licensees holding a restaurant retail liquor  
4 license, an on-premises alcoholic beverage license, or other  
5 retail liquor license in that area, and each district may not  
6 exceed one-half mile by one-half mile in area, but may be  
7 irregularly shaped.

8 "(d) The governing body of a Class 8 municipality  
9 ~~which~~ that is located in a county with a Class 3 municipality  
10 may establish two entertainment districts within its corporate  
11 limits which may not have fewer than four licensees holding a  
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 "(e) For the purposes of ~~this~~ subsection (c), the  
16 term on-premises as applied to consumption within ~~such~~ the  
17 entertainment district shall include anywhere within the  
18 district, regardless of the terms or conditions of licensure.

19 "(f) In a Class 2 municipality, the licensed  
20 premises in an entertainment district of a holder of a retail  
21 liquor license shall include the area on a municipal sidewalk  
22 or deck immediately adjacent or connected to the premises and,  
23 during special events, directly outside the entrance to the  
24 premises.

25 "(g) The governing body of a Class 8 municipality  
26 that is located in a county with a Class 2 municipality and is  
27 primarily located on an island may establish three

1 entertainment districts within its corporate limits. One  
2 district must have no fewer than two licensees holding a  
3 retail liquor license in a business or commercial area; one  
4 district may be established in a business or commercial area  
5 at times when special events are held as designated by the  
6 town council; and one district may be established on property  
7 owned by the Dauphin Island Property Owners Association and  
8 known as the Isle Dauphine Complex. Each district may not  
9 exceed one-half mile by one-half mile in area, but may be  
10 irregularly shaped.

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

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

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

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