

**AN ORDINANCE TO ESTABLISH TWO ENTERTAINMENT  
DISTRICTS IN DOWNTOWN MOBILE**

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Sponsored by Councilmembers Carroll, Richardson, Williams, Gregory, Rich, and Small.

WHEREAS, the State of Alabama has passed into law Act No. 2012-438, hereinafter referred to as "the Act," to create and establish entertainment district designations for retail alcoholic beverage licenses.

WHEREAS, the Act allows the Council to establish not more than two entertainment districts within the corporate limits of the City of Mobile, each of which must have not fewer than four retail alcoholic beverage licensees and each of which may not exceed one-half mile by one-half mile in area.

WHEREAS, the Council has considered the merits of establishing such districts and believes that they will benefit the downtown area.

WHEREAS, the Council finds that other cities, both within and without the State of Alabama, have had success with such districts, and believes that it is in the best interest of the City to provide for the creation of such districts as provided in this ordinance.

WHEREAS, nothing herein is intended to confer any rights or entitlement. Selling alcohol within an area designated as an entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation. The Council reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time.

WHEREAS, because the downtown area consists of properties devoted to business, commercial, entertainment, and residential uses, the Council finds that it is prudent to proceed deliberately and cautiously in order to determine what impact, if any, the creation

and operation of these districts will have on residential and business properties. For this reason, the Council will include a sunset provision in this Ordinance in order to allow a reassessment of the merits, costs, and benefits of these entertainment districts and their impact on surrounding business and residential properties.

WHEREAS, subject to the terms and limitations of the Act and this Ordinance, the City of Mobile wishes to establish two entertainment districts in the downtown area.

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

SECTION 1. *Creation and Establishment of Districts.* Under the authority granted in Section 3 of Act No. 2012-438, the City Council does hereby create and establish two entertainment districts in downtown Mobile with the areas and boundaries as set forth and designated on the Map which is attached hereto as Exhibit 1 and incorporated herein. Those areas encompassing Bienville Square Park, Cathedral Square Park, and Mardi Gras Park are excluded from the district(s). By excluding these City Parks from the district(s), it is the intention of the Council that the consumption of alcoholic beverages within the confines of these Parks is and shall continue to be prohibited, unless such consumption is pursuant to and authorized by a duly issued license issued by the ABC Board.

SECTION 2. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on-premise retail alcohol beverage licensee who receives an entertainment district designation from 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 2:30 a.m. with no more than one open container of alcoholic beverages and consume said

alcoholic beverages anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained (except for those areas encompassing Bienville Square Park, Cathedral Square Park, and Mardi Gras Park), subject to the following regulations:

(1). A person may not enter another licensed premises with an open container or closed container of alcoholic beverages acquired elsewhere.

(2). A licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee, or in a paper or plastic cup bearing the "LODA" logo obtained from Main Street Mobile, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mobile.

(3). No licensee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such 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 streets, sidewalks, rights-of-way, and parking lots located within an entertainment district; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mobile.

(5). No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size.

(6). No person shall possess on the streets, sidewalks, rights-of-way, parking lots, or outdoor public areas located within the entertainment district any open alcoholic beverage container which exceeds 16 fluid ounces in size.

SECTION 3. *Consumption of Alcoholic Beverages in a Motor Vehicle Prohibited.*

It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle while the motor vehicle is located upon any 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; and,

(c). A passenger in a self-contained motor home which is in excess of 21 feet in length.

SECTION 4. *Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District.* Except for special events as permitted by the Alabama Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, no alcoholic beverages purchased outside of the entertainment district shall

be allowed in open containers in the entertainment district.

SECTION 5: *Drinking in Public Places; Section 30-6 of the City Code Amended.*

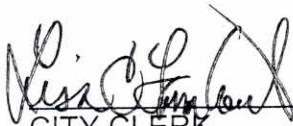
Section 30-6 of the Mobile City Code is hereby amended so that it now reads in its entirety as follows:

Section 30-6. Drinking in public places.

Except as may be allowed in entertainment districts officially created and designated pursuant to the authority of Act No. 2012 - 438 as it now exists or may hereafter be amended, it shall be unlawful for any person to drink any liquor, wine or malt or brewed beverages in any of the public streets, alleys or parks or in railroad or bus stations or in theaters or in any other public place in the city or its police jurisdiction not duly licensed for the sale of one (1) or more of such beverages or duly licensed to prepare and serve food.

SECTION 6. *Effective Date, Sunset, and Extension.* This Ordinance shall be in full force and effect from and after its adoption and publication as required by law; provided, further, that the requirement that all paper or plastic cups bear the logo of the designated licensee or the "LODA" logo shall not become effective until April 1, 2013. This Ordinance expires on March 5, 2014, unless sooner terminated or extended by Ordinance duly adopted by the Council.

APPROVED: MAR 05 2013

  
CITY CLERK



**AN ORDINANCE TO AMEND CHAPTER 30  
OF THE MOBILE CITY CODE**

Sponsored by: Mayor Stimpson

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA  
AS FOLLOWS:**

Section 1. That subsection (b) of Section 30-13 of CHAPTER 30, ARTICLE I of Mobile City Code, is hereby amended to read as follows:

**Amend subsection (b) of Section 30-13, to read as follows:**

(b) *Outside consumption of alcoholic beverages permitted; conditions.* Any on-premise retail alcohol beverage licensee who receives an *entertainment district* designation from 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 12:00 p.m. (Noon) and 12:00 a.m. (Midnight) with no more than one (1) open container of alcoholic beverages and consume said alcoholic beverages anywhere within the confines of the *entertainment district* in which the alcoholic beverage was obtained (except for those areas encompassing Bienville Square Park, Cathedral Square Park, and Mardi Gras Park), subject to the following regulations:

- (1) A person may not enter another licensed premises with an open container or closed container of alcoholic beverages acquired elsewhere.
- (2) A licensee who receives an *entertainment district* designation shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee, or in a paper or plastic cup bearing the "LODA" logo obtained from Main Street Mobile, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the city.

(3) No licensee shall allow a patron, guest or member to exit its licensed premises with more than one (1) open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one (1) such 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 streets, sidewalks, rights-of-way, and parking lots located within an *entertainment district*; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the city.

(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 outdoor public areas located within the *entertainment district* any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.

Section 2. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. This Ordinance shall sunset at midnight on November 17, 2016, unless earlier extended, modified, or amended by action of the Council.

Section 5. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

**ADOPTED:** August 17, 2016

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**City Clerk**