

1 SB62
2 208015-1
3 By Senator Elliott
4 RFD: Tourism
5 First Read: 02-FEB-21
6 PFD: 01/22/2021

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 that is not in a county with a Class 2 municipality and that abuts or spans the Intracoastal Waterway and abuts the Gulf of Mexico and that has an incorporated arts council, main street program, or downtown development entity 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

1 entertainment districts within its corporate limits that meet
2 certain qualifications.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

9 "§28-3A-17.1.

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

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

1 "(3) The permission granted by this subsection
2 permitting the consumption of alcoholic beverages anywhere
3 within the confines of the entertainment district shall not
4 extend the confines of the licensed premises.

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

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

26 "(d) The governing body of a Class 8 municipality
27 which is located in a county with a Class 3 municipality may

1 establish two entertainment districts within its corporate
2 limits that may not have fewer than four licensees holding a
3 retail liquor license in that area, and each district may not
4 exceed one-half mile by one-half mile in area, but may be
5 irregularly shaped.

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

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

16 "(g) The governing body of a Class 8 municipality
17 that is located in a county with a Class 2 municipality and is
18 primarily located on an island may establish three
19 entertainment districts within its corporate limits. One
20 district must have no fewer than two licensees holding a
21 retail liquor license in a business or commercial area; one
22 district may be established in a business or commercial area
23 at times when Special events are held as designated by the
24 governing body; and one district may be established on
25 property owned by the Dauphin Island Property Owners
26 Association and known as the Isle Dauphine Complex. Each

1 district may not exceed one-half mile by one-half mile in
2 area, but may be irregularly shaped.

3 "(h) (1) The governing body of a Class 8 municipality
4 that meets all of the following qualifications may establish
5 three entertainment districts within its corporate limits,
6 provided that each district has no fewer than four licensees
7 holding a retail liquor license in that area, and each
8 district does not exceed one-half mile by one-half mile in
9 area, but may be irregularly shaped:

10 "a. The municipality is not in a county with a Class
11 2 municipality.

12 "b. The municipality abuts or spans the Intracoastal
13 Waterway and abuts the Gulf of Mexico.

14 "c. The municipality has an incorporated arts
15 council, main street program, or downtown development entity.

16 "(2) For the purpose of this subsection, the term
17 on-premises as applied to consumption within the entertainment
18 district shall include anywhere within the district regardless
19 of the terms or conditions of licensure.

20 "(3) For the purpose of this subsection, the
21 licensed premises in an entertainment district of a holder of
22 a retail liquor license shall include the area on a deck,
23 boardwalk, or municipal sidewalk immediately adjacent or
24 connected to the premises and, during special events, directly
25 outside the entrance of the premises.

26 ~~"(h)~~ (i) All laws or parts of laws which conflict
27 with this section are repealed. All general, local, and

1 special laws or parts of such laws insofar as they designate
2 or restrict the boundaries, size, or area of such
3 entertainment districts are hereby repealed."

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