

AN ORDINANCE TO ESTABLISH AN ENTERTAINMENT DISTRICT IN HELENA, ALABAMA

ORDINANCE 877-2020 AMENDED

WHEREAS, the State of Alabama has passed into law Ala. Code Sec.28-3A-17, 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 Helena, each of which only has to have one retail alcoholic beverage licensee and each of which may not exceed one-half mile by one-half mile in area. (*State of Alabama Act 2023-285*)

WHEREAS, the Council has considered the merits of establishing such districts and believes that they will benefit the downtown area considered the merits of establishing such a district and belief that entertainment districts may benefit the city by enhancing pedestrian-oriented areas for outdoor special events that can include, but is not limited to, parades, concerts, car shows, and fundraising events for local nonprofit organizations, holiday events, and beer and wine tasting events -

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 Helena wishes to establish one entertainment district in the Old Town area.

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

SECTION 1. Definitions

As used in this article, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates that a different meaning is intended:

Alcoholic beverages means any alcoholic, spirituous, vinous, fermented, malt or other alcoholic beverage, or any combination of liquors and beverages, any portion of which is spirituous, vinous, fermented, malt or otherwise alcoholic, and all drinks or drinkable liquids, preparations, or mixtures intended for beverage purposes (including frozen beverages), which contain one-half of one percent or more of alcohol by volume, and which shall further include any beverage denominated as liquor, beer or wine (either fortified or table variety).

Container means any paper or plastic cup, not closed or sealed, not to exceed sixteen (16) fluid ounces in size.

Approved container means a container which is provided by a designated licensee that shall bear the name and/or logo of the designated licensee. In addition to the requirement of the name and/or logo of the designated licensee, the approved Helena Old Town logo may be added to the container, but shall in no way serve as a replacement to the requirement that the designated licensee's name and/or logo be printed on the container.

Board means the State of Alabama Alcoholic Beverage Control ("ABC") Board.

City means the City of Helena, Alabama.

Council means the Council of the City of Helena, Alabama

District means the City of Helena's Downtown Entertainment District established by this Ordinance.

License means any retail license for the sale of alcoholic beverages authorized to be issued pursuant to Chapter 3A of Title 28, Code of Alabama (1975), which allows the Licensee to sell alcoholic beverages for consumption on the licensed premises.

Licensee means any person or business within the district which is licensed to sell alcoholic beverages by the board and the City.

SECTION 2. Creation and Establishment of Districts

Under the authority granted in Section 3 of Act Code Sec.28-3A-17, the City Council does hereby create and establish one entertainment district in Old Town Helena with the areas and boundaries as set forth herein below.

SECTION 3. District Description

The City of Helena Old Town Entertainment District, which shall be as defined to include 3745 Helena Road to 4300 Helena Road, including 29 Lake Davidson Lane and 767 2nd Street to 783 2nd Street and indicated in the diagram attached as Exhibit "A", hereto.

SECTION 4. District Rules and Regulations Regarding Outside Consumption of Alcoholic Beverages

- 4.1. 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 subject to the following rules and regulations within the entertainment district:
 - 4.1.1. A person may exit the premises of a licensee who is approved by the city and the board for a license permitting on-premises consumption of alcoholic beverages with no more than two (2) alcoholic beverages, each of which must be located in an approved container.
 - 4.1.2. The privilege to possess and consume the alcoholic beverage which is removed from the premises of a licensee within the district shall be limited to the confines of the district, and no person is authorized to exit the confines of the district with any alcoholic beverage.
 - 4.1.3. The hours in which possession of an alcoholic beverage purchased from a licensee within the district is permitted outside the premises of the licensee within the district shall be limited to those hours during which the licensees within the district are permitted to be open for business; provided, however, that on Monday through Thursday of each week, the district shall not be open, and possession of alcoholic beverages outside of licensed premises shall not be permitted, prior to 12:00 p.m. unless a special waiver of time is granted to the district by the Council.
 - 4.1.4. No person may enter the premises of a licensee with any alcoholic beverage which was not purchased from that particular licensee.
 - 4.1.5. Except for the permission to remove alcoholic beverages from the licensed premises contained in section 4(a)(1), hereinabove, any licensee within the district shall comply with all laws, rules and regulations which govern the licensee.
 - 4.1.6. No person may consume or possess any alcoholic beverage within the district which was either not purchased from a licensee within the district, or which is not in an approved container. This prohibition shall explicitly extend to any "refill" of an approved container with any alcoholic beverage which is not purchased from a licensee within the district (although a licensee is

permitted to "refill" an approved container to the extent permissible by applicable laws or regulations).

4.1.7. The permission to possess and consume alcoholic beverages within the district and outside a licensed premises does not extend to any motorized vehicle, and any person possessing any alcoholic beverage within an automobile within the district is in violation of the provisions of this chapter.

4.1.8. The City of Helena, by and through its Council, may in its sole discretion prescribe a particular container, which may include a printed name or logo for the district, to be, or may set other specifications for, the approved container for the possession of alcoholic beverages within the district outside any licensed premises.

4.2. In the event of an emergency affecting the public health, safety or welfare, the chief of police of the City of Helena, Alabama, or his or her designee, may order the temporary closure of the district, or any portion thereof, and may further order individuals to disperse from within the district, for such period of time as he/she deems necessary to protect the public health, safety and welfare. In the event of such temporary closure of the district, the city shall bear no responsibility to any person, firm or entity for any costs incurred or revenue lost as the result of said temporary closure.

SECTION 5. 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 6. Signage

Each licensee shall display, at its entrance(s)/exit(s), a sign showing a boundary map of the district, which signs shall clearly indicate and advise viewers of the prohibition against the removal of alcoholic beverages from the confines of the district. The City shall place adequate signage around the perimeter of the district to further advise individuals of the boundaries of the district.

SECTION 7. Drinking in Public Places

Ordinance 103-B of the City Code Amended. Ordinance 103-B of the Helena City Code is hereby amended so that it now reads in its entirety as follows:

Ordinance 103-B. Drinking in public places. Except as may be allowed in entertainment districts officially created and designated pursuant to the authority of Act Code Sec. 28-3A-17 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 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 8. Violations

Any violation of any provision of this article shall be a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) per violation, and by such imprisonment or other sentence as may be deemed mete and appropriate by any court of competent jurisdiction. Further, the City Council of the City of Helena, Alabama, is authorized to consider and act upon the suspension or revocation of the business license of any licensee which is guilty of any violation of any provision of this article.

SECTION 9. Amendments

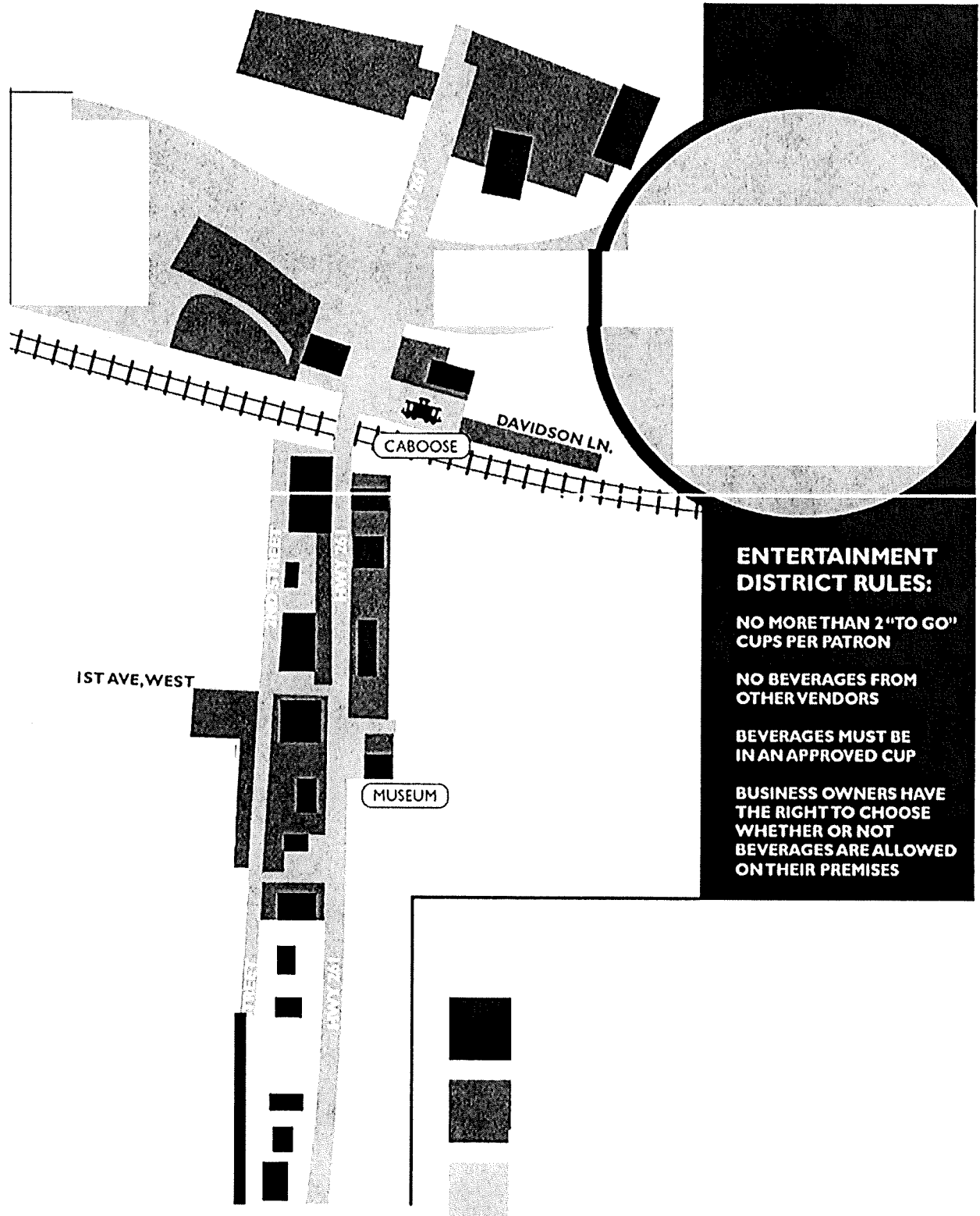
The City Council of the City of Helena, Alabama, may amend this article as the same is deemed necessary for the health, safety and welfare of the citizens of the City of Helena, Alabama, particularly in the event that it finds that the operation of the district has become a nuisance, or is not being operated in the public interest, which shall specifically include the lack of adequate security. The City Council of the City of Helena, Alabama, may, further, modify the boundaries of the district, or enact such other, further and different regulations as may be deemed necessary and appropriate for the health, safety and welfare of the citizens of the City of Helena, Alabama.

SECTION 10. Effective Date, Sunset, Extension

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law. This Ordinance may be terminated or extended by Ordinance duly adopted by the Council or it will automatically renew for one additional calendar year after April 26 of each year.

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EXHIBIT A



ENTERTAINMENT DISTRICT RULES:

NO MORE THAN 2 "TO GO" CUPS PER PATRON

NO BEVERAGES FROM OTHER VENDORS

BEVERAGES MUST BE IN AN APPROVED CUP

BUSINESS OWNERS HAVE THE RIGHT TO CHOOSE WHETHER OR NOT BEVERAGES ARE ALLOWED ON THEIR PREMISES

Ordinance Number 877-2020 Amended

APPROVED AND ADOPTED THIS 26th DAY OF June, 2023.

[SEAL]



ATTEST:


Kym Rollan, Acting City Clerk


J. Brian Puckett, Mayor


Chris Willis, Council Member


Chris VanCleave, Council Member


Alice Lobell, Council President


Laura Joseph, Council Member

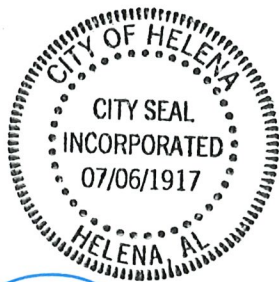

Harold Woodman, Council Member

**STATE OF ALABAMA
SHELBY COUNTY**

I, Kym Rollan, Acting City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 877-2020 Amended duly adopted by the Council of the City of Helena at its meeting held 26th day of June 2023, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 26th day of June 2023.

Given under my hand and corporate seal of the City of Helena, this the 26th day of June 2023.

[SEAL]




Kym Rollan, Acting City Clerk

CERTIFICATION

I, Kym Rollan, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 877-2023 Amended is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, on our website www.cityofhelena.org, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 26th day of June 2023, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 26th day of June 2023.

[SEAL]




Kym Rollan, Acting City Clerk