ORDINANCE NO: 13- _____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. Chapter 3, Article II, Section 3-27 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 3-27. Arts and Entertainment Districts.

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning.

Approved container means a purple colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is an arts and entertainment district permittee, bearing the name or logo of the district or the name or logo of the arts and entertainment district permittee.

Chapter 23 special event means a special event governed by chapter 23, article VI of this Code.

Arts and entertainment district or *district* means the districts established hereinafter in subsection (b) of this section, as such districts may be from time to time amended.

Arts and entertainment district area or *area* means public places within the art and entertainment district, except for an excluded public place.

Arts and entertainment district event means a chapter 23 special event that meets each of the following criteria:

a. The event is open to the general public and may or may not include an admission fee for entrance into the event.

b. The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Arts and entertainment district permittee or *permittee* means an on-premise retail city licensee permitted by the city in accordance with subsection (f) of this section.

Excluded public place means a public place within an arts and entertainment district that is not included within an arts and entertainment district area as follows:

a. a public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

b. property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

c. an area being used for a chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises; or

d. an area being used for a chapter 23 special event that is licensed to sell alcoholic beverages or that holds a bottle permit issued under section 3-23; or

e. the premises of a city licensee.

(b) *Purpose.*

(1) *Purpose of section.* The purpose of this section is:

a. to establish districts authorized by section 28-3A-17.1, Code of Ala. 1975, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against removal of open containers under subsections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of an other city business licensee under subsection 3-25(a); and

b. to establish regulations governing the district.

(2) *Purpose of arts and entertainment districts.* In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

(c) *Arts and entertainment districts established.*

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following two named and generally described districts, the Quigley District and the Meridian District, which are also shown on the appended map incorporated herein by reference, which districts shall constitute entertainment districts pursuant to section 28-3A-17.1, Code of Ala. 1975:

a. *Quigley District.* Beginning at the intersection of the East bank of Pinhook Creek and the North right of way (ROW) line for Clinton Ave NW;

thence from the point of beginning Northeast along the North ROW of Clinton Ave. NW to a point on the North ROW of Clinton Ave. and the East ROW of Monroe Street; thence Northwest along the North ROW of Clinton Ave West 327 feet to a point; thence South 32 Degrees 01 Minutes 55 Seconds East a distance of 255.6 feet to a point; thence South 57 Degrees 59 Minutes 51 Seconds West 319.6 feet to a point on the East margin of Monroe Street SW; thence South along the East ROW of Monroe Street to the North margin of Big Spring Park, said point further described as lying at the Southwest corner of the parking garage "M"; thence Northeast along the north margin of Big Spring Park 459.8 feet to a point; thence North 31 Degrees 07 Minutes West 133.6 feet to a point; thence North 58 Degrees 06 Minutes East 170.1 feet to a point on the West margin of Church Street; South 28 Degrees 44 Minutes East 74.1 feet to a point; thence North 62 Degrees 41 Minutes East 68.9 feet to a point on the East Margin of Church Street and the North margin of Big Spring Park East; thence continuing along the North margin of the park; to the intersection of said boundary with the West ROW of Spragins Street; thence North along the west ROW of Spragins to the intersection of the West ROW of Spragins with the North ROW of Spring Street extended; thence along the North ROW of Spring Street to the center of the block and an unnamed alley; thence Northwest along the unnamed alley crossing Clinton Ave. to a point on the North ROW of Holmes Ave.; thence along the North ROW of Holmes Ave. to a point on the East ROW of Greene Street; thence Southeast along the East ROW of Greene Street to the Southwest corner of Parking Lot "D"; thence Southwest crossing over Greene Street to a point on the West ROW of Greene Street; thence continuing Southwest along the property line to the center of the block being bounded by Homes Ave. to the North, Clinton Ave. to the South, Greene Street to the East and Washington Street to the West; thence Southeast along the property lines crossing over Clinton Ave. to a point on the South ROW of Randolph Ave.; thence Southwest along the South ROW of Randolph Ave. to the western most property line of the Church of Christ; thence Southeast along said property line and through Parking Lot "E" to a point on the North ROW of Eustis Ave.; thence Northeast along the North ROW of Eustis Ave. for 400 feet to a point; thence Southeast crossing over Eustis Ave. and following the Western most property line of 306 Eustis Ave., 230 feet to a point; thence Southwest to a point on the West ROW of Greene Street; thence continuing Southwest along a line South of the Church of Nativity to a point on the Eastern ROW of Franklin Street; thence Southeast along the Eastern ROW of Franklin Street to the intersection of the Eastern ROW of Franklin Street and the South ROW of Gates Ave., thence Southwest along the South ROW of Gates Ave. to the intersection of the South ROW of Gates Ave. and the West ROW of Madison Street; thence Northwest along the West ROW of Madison

Street to the intersection of the West ROW of Madison Street and the South ROW of Fountain Circle; thence Southwest along the South ROW of Fountain Circle and the South boundary of Big Spring Park East to a point on the East ROW of Church Street; thence Southeast along the East ROW of Church Street to the intersection of the East ROW of Church Street and the South ROW of Williams Ave.; thence Southwest along the South ROW of Williams Ave. to the intersection of the South ROW of Williams Ave. and the East ROW of Lowe Ave.; thence South and East along the East ROW of Lowe Avenue 740 feet to a point; thence due South crossing Lowe Avenue to a point on the North margin of Peter Fagan Creek; thence following the Northern margin of Peter Fagan Creek West for 714 feet to a point; thence crossing Peter Fagan Creek Southwest 150 feet to a point further described as being the Northeast corner of Williams Aquatic Center property; thence Northwest along the North boundary of the Aquatic Center for 300 feet to a point on the East margin of Monroe Street; thence South along the East ROW of Monroe Street 487 feet to a point, said point lying on the South Margin of Davis Circle extended and the South Margin of the traffic circle; thence North 61 Degrees West 105 feet to a point on the South margin of Heart of Huntsville Drive; thence Northwest along the South margin of Heart of Huntsville Drive 723 feet to a point; thence South 15 Degrees 15 Minutes West 95 feet to a point on the East margin of a parcel at 725 Constellation Place Drive; thence South along the East boundary of said parcel 632 feet to a point on the East margin of said property and the North margin of a private access road; thence Northwest along the North margin of said private access road to a point on the North margin of said access road and the South boundary of Constellation Place Drive; thence Northeast along the South boundary of Constellation Place Drive to a point on the South boundary of Constellation Place Drive and the South boundary of Heart of Huntsville Drive; thence N 44 Degrees 37 Minutes East 72.9 feet to a point on the North margin of Heart of Huntsville Drive; thence Southeast along the North margin of Heart of Huntsville Dive 683 feet to a point; thence Northwest along the Eastern margin of Pinhook Creek to the point of beginning; containing 105.8 acres more or less.

b. *Meridian District.* Beginning at the intersection of the West ROW of Dallas Street and the South ROW of Howe Ave.; thence North 32 Degrees 48 Minutes 16 Seconds West 52.1 feet to a point on the North Side of Howe Ave.; thence North 79 Degrees 51 Minutes West a distance of 139.5 feet to a point; thence North 32 Degrees 53 Minutes West a distance of 91.35 feet; thence North 03 Degrees 43 Minutes West a distance of 23.11 feet to a point; thence North 24 Degrees 37 Minutes East a distance of 139.48 feet to a point; thence North 04 Degrees 35 Minutes West a distance of 106.5 feet to a point on the South ROW of Pratt Ave.; thence West along the South ROW line of Pratt Ave a distance of

362.2 feet to a point on the Eastern ROW of the Norfolk Southern Railroad; thence Southwest along the Eastern ROW of the Norfolk Southern Railroad to the intersection of said railroad ROW and the South ROW of Cleveland Ave.; thence East along the South ROW of Cleveland Ave. to the intersection of the South ROW of Cleveland Ave. and the Western ROW of Meridian Street; thence South along the West ROW of Meridian Street a distance of 184.3 feet to a point; thence North 86 Degrees 01 Minutes East a distance of 150.6 feet to a point on the South ROW of Howe Ave.; thence Northeast along the South ROW line of Howe Ave 697 feet to the point of beginning; a tract of land 10.4 acres more or less.

(2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the arts and entertainment districts established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of an arts and entertainment district or permitting under this section.

(3) In the event an arts and entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to section 28-3A-17.1, Code of Ala. 1975, then the city may amend this section to either eliminate that particular arts and entertainment district or modify the district so as to remain in compliance with section 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(4) Where this section provides for the opening of a portion of an arts and entertainments district, that portion that is opened shall have not fewer than the required number of alcoholic beverage licensees.

(5) The arts and entertainment districts established in this subsection (c) shall operate separately from each other.

(d) *Opening of the district.*

(1) *Regular hours of district.* The regular hours of operation for an arts and entertainment district shall be between the hours of 5:00 p.m. to 11:00 p.m. on Thursday and between the hours of 12:00 noon to 11:00 p.m. on Friday, Saturday, and Sunday.

(2) *Arts and entertainment district event.*

a. An event organizer of a chapter 23 special event that is an arts and entertainment district event, including an organized event on private property that

requires city event services in accordance with section 23-202(d) of this Code, may request, with the organizer's application for a chapter 23 special event permit and on forms provided by the city, that an arts and entertainment district, or a portion thereof specified in the request, be opened during the chapter 23 special event.

b. The request shall be processed with the application for a chapter 23 special event permit and the event organizer, as that term is defined in chapter 23, article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the chapter 23 special event independent of the opening of the arts and entertainment district shall be governed by chapter 23, article VI of this Code.

c. The event organizer that requests that only a portion of the district be opened shall be responsible for the costs associated with delineating the partial opening of the district. A partial opening of the district and the manner of delineating the opening shall be subject to the approval of the event administrator.

d. The event administrator, as that term is defined in chapter 23, article VI of this Code, shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he may elect to obtain from the city's planning division, and to approve, approve with conditions, or disapprove the opening of all or a portion of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) *City-sponsored opening of the district.* At any time and from time to time the city may elect to sponsor the opening of all or a portion of an arts and entertainment district.

(e) *Conduct in the entertainment district.*

(1) The regulations of subsection 3-22(b) of this article, concerning the possession of an open container or drinking an alcoholic beverage in a public place, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the arts and entertainment district area during the hours of operation of the arts and entertainment district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsections 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premises, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of the arts and entertainment district permittee providing the same, during the hours of operation of the arts and entertainment district. Otherwise the regulations of subsections 3-24(a) through (c) shall apply.

(3) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the arts and entertainment district area during the hours of operation of the arts and entertainment district. Otherwise, the regulations of subsection 3-24(d) shall apply.

(4) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of an other city business licensee, shall not apply in the arts and entertainment district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise the regulations of section 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(5) It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for an alcoholic beverage and nothing in this section shall be construed to authorize the same.

(6) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at section 32-5A-330, Code of Ala. 1975.

(7) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking.

(f) *Permitting.*

(1) *Qualifications.* In order to qualify for an arts and entertainment district permit an applicant shall meet each of the following;

a. The applicant shall be a city licensee that is authorized by the city to sell alcoholic beverages at retail for on-premises consumption; and

b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period

against the city licensee or its owner related to the retail license or the operation of the city licensed premises.

(2) *Application process; permit duration.* A city licensee that meets the qualification of subsection (1) above may apply with the city-clerk's office to become an arts and entertainment district permittee by filling out a form provided by the city. The city clerk treasurer may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the liquor license review committee by filing a written notice of appeal with the city clerk-treasurer within 15 days after the denial. A permit shall be valid for a license year, at the end of which a renewal application must be made.

(3) *Action against permit.* A permit may be revoked, suspended, or not renewed by the city clerk-treasurer if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the city clerk-treasurer to the liquor license review committee by filing a written notice of appeal with the city clerk-treasurer within 15 days after the adverse action.

(g) *Security.*

(1) *Temporary closure of district.* At any time and from time to time, the chief of police shall have the authority to temporarily close an arts and entertainment district, or portions of the district, which includes the authority to require persons to disperse from the area, should he, in his sole discretion, determine it is appropriate to do so in order to protect the public health, safety, or general welfare. The arts and entertainment district shall remain closed until the chief of police allows the district to be re-opened. The city shall not be responsible for any costs incurred by any person as a result of the closing and the city shall still be entitled to a reimbursement for city services provided in connection with the opening of the district for an arts and entertainment district event.

(2) *Number of permits.* The chief of police shall have the authority at any time and from time to time to limit the number of arts and entertainment district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the city clerk-treasurer. If there is a question as to first in time, the city clerk-treasurer is authorized to conduct a random drawing to decide the issue.

Section 2. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

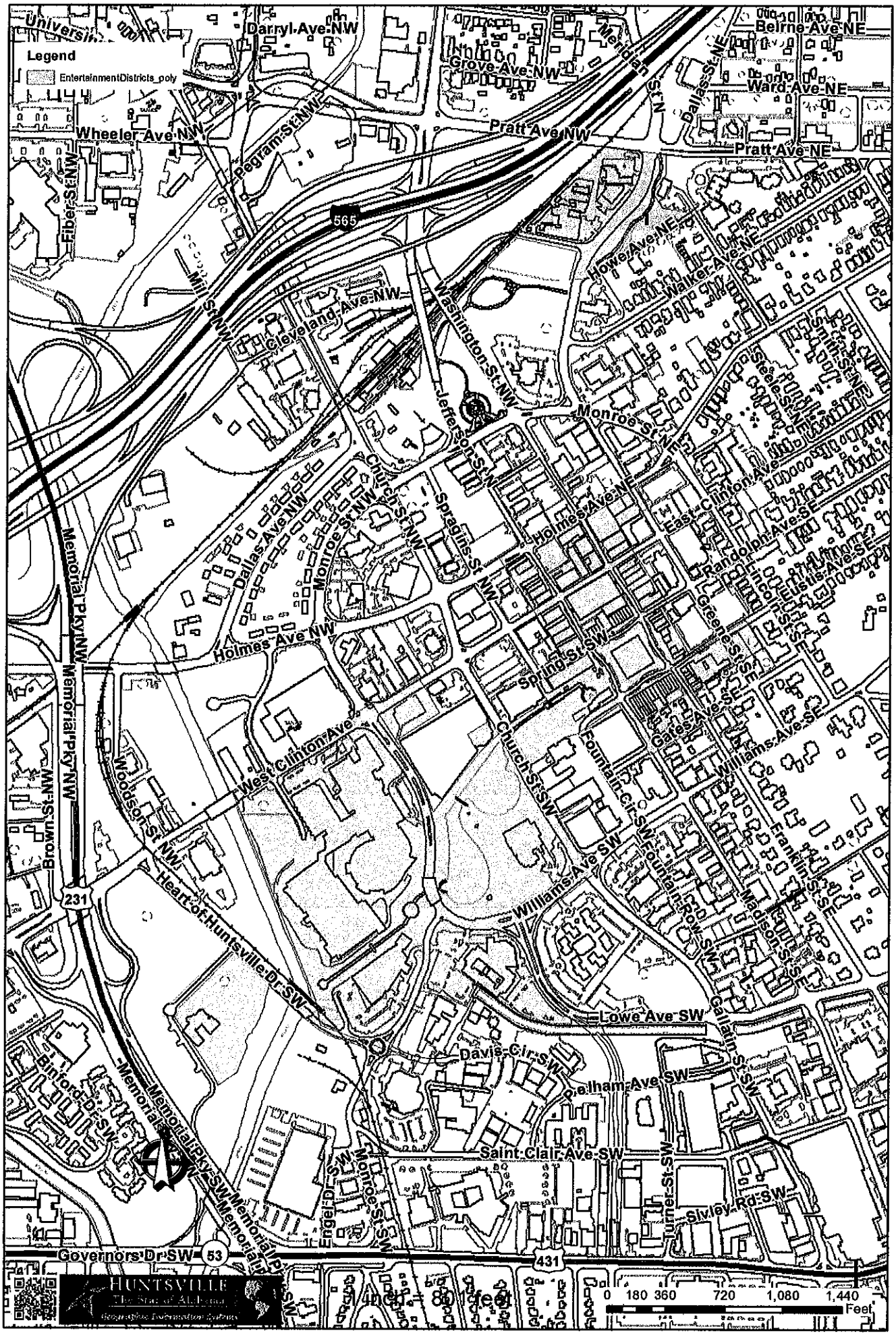
Section 3. This Ordinance shall become effective upon its adoption and approval.

ADOPTED this the _____ day of _____, 2013.

_____
President of the City Council
Of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2013.

_____
Mayor of the City of
Huntsville, Alabama


Legend
EntertainmentDistricts_poly
Darryl Ave NW
Grove Ave NW
Belrne Ave NE
Ward Ave NE
Wheeler Ave NW
Pratt Ave NW
Pratt Ave NE
Pegram St NW
Fiber St NW
565
Howe Ave NE
Walker Ave NE
Mill St NW
Cleveland Ave NW
Washington St NW
Jefferson St NW
Monroe St
Dallas Ave NW
Monroe St NW
Church St NW
Spragins St NW
Holmes Ave NE
East Clinton Ave
Randolph Ave SE
Eustis Ave SE
Memorial Pky NW
Holmes Ave NW
Spring St SW
Greene St
Gates Ave SE
Williams Ave SE
West Clinton Ave
Woodson St NW
Brown St NW
Church St SW
Fountain Cir SW
Fountain Row SW
Williams Ave SW
Franklin St
Madison St
231
Heart of Huntsville Dr SW
Lowe Ave SW
Gallatin St SW
Davis Cir SW
Pelham Ave SW
Bintford Dr SW
Memorial Pky SW
Saint Clair Ave SW
Monroe St SW
Engel Dr SW
Turner St SW
Slivley Rd SW
Governors Dr SW
53
431
HUNTSVILLE
The State of Alabama
Geographic Information Systems
1 inch = 80 feet
0 180 360 720 1,080 1,440
Feet