

ORDINANCE NO. 2011-22

AN ORDINANCE TO AMEND ORDINANCE NO. 2004-32 RELATING TO ALOCHOLIC BEVERAGES, SECTION 3-81. SCOPE OF REGULATIONS, AND SECTION 3-82. HOURS OF BUSINESS FOR ALCOHOLIC BEVERAGE LICENSEES; SALE OF ALCOHOLIC BEVERAGS TO MINORS; ETC.

BE IT ORDAINED, the City of Phenix City desires to amend Ordinance No. 2004-32 Alcoholic Beverages, Section 3-81. Scope of regulations, and Section 3-82. Hours of Business for Alcoholic Sales as set forth below:

Section 3-81. Scope of regulations.

The provisions of this article shall apply to all wines, whiskey, other distilled alcoholic spirits, and malt or brewed beverages.

Section 3-82. Hours of business for alcoholic beverage licensees; sale of alcoholic beverages to minors; etc.

(a) Monday thru Saturday; It shall be unlawful for any person to buy, give away, sell, or serve for consumption on or off premises, or to drink or consume any alcoholic beverages in any café, lunchroom, restaurant, hotel dining room, or other public place between the hours of 2:00 a.m. and 6:00 a.m. Eastern Time, with the exception that on New Year's Day licensees shall be allowed to serve said alcoholic beverages and to permit person to drink or consume said alcoholic beverages until 4:00 a.m. Eastern Time.

(b) Sunday; It shall be unlawful for any person to buy, give away, sell, or serve for consumption on or off premises, or to drink or consume any alcoholic beverages in any café, lunchroom, restaurant, hotel dining room, or other public place between the hours of 2:00 a.m. and 1:00 p.m. Eastern Time. On premise sales and distribution of alcoholic beverages are permitted in any café, lunchroom, restaurant, and hotel dining room after 1:00 p.m. Eastern Time. Off premise sales and distribution of alcoholic beverages are permitted after 1:00 p.m. Eastern Time. On premise sales are not allowed by any licensee not defined under Division II Section 3-101 of this chapter.

(c) It shall be unlawful for any person to buy, give away, sell, or serve for consumption on or off premises, any alcoholic beverage to a minor.

(d) All businesses licensed for on premise consumption of Alcoholic beverages that is devoted to serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to bars, taverns, nightclubs, lounges, and cabarets shall close when alcohol sales or on premise consumption is prohibited as per Section 3-82 (a) and (b) as set out above.

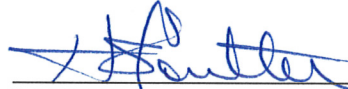
(e) A conviction for the violation of this section by the licensee of a licensed alcoholic beverage establishment or an employee of such licensee while working as such licensed establishment shall constitute an automatic revocation of the license to sell alcoholic beverages at the location where the violation occurred.

Any ordinance or heretofore adopted by the city council of the City of Phenix City, Alabama which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

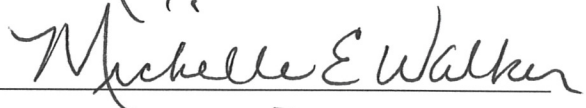
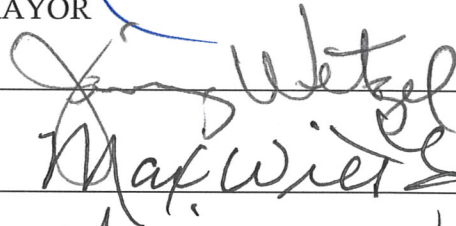
If any part, section or subdivision of this ordinance shall be held unconstitutional or invalidate for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This Ordinance shall become effective on October 1, 2011.

PASSED, APPROVED AND ADOPTED this 20th day of September, 2011.



MAYOR



MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:



CITY CLERK