

ORDINANCE NO. 2012-26

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, CHAPTER 3, RELATING TO ALCOHOLIC BEVERAGES, SECTION 3.9. DRINKING ON STREETS PROHIBITED, SECTION 3.81. SCOPE OF REGULATIONS, AND SECTION 3.82. HOURS OF BUSINESS FOR ALCOHOLIC BEVERAGE LICENSEES; SALE OF ALCOHOLIC BEVERAGES TO MINORS; ETC.

BE IT ORDAINED, by the City Council of the City of Phenix City, Alabama, that The Code of Ordinances of the City of Phenix City, Alabama, Chapter 3, relating to Alcoholic Beverages, Section 3.9. Drinking on Streets Prohibited is hereby amended to read as follows:

Sec. 3.9- Drinking on Streets prohibited.

It shall be unlawful for any person to drink spirituous, vinous, or malt liquors upon the streets of the City, except for those areas designated as an Entertainment District as set out by the Zoning Ordinance of the City of Phenix City, Alabama.

BE IT FURTHER ORDAINED, that Sections 3.81. Scope of Regulations, and Section 3.82. Hours of Business for Alcoholic Beverage Licensees: Sale of Alcoholic Beverages to Minors; Etc., having been amended previously per Ordinance 2011-22 are now hereby amended to read as follows:

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 persons to drink or consume said alcoholic beverages until 4:00 a.m. Eastern Time. On premise sales are not allowed Monday 12:00 a.m. to 2:00 a.m. by any licensee not defined under Division II Section 3-101 of this chapter.

(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.

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Reading
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Approved
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(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 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.

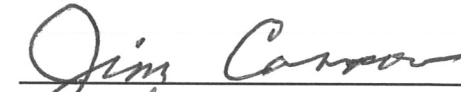
If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This ordinance shall become effective upon passage.

PASSED, APPROVED AND ADOPTED this 20th day of November, 2012.


MAYOR









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

ATTEST:


CITY CLERK

EXHIBIT A
DAILY SALES HOURS
Ordinance No. 2012-26

On Premises License (Restaurant per 3-101) and Off Premises License (convenience store or grocery store)

	No sales permitted			Sales permitted			No sales permitted			Sales permitted														
Monday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Tuesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Wednesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Thursday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Friday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Saturday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Sunday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm

On Premises License (Bar - does not meet the requirements of 3-101)

	No sales/not permitted to open			Sales permitted/can be open for business																				
Monday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Tuesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Wednesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Thursday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Friday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Saturday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Sunday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm

EXHIBIT B
NEW YEAR'S DAY SALES HOURS
Ordinance No. 2012-26

New Years Day Only - if the day falls on New Years Day (Restaurant)

	Sales permitted												No sales											
Monday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Tuesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Wednesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Thursday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Friday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Saturday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Sunday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm

New Years Day Only - if the day falls on New Years Day (Bar)

	Sales permitted/can be open for business												No sales/not permitted to open											
Monday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Tuesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Wednesday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Thursday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Friday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Saturday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
Sunday	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm

