

ORDINANCE #1, 2017

REGULATING TO POSSESSION, CONSUMPTION AND DISPENSING OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES WITHIN THE CITY OF DORA, ALABAMA

WHEREAS, the City of Dora, Alabama, has previously enacted an ordinance regulating and limiting the possession, consumption and dispensing (with or without consideration) of alcoholic beverages in “public places” as defined in Ordinance #5, September 6, 2011 of the City of Dora, Alabama, more specifically known as the Dora Alcohol Ordinance; and

WHEREAS, such restriction has proven to be unwieldy and, in certain circumstances, restrictive to the point that it is viewed as being unduly restrictive and harmful to the efforts of the City to promote, *inter alia*, entertainment and economic development; and

WHEREAS, the City Council of the City of Dora, Alabama, is of the opinion that the location restrictions for the possession, consumption and dispensing (not including sale) of alcoholic beverages should more closely conform to the requirements of state law, and be consistent with similar restrictions found in state law and the laws and municipalities which are situated similarly to the City of Dora.

BE IT THEREFORE ORDAINED,

Section 1. Section 3. OFFENSES IN PUBLIC, of the Dora Alcohol Ordinance is hereby amended to read as follows:

- (a) It shall be unlawful for any person to drink, sell, serve, dispense or give away or attempt to drink, sell, serve, dispense, or give away, any liquor, wine or malt or brewed beverages while upon any street, alley, or any public building or upon any public property, or while in any other public place in the City. As used in this section, the term “public place” shall mean and include public parks, city and other governmental buildings, school buildings and grounds, playgrounds, any store or other location holding a license for retail, restaurant, or any kind of amusement whatsoever, including without limitation a dance hall, a location upon which any athletic competition is held, or the premises upon which any of the above is located, together with any portion of any premises, other than a single family residence, which is not enclosed by walls, and which is visible from a public right of way, provided, however, that such term shall not include any premises which have been duly licensed by the City of Dora or the State of Alabama for the sale of such beverages as are located thereon.
- (b) It is provided, however, consistent with *Ala. Code* §13A-11-1 (1975), that where the following enumerated public buildings or portions of said public buildings have been engaged for a private gathering, the building or portion of the building so engaged shall not be deemed a “public place”: the “Horse Creek Golf Course Club Clubhouse” or by whatever name it may hereafter be known, located at 1745 Highway 78, Dora, Alabama, including any patios, verandas, porches, and other areas within the curtilage or yard of the clubhouse.
- (c) Notwithstanding the provisions of said subsection (b) hereinabove, the outside grounds and parking areas of the public buildings therein specified

shall be and remain a public place, notwithstanding the engagement of said building or portion thereof for such private gathering.

Section 2. The provisions of this Ordinance are severable. If any part, section, subsection or subdivision of this Ordinance shall be held unconstitutional or invalid 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.

Section 3. This Ordinance shall become effective immediately upon adoption and publication as provided by law.

Done and ordered this the 13th day of July, 2017.