

Proposed Revisions to Existing Provisions

Chapter 3 - ALCOHOLIC BEVERAGES

ARTICLE III. - RETAIL SALES OF BEER, MALT BEVERAGES AND WINE FOR CONSUMPTION ON THE PREMISES

Sec. 3-73. - Open area, deck and patio sales.

Every license to sell alcoholic beverages for consumption on the premises at a location within the boundaries of the “Entertainment District” described in Section 12-7.1(A) of the City Code includes the privilege to serve such alcoholic beverages within open areas, decks, patios or similar unenclosed spaces on the licensed premises. For licensees located outside of the Entertainment District, no consumption and/or sale of alcoholic beverages shall be allowed in open areas, decks, patios or similar unenclosed spaces on the premises of an establishment licensed to sell alcoholic beverages unless written application is made to and approved by the governing authority under such conditions as it may deem appropriate for the protection of public health, safety and welfare including, but not limited to, maximum capacity, ingress and egress.

ARTICLE IV. - RETAIL SALES OF DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES

Sec. 3-95. - Open area, deck and patio sales.

Every license to sell alcoholic beverages for consumption on the premises at a location within the boundaries of the “Entertainment District” described in Section 12-7.1(A) of the City Code includes the privilege to serve such alcoholic beverages within open areas, decks, patios or similar unenclosed spaces on the licensed premises. For licenses located outside of the Entertainment District, no consumption and/or sale of alcoholic beverages

AVONDALE ESTATES ENTERTAINMENT ZONE OPEN CONTAINER DRAFT 5.20.21

shall be allowed in open areas, decks, patios or similar unenclosed spaces on the premises of an establishment licensed to sell alcoholic beverages unless written application is made to and approved by the governing authority under such conditions as it may deem appropriate for the protection of public health, safety and welfare including, but not limited to, maximum capacity, ingress and egress.

Chapter 12 - MISCELLANEOUS PROVISIONS AND OFFENSES

Sec. 12-7. - Public intoxication; consumption; transporting open containers of alcoholic beverages.

(b) No person shall consume alcoholic beverages or transport open containers of alcoholic beverages on or upon public areas, except where authorized under the provisions of Section 15-4 pertaining to consumption of alcoholic beverages in city parks or Section 12-7.1 pertaining to permitted open containers in the “Entertainment District.”

Chapter 15 - PARKS AND RECREATION

Sec. 15-4. - Alcoholic beverages.

No person shall serve, consume, or transport in open containers any alcoholic beverage within a city park or recreation facility, except during city-sponsored events held in a city park or recreation facility for which alcohol has been approved by the city manager, or in parks located within the “Entertainment District” boundaries described by Section 12-7.1(A).

Proposed New Section

Section 12-7.1. Entertainment District Exception to Prohibition on Open Containers of Alcohol in Public.

It shall not be a violation of the City Code for persons at least twenty-one (21) years of age to possess or consume alcohol within the designated open container “Entertainment District” in accordance with the limitations of this section.

A. Description of Entertainment District:

The open container Entertainment District is defined as all city-owned sidewalks, accessory zones, alleys, parks, parking lots, streets officially closed to traffic, and crosswalks while being used for direct crossing from one side of a street to the other, within the area described by the following geographic parameters:

- i. The southern boundary is the curb at the northern edge of US 278, the western and northern boundaries are conterminous with the City limits, and the eastern boundary is roughly coterminous with the City limits but excludes the single-family residential neighborhood with addresses on Windsor Terrace, Oakham Place, Melford Place and Ashton Place.
- ii. A map depicting the Entertainment District boundaries in red is as follows:
- iii.

B. Alcohol Must be Obtained from Licensed Vendor

Open containers of alcohol are only allowed pursuant to this section if the wine, beer, malt beverage or distilled spirit was obtained by purchase from an establishment licensed to sell such beverage for consumption on the premises that is located within the Entertainment District described in part (A) of this section.

C. Alcohol Must be Contained in Approved Cup.

Open containers of alcohol are only allowed pursuant to this section if the wine, beer, malt beverage or distilled spirit is contained in an approved 12 ounce compostable plastic cup bearing the designated logo or mark approved by the city manager. Such cups may be purchased from the City only by establishments licensed to sell alcohol for consumption on the premises with a location within the Entertainment District. Alcoholic beverages must be obtained pursuant to a lawful sale within the licensed premises and placed in the approved cup before exiting the licensed premises.

D. Limit of One Open Container Per Person.

No person shall remove more than one (1) alcoholic beverage from a licensed premises at a time, nor be in possession of more than one open container in public.

E. Permitted Hours for Open Containers.

Possession or consumption of alcohol in an open container pursuant to this section is strictly limited to the hours established for lawful consumption on premises pursuant to Chapter 3 of the City Code.

F. Required Signage.

Any establishment that provides patrons with approved compostable plastic cups and allows patrons to leave the premises with an alcoholic beverage pursuant to this section shall post an 11-inch by eight and one-half inch sign at each exit which includes a reproduction of a map depicting the Entertainment District boundaries in red and setting forth the following text:

"Patrons leaving this establishment with an alcoholic beverage must only possess such alcoholic beverage in an approved 12 ounce clear plastic cup and shall not remove said beverage from the entertainment district boundary outlined on the map below. Any individual that leaves the premises with an alcoholic beverage in an unauthorized open container or leaves the designated entertainment district with an open container is in violation of city code and subject to arrest or citation."

G. Non-Abrogation of Other Laws.

This section is not intended to and shall not be construed to abrogate any State law, nor to abrogate any City ordinance except as specifically set forth herein. By way of example and not limitation, open containers of alcohol remain strictly prohibited in the following circumstances:

- i. Inside any motor vehicle, whether moving or parked;
- ii. Upon a street open to vehicular traffic (except for crossing within a crosswalk as described in this section);
- iii. Inside any building owned or operated by the City of Avondale Estates (except as may be authorized by the city manager for special events); and
- iv. By intoxicated persons.