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**Sec. 4-70. Drinking in public; consumption of alcohol on City streets prohibited or limited in certain areas.**

- (a) Except as provided in subsection (b) of this section or in a licensed establishment, it shall be unlawful for any person to consume any alcoholic beverage in or upon any street, alley, sidewalk or other public way or place in the City or within any public building. Except as provided in subsection (b) of this section, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of an alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, or within any public building within the City limits.
- (b) Consumption of alcohol in an open container outside of a licensed establishment shall be allowed only in the locations specified below:
- (1) Inside the Historic Courthouse Building by a licensed caterer as set forth in section 4-144;
  - (2) On the patio of a licensed establishment which meets all of the requirements and is specifically licensed for patio sales in accordance with section 4-146;
  - (3) Outdoor special event permit.
    - a. This subsection shall apply to all events except those exempted by (ii) below. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by Mayor and Council to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special event permit and license under this subsection. The license shall be granted for a maximum of ~~three~~ five consecutive days (provided the state issues a permit) and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises. A permit fee of \$1.00 per square foot or \$2,000.00, whichever is greater, shall be charged per event payable at the time of issuance of the permit. The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant. Security officers shall be off duty Police Officers or Sheriff's deputies from the County or one of its municipalities.
    - b. This subsection shall apply only in the case of an event sponsored by the City. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by the City Manager to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special event permit and license under this subsection. An application fee of \$100.00 shall be submitted with the special event application. The license shall be granted for a maximum of ~~three~~ five consecutive days (provided the state issues a permit) and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises;
  - (4) A person may remove an alcoholic beverage purchased from an establishment licensed for consumption on the premises and possess and consume said alcoholic beverage subject to the following requirements:
    - a. The alcoholic beverage shall be purchased from an establishment licensed for consumption on the premises and located within the Downtown Entertainment District;

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- b. The alcoholic beverage shall be in a shatterproof or plastic cup no larger than 16 ounces;
  - c. Only one drink at a time per person may be carried out of an establishment;
  - d. The hours of open carry under this paragraph shall be Monday through Sunday from 11:00 a.m. until 11:59 p.m.
  - e. The beverage cannot be carried into an establishment that does not serve alcohol unless permitted by the establishment; and
  - f. The area in which this subsection applies shall be known as the Downtown Entertainment District. The boundaries of the Downtown Entertainment District are established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City Manager. If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the City to which this subsection applies.

(Ord. No. 2023-4, 10-23-2023)

#### **Sec. 4-71. Outdoor special event permit minimum requirements.**

- (a) The following are minimum special event permit requirements for the exemptions set forth in subsection 4-70(b)(3).
  - (1) The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant; however, there shall be a minimum of one security officer for all events. Security officers used to comply with this section shall be off-duty police officers or sheriff's deputies from the County or one of its municipalities.
  - (2) An outdoor special event permit shall only be granted within the Downtown Entertainment District.
  - (3) A separate event application shall be required for any party/person/use seeking to obtain an outdoor special event permit.
- (b) The following additional regulations shall apply to dispensing and drinking alcohol pursuant to the exceptions set forth in subsection 4-70(b)(3) and shall be made conditions of each special event permit issued for such exceptions:
  - (1) *Two drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup or aluminum container, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time and provided the alcohol is consumed in the area specified in the special event permit granted in subsection 4-70(b)(3).
  - (2) *Size limitation.* No container in which an alcoholic beverage is dispensed or served pursuant to subsection 4-70(b)(3) shall exceed 16 fluid ounces in size; provided, however, that beer or a malt beverage may be dispensed or served in a container up to but not exceeding 24 fluid ounces in size. No person shall hold in possession within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size, except for a container of beer or a malt beverage which shall not exceed 24 fluid ounces in size.
  - (3) *Drinking from glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a glass container or to possess in a glass container any alcoholic beverage outside ~~or in~~ the defined area.

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(4) Commemorative Ceramic Mug: It shall be permitted in the defined area to drink from a mug made of ceramic material, created to honor, celebrate or remember the event. The mug should serve as a keepsake for individuals attending the event.

~~(54)~~ *Drinking outside the designated area.* It shall be a violation of this article to take an alcoholic beverage served in the designated area outside of the designated area for any reason.

~~(65)~~ *Hours and days.* It shall be unlawful for any person to purchase, distribute, or consume alcoholic beverages outside of the hours of sale provisions contained in this article.

(Ord. No. 2023-4, 10-23-2023)