

ORDINANCE NO. 2022-298

**AN ORDINANCE ESTABLISHING AN
ARTS & ENTERTAINMENT DISTRICT IN TOWN MADISON**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON,
ALABAMA**, as follows:

Section 1. A new Article V of the *Code of Ordinances of the City of Madison* is hereby established and adopted into Chapter 4 of the City Code, which is entitled Alcoholic Beverages, as follows:

Article V. Arts and entertainment district.

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning:

Approved container means a Kelly green-colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is an arts and entertainment district permittee, bearing the name or logo of the district or the name or logo of the arts and entertainment district permittee.

Arts and entertainment district or *district* means the district established hereinafter in subsection (b) of this section, as such district may be from time to time amended.

Arts and entertainment district area or *area* means public places within the art and entertainment district, except for an excluded public place.

Arts and entertainment district event means a Chapter 24 special event that meets each of the following criteria:

- (1) The event is open to the general public and may or may not include an admission fee for entrance into the event.
- (2) The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Arts and entertainment district permittee or *permittee* means an on-premise retail city licensee permitted by the city in accordance with subsection (f) of this section.

Special Event means a special event governed by Chapter 24, article IV of this Code.

Excluded public place means a public place within the arts and entertainment district that is not included within the arts and entertainment district area as follows:

- (1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
- (2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;

- (3) An area being used for a Special Event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;
- (4) An area being used for a Special Event that is licensed to sell alcoholic beverages or that holds a bottle permit; or
- (5) The premises of a city licensee.

(b) *Purpose.*

- (1) *Purpose of section.* The purpose of this section is:
 - a. To establish districts authorized by Code of Ala. 1975, § 28-3A-17.1, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place, regulations against removal of open containers under subsections, regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection, and regulations against brown bagging on the premises of another city business licensee under; and
 - b. To establish regulations governing the district.
- (2) *Purpose of arts and entertainment districts.* In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

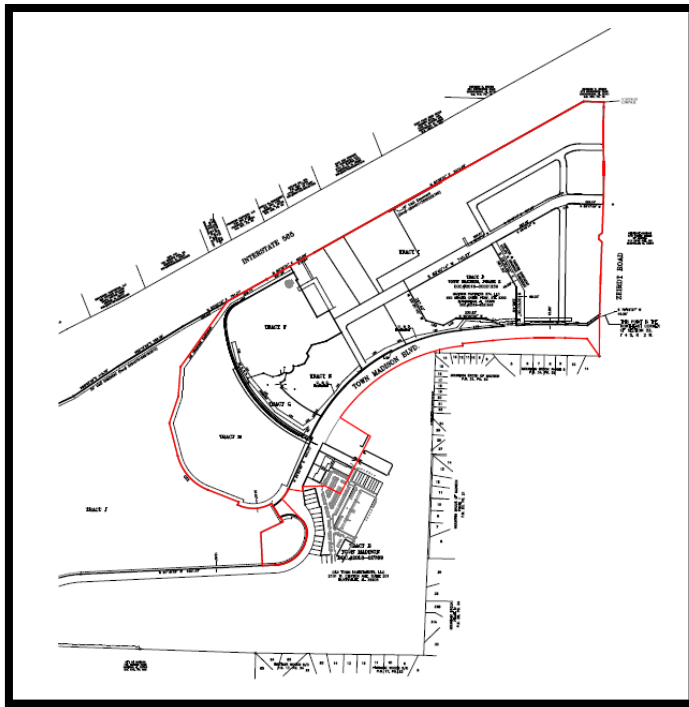
(c) *Town Madison Arts and Entertainment District established.*

- (1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the Town Madison Arts and Entertainment District, which is also shown on the appended map incorporated herein by reference, which district shall constitute an entertainment district pursuant to Code of Ala. 1975, § 28-3A-17.1:

ALL THAT PART OF THE SOUTH ONE-HALF OF SECTION 15 AND THE NORTH ONE-HALF OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 15, THENCE SOUTH 79 DEGREES 26 MINUTES 27 SECONDS WEST, 46.26 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY OF ZEIRDT ROAD WITH THE NORTH RIGHT-OF-WAY OF TOWN MADISON BOULEVARD, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE FROM THE POINT OF BEGINNING SOUTH 00 DEGREES 21 MINUTES 23 SECONDS WEST AND ALONG THE SAID WEST RIGHT-OF-WAY OF ZEIRDT ROAD, 308.14 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SAID TOWN MADISON BOULEVARD; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY, NORTH 34 DEGREES 48 MINUTES 45 SECONDS WEST, 166.47 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID SOUTH RIGHT-OF-WAY, NORTH 88 DEGREES 10 MINUTES 49 SECONDS WEST, 172.98 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SAID SOUTH RIGHT-OF-WAY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4214.00 FEET, A

CHORD BEARING AND DISTANCE OF SOUTH 87 DEGREES 59 MINUTES 52 SECONDS WEST, 561.78 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID SOUTH RIGHT-OF-WAY, SOUTH 84 DEGREES 10 MINUTES 32 SECONDS WEST, 240.33 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID SOUTH RIGHT-OF-WAY, SOUTH 05 DEGREES 49 MINUTES 28 SECONDS EAST, 18.00 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID SOUTH RIGHT-OF-WAY AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1336.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 59 DEGREES 38 MINUTES 44 SECONDS WEST, 1109.34 FEET TO A POINT; THENCE LEAVING THE SAID SOUTH RIGHT-OF-WAY, SOUTH 57 DEGREES 55 MINUTES 09 SECONDS EAST, 279.13 FEET TO A POINT; THENCE SOUTH 27 DEGREES 48 MINUTES 18 SECONDS WEST, 280.87 FEET TO A POINT; THENCE SOUTH 27 DEGREES 28 MINUTES 05 SECONDS WEST, 225.43 FEET TO A POINT; THENCE NORTH 62 DEGREES 31 MINUTES 55 SECONDS WEST, 134.45 FEET TO A POINT; THENCE SOUTH 88 DEGREES 18 MINUTES 54 SECONDS WEST, 176.06 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SAID TOWN MADISON BOULEVARD; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY, SOUTH 07 DEGREES 44 MINUTES 25 SECONDS EAST, 38.52 FEET TO A POINT; THENCE NORTH 81 DEGREES 05 MINUTES 53 SECONDS WEST, 117.32 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID TOWN MADISON BOULEVARD; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 302.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 33 DEGREES 29 MINUTES 23 SECONDS WEST, 90.25 FEET TO A POINT; THENCE SOUTH 43 DEGREES 01 MINUTES 16 SECONDS EAST, 231.40 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID TOWN MADISON BOULEVARD; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 138.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 20 DEGREES 45 MINUTES 40 SECONDS EAST, 104.55 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID NORTH RIGHT-OF-WAY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 259.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 44 DEGREES 24 MINUTES 47 SECONDS WEST, 352.71 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID NORTH RIGHT-OF-WAY, SOUTH 87 DEGREES 19 MINUTES 39 SECONDS WEST, 101.27 FEET TO A POINT; THENCE LEAVING THE SAID NORTH RIGHT-OF-WAY, NORTH 02 DEGREES 40 MINUTES 21 SECONDS WEST, 260.30 FEET TO A POINT; THENCE NORTH 64 DEGREES 32 MINUTES 55 SECONDS EAST, 191.28 FEET TO A POINT; THENCE NORTH 31 DEGREES 06 MINUTES 57 SECONDS WEST, 42.29 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 406.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 59 DEGREES 04 MINUTES 35 SECONDS WEST, 2.72 FEET TO A POINT; THENCE NORTH 30 DEGREES 43 MINUTES 53 SECONDS WEST, 104.00 FEET TO A POINT; THENCE NORTH 31 DEGREES 04 MINUTES 12 SECONDS WEST, 23.49 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 278.59 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 87 DEGREES 41 MINUTES 55 SECONDS WEST, 264.93 FEET TO A POINT; THENCE NORTH 21 DEGREES 27 MINUTES 44 SECONDS EAST, 24.09 FEET TO A POINT; THENCE NORTH 68 DEGREES 32 MINUTES 16 SECONDS WEST, 259.54 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 390.58 FEET, A CHORD BEARING AND DISTANCE OF NORTH 41 DEGREES 25 MINUTES 30 SECONDS WEST, 356.01 FEET TO A POINT; THENCE NORTH 14 DEGREES 18 MINUTES 44 SECONDS

WEST, 262.86 FEET TO A POINT; THENCE NORTH 18 DEGREES 26 MINUTES 08 SECONDS EAST, 220.64 FEET TO A POINT; THENCE NORTH 04 DEGREES 25 MINUTES 46 SECONDS EAST, 232.05 FEET TO A POINT; THENCE NORTH 35 DEGREES 30 MINUTES 39 SECONDS EAST, 627.29 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE HIGHWAY 565; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY, NORTH 60 DEGREES 40 MINUTES 16 SECONDS EAST, 356.14 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID SOUTH RIGHT-OF-WAY, NORTH 60 DEGREES 39 MINUTES 32 SECONDS EAST, 2837.62 FEET TO A POINT; THENCE LEAVING THE SAID SOUTH RIGHT-OF-WAY, SOUTH 88 DEGREES 13 MINUTES 04 SECONDS EAST, 158.44 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF SAID ZEIRDT ROAD; THENCE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 01 DEGREES 27 MINUTES 45 SECONDS WEST, 37.84 FEET TO A POINT OF CURVATURE; THENCE ALONG THE SAID WEST RIGHT-OF-WAY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 9039.37 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 00 DEGREES 27 MINUTES 47 SECONDS WEST, 315.36 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 00 DEGREES 54 MINUTES 40 SECONDS EAST, 111.06 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 6425.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 00 DEGREES 34 MINUTES 38 SECONDS WEST, 333.78 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 02 DEGREES 03 MINUTES 56 SECONDS WEST, 225.99 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 53 DEGREES 24 MINUTES 21 SECONDS WEST, 32.02 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 02 DEGREES 03 MINUTES 56 SECONDS WEST, 30.00 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 49 DEGREES 16 MINUTES 28 SECONDS EAST, 32.02 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 02 DEGREES 03 MINUTES 56 SECONDS WEST, 258.33 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST RIGHT-OF-WAY, SOUTH 01 DEGREES 38 MINUTES 58 SECONDS WEST, 327.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 120.23 ACRES, MORE OR LESS.



- (2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the arts and entertainment districts established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of an arts and entertainment district or permitting under this section.
 - (3) In the event the arts and entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to Code of Ala. 1975, § 28-3A-17.1, then the city may amend this section to either eliminate the arts and entertainment district or modify the district so as to remain in compliance with Code of Ala. 1975, § 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.
 - (4) Where this section provides for the opening of a portion of the arts and entertainment district, that portion that is opened shall not have fewer than the required number of alcoholic beverage licensees.
 - (5) Reserved.
- (d) *Opening of the district.*
- (1) *Regular hours of district.* The regular hours of operation for the arts and entertainment district shall be between the hours of 11:00 a.m. and 11:00 p.m. from Monday through Saturday. Each Sunday these hours shall be between 11:00 a.m. and 9:00 p.m.

- (2) *Arts and entertainment district event.*
 - a. An event organizer of a Special Event that is an arts and entertainment district event, including an organized event on private property that requires city event services, may request, with the organizer's application for a Special Event permit and on forms provided by the city, that the arts and entertainment district, or a portion thereof specified in the request, be opened during the Special Event.
 - b. The request shall be processed with the application for a Special Event permit and the event organizer, as that term is defined in chapter 24 of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the Special Event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the Special Event independent of the opening of the arts and entertainment district shall be governed by chapter 24 of this Code.
 - c. The event organizer that requests that only a portion of the district be opened shall be responsible for the costs associated with delineating the partial opening of the district. A partial opening of the district and the manner of delineating the opening shall be subject to the approval of the event administrator.
 - d. The Mayor or his or her designee shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he or she may elect to obtain from the city's planning division, and to approve, approve with conditions, or disapprove the opening of all or a portion of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.
- (3) *City-sponsored opening of the district.* At any time and from time to time, the city, through the mayor or his or her designee, may elect to sponsor the opening of all or a portion of the arts and entertainment district.
- (e) *Conduct in the entertainment district.*
 - (1) The regulations of subsection Section 4-5 of this article, concerning the possession of an open container or drinking an alcoholic beverage in a public place, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the arts and entertainment district area during the hours of operation of the arts and entertainment district. Otherwise, the regulations of Section 4-5 shall apply.
 - (2) It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for an alcoholic beverage and nothing in this section shall be construed to authorize the same.
 - (3) It shall be unlawful for a person to take more than two approved containers with alcoholic beverages from a licensed premise at one time.
 - (4) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at Code of Ala. 1975, § 32-5A-330.
 - (5) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking;

(f) *Permitting.*

- (1) *Qualifications.* In order to qualify for an arts and entertainment district permit, an applicant shall meet each of the following:
 - a. The applicant shall be a city licensee that is authorized by the city to sell alcoholic beverages at retail for on-premises consumption; and
 - b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to the retail license or the operation of the city licensed premises.
- (2) *Application process; permit duration.* A city licensee that meets the qualification of subsection (1) above may apply with the city clerk's office to become an arts and entertainment district permittee by filling out a form provided by the city. The city clerk-treasurer may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the liquor license review committee by filing a written notice of appeal with the city clerk-treasurer within 15 days after the denial. A permit shall be valid for a license year. Any licensee wishing to renew a permit within the District must file a new application at least 30 days prior to the expiration of the permit. Upon expiration of the permit, and irrespective of whether a renewal application is pending with the City, no former licensee shall be allowed to issue approve containers until such time a new permit is issued.
- (3) *Action against permit.* A permit may be revoked, suspended, or not renewed by the city clerk-treasurer if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the city clerk-treasurer to the Council by filing a written notice of appeal with the city clerk-treasurer within 15 days after the adverse action.

(g) *Security.*

- (1) *Temporary closure of district.* At any time and from time to time, the chief of police shall have the authority to temporarily close the arts and entertainment district, or portions of the district, which includes the authority to require persons to disperse from the area, should he, in his sole discretion, determine it is appropriate to do so in order to protect the public health, safety, or general welfare. The arts and entertainment district shall remain closed until the chief of police allows the district to be re-opened. The city shall not be responsible for any costs incurred by any person as a result of the closing and the city shall still be entitled to a reimbursement for city services provided in connection with the opening of the district for an arts and entertainment district event.
- (2) *Number of permits.* The chief of police shall have the authority at any time and from time to time to limit the number of arts and entertainment district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the city clerk-treasurer. If there is a question as to first in time, the city clerk-treasurer is authorized to conduct a random drawing to decide the issue.

Section 2. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

Section 3. No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

Section 4. That this ordinance shall become effective thirty (30) days upon its adoption and proper publication as required by law.

READ, PASSED AND ADOPTED this _____ day of _____, 2022.

*Greg Shaw, Council President
City of Madison, Alabama*

ATTEST:

*Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama*

APPROVED this _____ day of _____, 2022.

*Paul Finley, Mayor
City of Madison, Alabama*