

ORDINANCE NUMBER 13-4142

BE IT ORDAINED by the City Council of Decatur, Alabama as follows:

Section 1. That Section 2.5-5 of the Code of Decatur, Alabama is hereby amended to read as follows:

“Section. 2.5-5. Offenses in public.

Except as authorized in the Arts and Entertainment District by the provisions of Article IX of Chapter 25 of this Code it shall be unlawful for any person to drink, sell, serve, dispense or give away, or attempt to drink, sell, serve or give away, any liquor, wine or malt or brewed beverages, while upon any street, alley or in 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 any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include public parks, city hall, library, school buildings, auditoriums, any store or place where merchandise of any kind is offered for sale, any theater or other place of amusement and any athletic contest; provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of such beverages.”

Section 2. That subsection (b) of Section 2.5-15 of the Code of Decatur, Alabama is hereby amended to read as follows:

“(b) It shall be unlawful for any person to:

(1) Possess any opened container containing alcoholic beverages while upon or along any public street road or highway in the city or while on any automobile or other motor vehicle on or along any public street road or highway in the city, or while in any other public place in the city.

(2) Possess or use any alcoholic beverages at any public park, without city council approval, municipal playground, municipal recreation facility, school playground, school stadium or school recreational facility.

(3) Possess alcoholic beverages in an open glass, bottle, cup, can, keg, bag or other receptacle not its original container while upon or along any public street road or highway in the city or while on any automobile or other motor vehicle on or along any public street road or highway in the city, or while in any other public place in the city.”

Section 3. That the Code of Decatur, Alabama is hereby amended by adding a subsection to be numbered subsection (c) of Section 2.5-15, which subsection reads as follows:

“(c) The above notwithstanding this section shall not apply to any person that has in his or her possession alcoholic beverages in an open container in the passenger area of a motor vehicle of any

kind on a public highway or right-of-way of a public highway as defined by Act No. 2000-670 duly adopted by the Alabama Legislature. State law shall govern in such situations.”

Section 4. That the Code of Decatur, Alabama is hereby amended by adding a subsection to be numbered subsection (d) of Section 2.5-15, which subsection reads as follows:

“(d) The above notwithstanding this section shall not apply to any person that has in his or her possession alcoholic beverages in an open container within the boundaries of the Arts and Entertainment District to the extent and manner authorized by the provisions of Article IX of Chapter 25 of this Code.”

Section 5. This ordinance shall become effective upon its approval and publication as provided by law.

Adopted this _____ day of April, 2013.

Attest:

City Clerk

Approved this _____ day of April, 2013.

Mayor, City of Decatur