

ORDINANCE NUMBER 2021 - 2157

AN ORDINANCE AMENDING THE  
ATHENS ALCOHOLIC BEVERAGE ORDINANCE

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WHEREAS, the City Council desires to amend the Athens Alcoholic Beverage Ordinance to (i) clarify that the ordinance's definitions of terms apply where different than those term's definitions in state law, (ii) add regulations concerning boutique hotels and their sale of beer and wine, and (iii) clarify that the City will accept the same types of background checks for alcohol license applicants that are accepted by the State ABC Board.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on March 8<sup>TH</sup>, 2021, at 5:30 p.m., as follows:

**Section 1.** The introductory paragraph of Section 6-33 of the *Code of Ordinances of the City of Athens* is hereby amended so that it states as follows:

**Sec. 6-33. - Definitions.**

Unless they are otherwise defined below, whenever used in this article, the definitions set forth in the Code of Ala. 1975, § 28-3-1 are hereby adopted by reference, and made a part hereof as if fully set forth herein. In addition thereto, the following terms shall have the meanings herein specifically ascribed to them:

**Section 2.** Section 6-33 of the *Code of Ordinances of the City of Athens* is hereby amended to add the definition of "Boutique Hotel" as follows:

**Boutique Hotel means a building or part thereof, located within the Program Area of Athens Main Street, occupied as the more or less temporary abiding place of individuals in which at least two (2) rooms, but no more than fifteen (15) such rooms, each with a bathroom, are regularly, usually and separately occupied singularly for hire, in which rooms no provision for cooking is made, for the accommodation of the occupants and guests. The boutique hotel will reflect the unique exterior architecture and interior design of the historic character of downtown Athens. A boutique hotel shall maintain a central, internal lobby, and all rooms shall be accessible only from the interior of the building. A boutique hotel shall be held out to the public for housing accommodations of travelers or transients, but shall not include a bed and breakfast establishment, rooming house, or a boarding house.**

**Section 3.** Sections 6-34(b) and (c) of the *Code of Ordinances of the City of Athens* are hereby amended so that they state as follows:

**Sec. 6-34. - Restriction of locations and manner of sale.**

(b) *Types of businesses allowed to sell beer/wine for off-premises consumption.* In addition to all other regulations and restrictions, no licensee in the city with a license issued by the state alcoholic beverage control board for:

- (1) Retail table wine license for off-premises consumption;
- (2) Retail table wine license for on-premises and off-premises consumption;
- (3) Retail beer for on-premises and off-premises consumption;
- (4) Retail beer for off-premises consumption;
- (5) A manufacturer license; and/or
- (6) A brewpub license

shall be permitted to sell beer and wine for off-premises consumption unless the same is a convenience store, grocery store, a merchandise store with incidental table wine sales, a brewpub, a taproom, a restaurant in the case of sales pursuant to Ala. Code § 28-3A-20.1, a hotel, or a boutique hotel.

(c) *Limits of types of businesses allowed to sell alcoholic beverages in a Traditional Zone.* In addition to all other regulations and restrictions, no facility or property located in a Traditional Zone shall be authorized for the retail sale of alcoholic beverages, whether for on-premises or off-premises consumption, except for the following:

- (1) Restaurants that sell alcoholic beverages for only on-premises consumption (except for sales for off-premises consumption pursuant to Ala. Code § 28-3A-20.1);
- (2) Convenience stores that sell beer and/or table wine for only off-premises consumption;
- (3) Grocery stores that sell beer and/or table wine for only off-premises consumption;
- (4) Merchandise store with incidental table wine sales;
- (5) Brewpubs;
- (6) Taprooms;
- (7) Bed and Breakfast establishments, serving alcoholic beverages for only on-premises consumption by overnight guests;
- (8) Persons holding a special events retail license for on-premises consumption, or a nonprofit special events retail license for on-premises consumption; and
- (9) Boutique hotels, serving beer and/or table wine for on and/or off-premises consumption.

**Section 4.** Section 6-73 of the *Code of Ordinances of the City of Athens* is hereby amended so that it states as follows:

**Sec. 6-73. - Application for lounge, club, restaurant, etc., license; deposit.**

Each applicant, pursuant to section 6-71, shall make application to the city council as required in this article. Said application shall be upon an appropriate form supplied by the city clerk-treasurer, or duly authorized representative, and shall be signed and verified by oath or affirmation by the applicant, if a natural person, or in the case of a partnership, association or unincorporated enterprise, by a partner, limited liability company (LLC) or managing member thereof, or in the case of a corporation, by an executive officer thereof. The applicant shall deposit with the city clerk-treasurer the required application fee that includes the background check with the Alabama Bureau of Investigation (or a background check from a source that is otherwise acceptable to the Board) and the amount of publication costs to be incurred hereunder upon filing the application.

**Section 5.** 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 6.** No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

**Section 7.** The provisions of this Ordinance shall be included and incorporated in the *Code of Ordinances of the City of Athens* as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED this the 8<sup>TH</sup> day of March, 2021.

  
WAYNE HARPER, CITY COUNCIL PRESIDENT

  
WILLIAM R. MARKS, MAYOR

ATTEST:

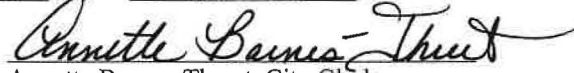
  
ANNETTE BARNES-THREET, CITY CLERK

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA     )  
LIMESTONE COUNTY    )

I, Annette Barnes-Threet, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the 8<sup>th</sup> day of March, 2021.

Witness my hand and seal of office this the 8<sup>th</sup> day of March, 2021.

  
Annette Barnes-Threet, City Clerk