

RECOMMENDED BY: The Mayor
The Public Safety Committee

SUBMITTED BY: The City Attorney

ORDINANCE NO. 18-51

AN ORDINANCE TO AMEND SEC. 12-10-7 OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, AS AUTHORIZED BY ALABAMA ACT NO. 2018-387, TO ALLOW FOR SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION WITHIN THE CITY OF BIRMINGHAM IN JEFFERSON COUNTY BEGINNING AT 10:00 A.M. ON SUNDAY.

WHEREAS, Alabama Act 2018-387 provides that the Birmingham City Council may authorize the sale of alcoholic beverages for on-premises consumption on Sunday commencing at 10:00 a.m. within the City of Birmingham in Jefferson County; and,

WHEREAS, the Mayor and the Council of the City of Birmingham desire to authorize establishments with licenses for on-premises consumption to begin sales of alcoholic beverages on Sundays at 10:00 a.m. to encourage further tourism and economic development within the City's flourishing restaurant and hospitality industry; and,

WHEREAS, Sec. 12-10-7 of the General Code of the City of Birmingham is not consistent with existing law, Alabama Act No. 90-177, authorizing approval of alcoholic beverage sales within Jefferson County after noon on Sundays.

SECTION 1.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Birmingham that Sec. 12-10-7 of the General Code of the City of Birmingham be and hereby is amended to approve and authorize the sale and consumption of alcoholic beverages at businesses licensed for on-premises consumption within the City of Birmingham in Jefferson County to begin at 10:00 a.m. on Sundays and to read as follows:

“Sec. 12-10-7. - When sales prohibited.

(a) It shall be unlawful for any person to sell, offer for sale or to serve or dispense for reward or offer to serve or dispense for reward, any liquor, wine, malt beverage or brewed beverage in any place licensed for on-premises consumption of liquor, wine, malt beverage or brewed beverage in the city within Jefferson County at any time between the hours of 2:00 a.m. and 10:00 a.m. on Sunday;

except that sales may be made during such time on Sunday by bona fide private clubs and in hotel or motel guest rooms where permitted by state alcoholic beverage control board regulations.

(b) It shall be unlawful for any person, whether a liquor, wine or beer licensee or not, to sell, offer for sale or to serve or dispense for reward or offer to serve or dispense for reward, any liquor, wine, malt beverage or brewed beverage in any place not licensed for on-premises consumption or elsewhere in the city at any time between 2:00 a.m. and 12:00 p.m. on Sunday; except that sales may be made during such time on Sunday by bona fide private clubs and in hotel or motel guest rooms where permitted by state alcoholic beverage control board regulations.

(c) Nothing in this ordinance shall be construed as affecting the sale and distribution of alcoholic beverages in the city within Shelby County, which are governed by Ala. Const. Shelby County § 0.50 (Al. Const. Amend. No. 893).

SECTION 2. SEVERABILITY. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication as required by law.

