

ORDINANCE NO: 012-2018

AN ORDINANCE AMENDING ORDINANCE NO: 003-2012, AN ORDINANCE REGULATING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF GOOD HOPE, ALABAMA, PROVIDING LICENSING PROCEDURES AND ESTABLISHING PUNISHMENT FOR VIOLATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOOD HOPE AS FOLLOWS:

SECTION 1. This ordinance is an ordinance amending Ordinance No. 003-2012 as follows:

SECTION 2. Subsection 2 of Section 4, entitled "Location of Premises; Zoning Districts; Near Church or School" is amended to state as follows:

(2) Subject to exceptions contained in this section, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where the building in which the premises are located is less than twelve hundred (1200) feet from any building in which there is a church, public or private elementary, intermediate, middle or junior high, high school or child development facility. The aforesaid distance restrictions shall not apply in the following enumerated cases:

- (a) Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes and the minimum distance between the licensed premises and the church or school building is at least five hundred (500) feet.
- (b) Where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of twelve (12) months the above restrictions do not apply.
- (c) Where the City licensed premises is a grocery store as defined in Ordinance No: 003-2012.
- (d) Where the City licensed premises is authorized for only on-premises sale of alcoholic beverages, the minimum distance between the licensed premises and a church, public or private elementary, intermediate, middle or junior high, high school or child development facility is four hundred (400) feet.
- (e) Where the licensed premises meets the State of Alabama's requirement of a brewpub or a manufacturer, the minimum distance between the building in which the premises are located must be a minimum of seven hundred (700) feet from a church, public or private elementary, intermediate, middle or junior high, high school or child development facility

SECTION 3. All other provisions of Ordinance 003-2012 of the City of Good Hope, Alabama as amended, shall remain in full force and effect.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict repealed.

SECTION 5. The section, paragraph, sentence, clause, word, and phrase of the Ordinance are severable, and if any phrase, clause, word, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs, phrase, clause, word, sentence or section since the same would have been enacted by the City of Good Hope without incorporation of such unconstitutional paragraph, phrase, clause, word, sentence, or section.

SECTION 6. This Ordinance shall take effect upon its adoption and publication as required by law.

ADOPTED this the 23rd day of JULY, 2018.



Jerry Bartlett, Mayor

ATTEST:



City Clerk

