

ORDINANCE NUMBER 2600

**ORDINANCE ESTABLISHING THE ROCKY RIDGE
ENTERTAINMENT DISTRICT**

WITNESSETH THESE RECITALS:

WHEREAS, Act 2012-438 as amended by Act 2013-382 now appearing as Section 28-3A-17.1, *Code of Alabama, 1975*, authorized certain municipalities in the State of Alabama to establish entertainment districts within its corporate limits; and

WHEREAS, the Legislature of the State of Alabama enacted Act No. 2015-267, which became law on May 27, 2015, to authorize the City of Vestavia Hills, Alabama to establish no more than three (3) entertainment districts within the corporate City limits; and

WHEREAS, pursuant to the terms and provisions and conditions of Act No. 2015-267, the City Council wishes to establish an entertainment district for the purpose of regulating the sale and consumption of alcoholic beverages as provided herein below.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, as follows:

SECTION 1. Under the authority granted in Section 1 of Act No. 2015-267 of the Alabama Legislature, there shall be hereby established the Rocky Ridge Entertainment District with the areas and boundaries as set forth and designated in Exhibit A.

SECTION 2. Any licensee who receives an entertainment district designation for an on-premise retail license from the Alabama Alcoholic Beverage Control Board shall comply with all laws, rules, and regulations which govern its license type, except that the patrons, guests or members of that licensee may exit that licensed premises with open containers of alcoholic beverages and consume alcoholic beverages anywhere within the confines of the entertainment district but may not enter another licensed premises with open containers or closed containers of alcoholic beverages acquired elsewhere.

SECTION 3. No licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises in bottles or glass containers.

SECTION 4. Except for special events as permitted by the Alabama Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, no alcoholic beverages

purchased outside of the district shall be allowed in open containers in the Entertainment District.

SECTION 5. Alcoholic beverages may be sold at licensed premises and consumed within the entertainment district designation boundaries during the following days and hours:

Sunday through Thursday from Noon to 9:00 PM

Friday and Saturday from Noon to 11:00 PM

SECTION 6. This Ordinance shall become effective upon passage, approval and publication or as otherwise.

DONE, ORDERED, ADOPTED and APPROVED this the 28th day of September, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2600 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28th day of September, 2015, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk

**ROCKY RIDGE
ENTERTAINMENT DISTRICT
BOUNDARY DESCRIPTION**

Commence at the NE Corner of Lot 9 of Countrywood Trace Garden Homes as recorded Map Book 167 Page 14 in the Probate of Jefferson County, Alabama. Located in NW ¼ of Section 32 Township-18 South- Range 2 West.

Thence run westerly along the northerly line of lots 9-8-7-6 and 5, to the Northwestern corner of Lot 5 of the said Countrywood Trace Garden Homes.

Thence turn and run southerly along the westerly line of lots 5-4-3-2 and 1 of the said Countrywood Trace Garden Homes to the south west corner of Lot 1 of the said Countrywood Trace Garden Homes. Said point being on the northerly right of way line of Ridgedale Drive.

Thence turn and run westerly along the said northerly right of way line of Ridgedale Drive for a distance of 125 feet to a point on the said northerly right of way line, thence turn and run southerly across Ridgedale Drive to a point on the southerly right of way line of Ridgedale Drive. Said point being the northeast corner of Lot 2B of a Resurvey of Lot 2 Rocky Ridge Estates as recorded in Map Book 159 Page 65 in the Probate Office of Jefferson County.

Thence run southerly along the easterly line of the said Lot 2B to the Southeast corner of the said Lot 2B, thence turn and run westerly along the south line of Lot 2 B and Lot 2A to the Southwesterly corner of Lot 2A of the said resurvey of Lot 2 Rocky Ridge Estates. Said Corner being on the easterly right of way line of Rocky Ridge Road.

Thence run in a northwesterly direction across Rocky Ridge Road to a point on the Westerly right of way line of Rocky Ridge Road. Said point being the southeast corner of a parcel of property as recorded in Deed Book 201416 Page 23608. Thence run westerly along the south line of said parcel to the southwest corner of said parcel. Said southwest corner of said parcel also being the Northeast corner of Lot 21 of The Glen of Vestavia as recorded in Map Book 211 Page 56 in the probate office of Jefferson County, Alabama.

Thence run westerly along the north line of lots 21-20-19-18-17 and 16 to the northwest corner of Lot 16 of said The Glen of Vestavia. Thence turn and run northerly along the easterly line of lots 14-13 and 12 to the Northeast corner of Lot 12 of said The Glen of Vestavia.

Thence turn and run westerly along the north line of lots 12-11-10 and 9 to the Northwest corner of the said Lot 9 of said The Glen of Vestavia. Thence continue along the last described course for a distance of 112.55 feet to a point. Thence turn and run Northeasterly a distance of 330 feet more or less to a point located on the northerly right of way line of Morgan Drive. Said point being the Southeasterly corner of a parcel of property as recorded in Deed Book 9808 Page 0905 in the Probate Office of Jefferson County, Alabama.

Thence run northerly along the easterly line of the said parcel as recorded in said Deed Book 9808 page 0905 for a distance of 896.91 feet more or less to a corner point on the said easterly line of said parcel. Thence turn and run easterly along the projected northerly property line of a parcel of property as recorded in Deed Book 200207 Page 8191 in the probate office of Jefferson County, Alabama a distance of 88.66 feet more or less to the northwesterly corner of said parcel as recorded in Deed Book 200207 Page 8191. Thence continue along the said northerly line of said parcel 180.30 feet more or less to a point. Said point being the southwest corner of a parcel as recorded in Book 4445 Page 930.

Thence run northerly along the westerly line of said parcel recorded in Book 4445 page 930 for a distance of 121.40 feet more or less to the northwest corner of said parcel. Thence turn and run easterly along the northerly line of said parcel a distance of 238.1 feet more or less to the northeast corner of said parcel. Said corner being on the westerly right of way line of Rocky Ridge Road. Thence turn and run southerly along the westerly right of way of Rocky Ridge Road a distance of 139 feet more or less to the southeast corner of said parcel. Said southeast corner of said parcel being the northeast corner of a parcel of property as recorded in deed book 200207 Page 8191 in the Probate Office of Jefferson County, Alabama.

Thence continue in a southerly direction along the westerly right of way line of said Rocky Ridge Road 121.12 feet to the southeasterly corner of said parcel as recorded in deed book 200207 Page 8191. Said southeasterly corner of said parcel also being the northeasterly corner of a parcel of property as deeded in Deed Book 200206 Page 7465 in the Probate Office of Jefferson County, Alabama.

Thence continue in a southerly direction along the said westerly right of way of said Rocky Ridge Road for a distance of 120.94 feet to the southeast corner of said parcel as recorded in Deed Book 200206 Page 7465. Said southeast corner also being the northeast corner of a parcel as recorded in Deed Book 200407 page 7258 in the Probate Office of Jefferson County, Alabama.

Thence continue in a southerly direction along the said westerly right of way of Rocky Ridge Road for a distance of 131.55 feet to the southeast corner of said parcel recorded in Deed Book 200407 page 7258.

Thence turn and run southeasterly across Rocky Ridge Road to a point on the easterly right of way line of said Rocky Ridge Road. Said point being the northwest corner of Lot 2 Oak Park Plaza as recorded in Map Book 153 page 23. Thence continue along the northerly line of said Lot 2 to the northeast corner of said Lot 2. Said northeast corner also being the northwest corner of Lot 1-A Resurvey of Oak Park Plaza as recorded in Map Book 191 Page 19 in the Probate Office of Jefferson County, Alabama. Thence continue along the northerly line of said Lot 1-A to the northeast corner of said Lot 1-A. thence turn and run southerly along the easterly line of said lot 1-A to the southeast corner of said Lot 1-A.

Thence continue along the last described course a distance of 66.0 feet more or less to the point of beginning.

Rocky Ridge Entertainment District



PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
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September 1, 2015

By Electronic Mail and Regular Mail

City Clerk Rebecca Leavings
Vestavia Hills Municipal Center
513 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Proposed Ordinance to Establish An Entertainment District

Dear Mrs. Leavings:

On August 17, 2015, you sent to me via electronic mail a proposed ordinance regarding the establishment of an entertainment district with a request that I review the same and provide you with any suggested revisions. The purpose of this letter is to comply with your request.

In order to advise you as requested, I reviewed the following:

1. Act Number 2012-438 as amended by Act 2013-382 now appearing as Title 28-3A-17.1 and Title 28-3A-20.1, *Code of Alabama, 1975*.
2. Act Number 2015-267.
3. City of Dothan Ordinance.
4. One opinion of the State of Alabama Attorney General.
5. I consulted with the Alabama League of Municipalities, but it does not have any information regarding this subject and simply referred me to the City of Montgomery.

September 1, 2015

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I do not have any recommendations for modifications of the body of the ordinance. However, I do recommend that the preamble be amended so as amended to read in words and figures as follows:

“WITNESSETH THESE RECITALS:

WHEREAS, Act 2012-438 as amended by Act 2013-382 now appearing as Section 28-3A-17.1, *Code of Alabama, 1975*, authorized certain municipalities in the State of Alabama to establish entertainment districts within its corporate limits; and

WHEREAS, the Legislature of the State of Alabama enacted Act No. 2015-267, which became law on May 27, 2015, to authorize the City of Vestavia Hills, Alabama to establish no more than three entertainment districts within the corporate City limits; and

WHEREAS, pursuant to the terms, provisions and conditions of Act No. 2015-267, the City Council wishes to establish an entertainment district for the purpose of regulating the sale and consumption of alcoholic beverages as provided herein below.”

Please call me if you have any questions regarding any matters set forth in this legal opinion.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

cc: City Manager Jeff Downes (by e-mail/regular mail)