

STATE OF ALABAMA)
CITY OF ASHLAND)

ORDINANCE NO: 2021-04-19-02

AN ORDINANCE TO PERMIT THE SALE OF DRAFT AND KEG BEER BY RETAIL LICENSEES OF THE ALCOHOLIC BEVERAGE CONTROL BOARD FOR ON-PREMISES CONSUMPTION AND FOR OFF-PREMISES CONSUMPTION

WHEREAS Section 45-14A-10 of the Code of Alabama grants the Ashland City Council the authority to permit, by ordinance, the sale of draft or keg beer by retail licensees of the Alcoholic Beverage Control Board for on-premises consumption and off-premises consumption; and

WHEREAS the Ashland City Council wishes to enact the authority of Section 45-14A-10 and pass this ordinance to permit the sale of draft and keg beer;

NOW, THEREFORE, BE IT ORDAINED by the Ashland City Council:

1. That draft and/or keg beer within the City of Ashland is hereby authorized and shall be legal to be sold, delivered, or donated as provided in the state alcoholic beverage control boards.
2. It shall be unlawful:
 - a. For any retail licensee, without an additional authorizing state license, to sell draft beer in other than open containers for consumption on the premises where sold, or to permit the patron to leave the premises with draft or keg beer which was dispensed and sold on the premises.
 - b. For any retail license, without an additional authorizing state license, to repackage keg or draft beer for sale.
3. This ordinance shall be read in conformity with and deemed cumulative to the “City of Ashland Alcoholic Beverage Ordinance,” Ordinance No. 2016-04-04-01, and any amendments thereto.
4. If any subsection, sentence, clause, phrase, or word of this ordinance or any application of it to any person, structure, or circumstance is held invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or application of this ordinance.
5. This ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter hereof and to be subordinate to the same and in no manner intended to supersede any such statutes. Any provision hereof in conflict with any provision of any State statute shall be construed to be in harmony with the same where possible and otherwise be subordinate to and superseded by the provisions of such statute.

6. This ordinance shall become effective in the City of Ashland, Alabama, upon its adoption and publication according to law and further upon certification by the City Clerk that the legalized sale of draft or keg beer in the city has been authorized pursuant to provisions of the laws of the State of Alabama.

ADOPTED this the _____ day of _____, 2021.

Larry J. Fetner, Mayor

Dianne Ballard, Council Member

Bobbie Steed, Council Member

Kim M. Cain, Council Member

Annette F. Gaither, Council Member

Tommy Cantrell, Council Member

ATTESTED TO:

Chelsey Wynn, City Clerk/Administrator