

ORDINANCE NO. 2018-08

AN ORDINANCE AMENDING ORDINANCE NUMBER 2016-12 OF THE TOWN OF TRINITY, ALABAMA BY AMENDING CERTAIN DISTANCE RESTRICTIONS FROM 1,000 FEET AND 500 FEET TO 250 FEET

WHEREAS, the Town Council of the Town of Trinity, Alabama adopted Ordinance No. 2016-12, which regulated alcoholic beverage sales and which included certain distance restrictions; and

WHEREAS, the Council has reconsidered the distance restrictions and found them to be excessive and not conducive to economic growth.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Trinity, Alabama, as follows, to-wit:

SECTION 1. Section 1-4(b) of Ordinance Number 2016-12 of the Town of Trinity is hereby amended by deleting the entire language of said Section and substituting the following so that hereafter said Section 1-4(b) shall read, in its entirety, as follows:

"b. In addition to all other regulations and restrictions, and subject to exceptions contained in this section, no package store, facility or property shall be authorized for the sale of off-premises consumption of alcoholic beverages where the facility or property is less than 250 feet from any church, public or private elementary, intermediate, middle or junior high or high school, nursing home or assisted living or child development facility. The aforesaid distance restriction in this subsection shall not apply in the following enumerated cases:

1. Where the church, school, nursing home or assisted living or child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of 12 months; or
2. Where the establishment upon the facility or property is a grocery store as defined herein."

SECTION 2. Section 1-18(a) of Ordinance Number 2016-12 of the Town of Trinity is

hereby amended by deleting the entire language of said Section and substituting the following so that hereafter said Section 1-18(a) shall read, in its entirety, as follows:

"a. Sale of retail liquor for off-premises consumption.

1. In addition to all other regulations and restrictions, no facility or property shall be authorized for the sale of retail liquor for off-premises consumption where the same is situated in any zoning district other than the B-1, B-2 and B-3 zones. The sale of retail liquor for off-premises consumption shall only be permitted in the B-1, B-2 and B-3 zones subject to such other rules and regulations as prescribed by law, including, without limitation, conditional use regulations prescribed by the Town's zoning ordinance.

2. In addition to all other regulations and restrictions, and subject to exceptions contained in this subsection, no package store shall be authorized for the sale of retail liquor for off-premises consumption where the building in which the premises are located is less than 250 feet from any church, public or private elementary, intermediate, middle or junior high or high school, nursing home or assisted living or child development facility. The method of measurement shall be the same method as found in section 1-4. The 250 feet shall not apply where the church, school, nursing home or assisted living or child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of 12 months."

SECTION 3. Section 1-18(b)(2) of Ordinance Number 2016-12 of the Town of Trinity is hereby amended by deleting the entire language of said Section and substituting the following so that hereafter said Section 1-18(b)(2) shall read, in its entirety, as follows:

"2. In addition to all other regulations and restrictions, no package store shall be authorized for the sale of retail liquor for off-premises consumption where the facility or property is less than two hundred fifty (250) feet from another package store that (i) has previously been authorized for the sale of retail liquor for off-premises consumption and (ii) is currently licensed for the sale of retail liquor for off-premises consumption. When measuring from these facilities or properties, the closest point on the exterior wall of the buildings occupied by the persons selling or seeking to sell alcoholic beverages shall be used for measurement purposes. If a building is not solely occupied by that person, then the measurement shall be made from the closest

point of that person's occupancy within the building in question. The method of measurement is a straight line from the aforementioned defined points."

SECTION 4. Except as specifically amended hereby Ordinance No. 2016-12 shall remain in full force and effect as originally adopted.

SECTION 5. This Ordinance shall be deemed effective upon its adoption and publication according to law.

ADOPTED and APPROVED this 13 day of August, 2018.



Vaughn Goodwin, Mayor

ATTEST:

(SEAL)



Barbara L. Jones, Town Clerk

LWM/zif 12/11/2018 10:00 AM
T108-18M
Barbara L. Jones
Notary Public, AL State at Large
My Commission Expires April 12, 2021