



OFFERED BY SENATOR CHESTEEN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, there is a process for establishing community development districts that meet certain requirements. Once established, the board of control of the district may authorize the sale of alcoholic beverages within the district by certain entities otherwise licensed by the Alcoholic Beverage Control Board.

This bill would provide for an additional community development district that meets certain criteria. Upon formation of the district, the sale of alcoholic beverages would be authorized in the district.

A BILL
TO BE ENTITLED
AN ACT

Relating to community development districts; to amend Section 35-8B-1, Section 35-8B-2, and Section 35-8B-3, Code of Alabama 1975, to provide for an additional community development district that meets certain criteria.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 35-8B-1, Section 35-8B-2, and



29 Section 35-8B-3, Code of Alabama 1975, are amended to read as
30 follows:

31 "§35-8B-1

32 (a) (1) "Community development district" means a private
33 residential development that meets all of the following
34 criteria:

35 a. Is a size of at least 250 acres of contiguous land
36 area.

37 b. Has at least 100 residential sites, platted and
38 recorded in the probate office of the county as a residential
39 subdivision.

40 c. Has streets that were or will be built with private
41 funds.

42 d. Has a social club with all of the following:

43 1. An 18-hole golf course of regulation size.

44 2. A restaurant or eatery used exclusively for the
45 purpose of preparing and serving meals, with a seating
46 capacity of at least 60 patrons.

47 3. Social club memberships with at least 100 paid-up
48 members who have paid a membership initiation fee of not less
49 than two hundred fifty dollars (\$250) per membership.

50 4. Membership policies whereby membership is not denied
51 or impacted by an applicant's race, color, creed, religion, or
52 national origin.

53 5. A full-time management staff for the social
54 activities of the club, including the management of the
55 premises where food and drink are sold.

56 (2) The sale of any alcoholic beverages in any



57 community development district established under this
58 subsection shall be subject to a tax levied by the county on
59 any sale at the same rate as the tax on any sale of liquor in
60 the largest municipality in the county in which the district
61 is established and shall be distributed as provided in Section
62 35-8B-5.

63 (b) "Community development district" also means
64 privately owned property used for social purposes that meets
65 all of the following criteria:

66 (1) Is a size of at least 250 acres of contiguous land
67 area.

68 (2) Is located in a dry county that has one or more wet
69 municipalities, but outside the corporate limits of any
70 municipality.

71 (3) Is a social club with all of the following:

72 a. An 18-hole golf course of regulation size.

73 b. A marina and boat storage facility with at least 35
74 spaces.

75 c. A clubhouse with more than 20,000 square feet.

76 d. A restaurant or eatery used exclusively for the
77 purpose of preparing and serving meals, with a seating
78 capacity of at least 88 patrons.

79 e. At least 600 paid-up golf or social members who have
80 paid a membership initiation fee of not less than two thousand
81 dollars (\$2,000) per family or individual membership.

82 f. Membership policies whereby membership is not denied
83 or impacted by an applicant's race, color, creed, religion, or
84 national origin.



85 g. A full-time management staff for the social
86 activities of the club, including the management of the
87 premises where food and drink are sold.

88 (c) In addition to the limitations specified in Section
89 35-8B-3, with regard to a community development district
90 defined in subsections (a) and (b), alcoholic beverages shall
91 be sold only for on-premises consumption, as defined in
92 Section 35-8B-3(a)(3), and in regard to a community
93 development district defined in subsection (b), alcoholic
94 beverages shall not be sold within 3,000 feet of the south
95 right-of-way of any state or federal highway adjacent to any
96 such district.

97 (d) (1) "Community development district" also means a
98 private residential development that may or may not include
99 additional contiguous privately-owned property used for
100 residential, social, commercial, or charitable purposes that
101 meets all of the following criteria:

102 a. Is the size of at least 650 acres of contiguous land
103 area, but may also contain ~~non-contiguous~~ noncontiguous land
104 if so divided by a public highway which shall be made part of
105 the district per the articles of establishment.

106 b. Is located in a dry county that has one or more wet
107 municipalities, but may be outside the corporate limits of any
108 municipality or within the corporate limits of a municipality.

109 c. Has all of the following:

110 1. At least a 9-hole golf course.

111 2. An amenity complex to include a fitness center and a
112 swimming pool.



113 3. A clubhouse with at least 7,000 square feet.

114 4. A restaurant or eatery used for the purpose of
115 preparing and serving meals, with a seating capacity of at
116 least 50 patrons.

117 5. A recreational lake of at least 30 acres.

118 6. At least 200 paid-up golf or club memberships paid
119 initially by either the developer, residential landowners, or
120 commercial entities located within the district at the rate of
121 at least five hundred dollars (\$500) per membership provided
122 the developer reserves the right through residential and
123 commercial lease and purchase agreements to require additional
124 membership and initiation fees and further provided the
125 developer has the discretion to restrict use of the golf
126 course to district landowners and guests or at the developer's
127 discretion to extend use of the golf course to the general
128 public subject to fees set and determined by the developer
129 which may differ from fees applicable to residential and
130 commercial lease and purchase agreements.

131 7. Membership policies whereby membership is not denied
132 or impacted by an applicant's race, color, religion, or
133 national origin.

134 d. May include a multi-purpose use entertainment
135 facility with a minimum capacity to accommodate at least 7,500
136 patrons.

137 e. May include commercial establishments.

138 (2) Notwithstanding any other provisions of law, the
139 sale and distribution of alcoholic beverages, including draft
140 or keg beer, by licensees of the Alcoholic Beverage Control



141 Board shall be authorized in a community development district
142 defined under this subsection, and Section 35-8B-3 shall not
143 apply.

144 (e) "Community development district" also means a
145 commercial district located in a wet county that does not
146 authorize Sunday sales and outside the corporate limits and
147 police jurisdiction of any municipality and which has a
148 restaurant with a seating capacity of at least 120, a
149 grocery-delicatessen, riding stables and riding trails, a
150 community information center, outdoor programming activities,
151 and rural lifestyle demonstrations.

152 (f) "Community development district" also means a
153 commercial district located in a wet county that does not
154 authorize Sunday sales, has a restaurant with a seating
155 capacity of at least 120, is adjacent to a marina with at
156 least 34 boat slips, and is located on property where the
157 marina and restaurant are under common ownership.

158 (g) "Community development district" also means a
159 commercial district that includes a marina located on a river
160 in an unincorporated area of a wet county that does not
161 authorize seven-day sales with two separate food and beverage
162 buildings with a combined space of at least 7,500 square feet
163 connected by a boardwalk and separated by a patio with an
164 entertainment stage.

165 (h) "Community development district" also means a
166 commercial district located in a dry county that shares a
167 geographic border with another state, has an elevation of at
168 least 1,500 feet, and has a recreational waterway, specialty



169 shops and restaurants, summer camps and retreat centers, an
170 art gallery, and annual festivals showcasing the area.

171 (i) (1) "Community development district" also means a
172 commercial district that borders on a lake that is formed by
173 an impounded reservoir of a river whose source is in a federal
174 wilderness area and has a marina with not less than 30 boat
175 slips and a restaurant with seating capacity of not less than
176 100 seats of which not less than 50 seats must be inside
177 seating and is located on property where the marina and
178 restaurant are under common ownership. In addition to any
179 other requirements by law, the restaurant shall obtain a
180 business license from the local governing body having primary
181 jurisdiction of the property where the restaurant is located
182 and shall be subject to additional regulation as determined
183 necessary by the local governing body. Only one restaurant
184 license per community development district shall be allowed.

185 (2) The sale of any alcoholic beverages in any
186 community development district established under this
187 subsection shall be subject to a tax levied by the county on
188 any sale at the same rate as the tax on any sale of liquor in
189 the largest municipality in the county in which the district
190 is established and shall be distributed as provided in Section
191 35-8B-5.

192 (j) "Community development district" also means a
193 parcel of real property that meets all of the following
194 criteria:

195 (1) It is owned by the same person or entity.

196 (2) It consists of not less than 160 acres.



197 (3) It is located partially in a dry county and
198 partially in a wet county.

199 (4) It contains a lake of not less than 70 acres with a
200 fishing resort consisting of a rental boathouse, campsites,
201 and a community room.

202 (k) "Community development district" also means a
203 parcel of real property that meets all of the following:

204 (1) Consists of at least 1,600 acres.

205 (2) Holds concerts and other family-oriented events.

206 (3) Is located in a dry county with at least one wet
207 municipality.

208 (1) "Community development district" also means a
209 commercial district located in a wet county that does not
210 authorize Sunday sales which district is composed of resort
211 property consisting of 3,000 or more contiguous acres under
212 common ownership, has a public golf course with a practice
213 area and clubhouse, has a restaurant on the property, has
214 overnight accommodations consisting of 40 or more guest
215 suites, and has a shooting range.

216 (m) "Community development district" also means a
217 parcel of land in a resort area consisting of a lodge for
218 overnight accommodations and homesites that include vacation
219 rentals and meets all of the following:

220 (1) The development was originally developed by
221 entities owned by the same family.

222 (2) It consists of not less than 180 acres located in a
223 dry county which borders an adjoining state and has an
224 elevation of not less than 1,100 feet.



225 (3) It has a lodge providing overnight accommodations,
226 including a dining facility with a seating capacity of not
227 less than 50 which is open to the public.

228 (4) It contains a platted subdivision of not less than
229 90 homesites, including homes available for vacation rental
230 with plans for additional development.

231 (5) It is located on a bluff over the backwaters of a
232 major river that flows through an adjoining state and flows
233 through or borders on another adjoining state.

234 (n) "Community development district" also means a
235 commercial district located in a wet county that does not
236 authorize Sunday sales, has a restaurant with a seating
237 capacity of at least 96 seats inside and 24 seats outside, is
238 located on a lake and adjacent to docking facilities and boat
239 slips for at least 24 boats, is licensed only to sell beer and
240 wine, and is located on property where the restaurant and boat
241 slips and docking facilities are under common ownership.

242 (o) "Community development district" also means
243 privately owned property that meets all of the following
244 criteria:

245 (1) It is used for social purposes.

246 (2) It is located in a dry county that has one or more
247 wet municipalities, but outside the corporate limits of any
248 municipality.

249 (3) It has a marina and a boat storage facility with at
250 least 150 spaces.

251 (4) It has a shipstore with at least 2,200 square feet.

252 (5) It is adjacent to a lake of at least 100,000 acres.



253 (6) It has a restaurant or eatery used for the purpose
254 of preparing and serving meals, with a seating capacity of at
255 least 40 patrons.

256 (p) "Community development district" also means an area
257 owned by an industrial development board located in a dry
258 county with a wet municipality, but in a municipality that has
259 more than 750 persons, according to the 2010 federal decennial
260 census, and the property meets all of the following:

261 (1) The property is in a county bordering on two other
262 states.

263 (2) The property is on a bluff overlooking a river
264 flowing through two adjoining states.

265 (3) The property would be used only for a hotel having
266 not less than 50 rooms and a restaurant.

267 (q) (1) "Community development district" also means
268 privately owned property that meets all of the following
269 criteria:

270 a. It is located in a dry county that has one or more
271 wet municipalities, but outside the corporate limits of any
272 municipality.

273 b. It consists of at least 60 acres.

274 c. It has facilities on the property which employ a
275 full-time management staff for the social activities of the
276 facilities, including the management of the premises where
277 food and drink are sold.

278 d. It has a restaurant or eatery used for the purpose
279 of preparing and serving meals, with a seating capacity of at
280 least 500 patrons operated on the property.



281 e. It has concerts and other family-oriented events
282 held on the property.

283 f. It has overnight accommodations with the capacity to
284 sleep at least 70 individuals.

285 g. It has at least five fishing ponds.

286 h. It has an amphitheater for outdoor entertainment
287 events.

288 i. It has a chapel for wedding services.

289 j. It has an RV park with a capacity of at least four
290 RVs.

291 k. It has five reception halls with a seating capacity
292 of at least 1,900 individuals.

293 l. It has an outdoor stage.

294 (2) The sale of any alcoholic beverages in any
295 community development district established under this
296 subsection shall be subject to a tax levied by the county on
297 any sale at the same rate as the tax on any sale of liquor in
298 the largest municipality in the county in which the district
299 is established and shall be distributed as provided in Section
300 35-8B-5.

301 (r) (1) "Community development district" also means
302 property that meets all of the following criteria:

303 a. It is located in a dry county that shares a border
304 with another state and which contains at least one wet
305 municipality, but the property is located outside the
306 corporate limits of any municipality.

307 b. It is adjacent to a river flowing through two
308 adjoining states.



309 c. It has at least one restaurant with a seating
310 capacity of at least 40 patrons.

311 d. It contains a contiguous land area of private
312 residential development amounting to more than 250 acres.

313 e. It contains over 100 residential sites, platted and
314 recorded.

315 f. It contains streets that are, or will be, built with
316 private funds.

317 g. It contains an 18-hole public golf course of
318 regulation size, which offers an annual subscription or
319 membership to cover the cost of greens fees.

320 (2) Notwithstanding any other provisions of law, the
321 sale and distribution of alcoholic beverages, including draft
322 or keg beer, by licensees of the Alcoholic Beverage Control
323 Board shall be authorized in a community development district
324 defined under this subsection and Section 35-8B-3 shall not
325 apply.

326 (s) (1) "Community development district" also means a
327 commercial district or resort that borders on a lake that is
328 formed by an impounded reservoir of a river whose source is in
329 a federal wilderness area that meets the following criteria:

330 a. Is a size of at least 500 or more acres of
331 contiguous land area;

332 b. Is located in a dry county that has one or more wet
333 municipalities, but is located outside the corporate limits of
334 any wet municipality;

335 c. Has a hotel or lodge or rental homes with a minimum
336 of 100 rooms;



337 d. Has at least one 18-hole golf course of regulation
338 size;

339 e. Has a marina with not less than 50 boat slips or
340 storage spaces;

341 f. Has a clubhouse;

342 g. Has more than one restaurant, bar, or tavern or
343 other eatery used exclusively for the purpose of preparing and
344 serving meals or beverages or both, seven days per week, with
345 at least one restaurant having a seating capacity for at least
346 50 patrons;

347 h. Has a conference center;

348 i. Has membership policies that provide that membership
349 is not denied or impacted by an applicant's race, color,
350 creed, religion, or national origin.

351 (2) In a community development district as defined in
352 this subsection, alcoholic beverages shall be sold only by
353 licensees of the Alabama Alcoholic Beverage Control Board for
354 consumption, including Sunday sales, within or on a licensee's
355 property and as otherwise provided herein. An Alcoholic
356 Beverage Control licensee in the district may operate a
357 resort-owned luxury fine dining dinner cruise and special
358 events yacht which may serve meals or alcoholic beverages, or
359 both, while on the water, provided, the following minimum
360 criteria are met: (i) length of not less than 60 feet; (ii)
361 U.S. Coast Guard approved seating capacity of not less than
362 40; and (iii) operated by a USCG licensed captain. The
363 restaurant or tavern shall obtain a business license from the
364 local governing body having primary jurisdiction of the



365 property where the restaurant is located and shall be subject
366 to additional regulation as determined necessary by the local
367 governing body.

368 ~~(s)~~t. If a community development district is located in
369 any county, including within any wet or dry municipality
370 located within the county, the county shall participate in the
371 distribution of taxes and license fees pursuant to Chapters 3
372 and 3A of Title 28.

373 ~~(t)~~u. Any alcohol revenues received by a county under
374 Act 2007-417 shall offset in an equal amount any T.V.A.
375 in-lieu-of-taxes payments received by the county. Any T.V.A.
376 in-lieu-of-taxes payments replaced by alcohol revenues under
377 this subsection shall be distributed to T.V.A.-served
378 counties.

379 ~~(u)~~v. If a community development district established
380 prior to June 1, 2014, becomes a new municipality pursuant to
381 Sections 11-41-1 and 11-41-2, the section requiring a vote of
382 the residents of the property described in the petition, the
383 new municipality created thereby shall be wet and the sale and
384 distribution of alcoholic beverages therein shall be
385 authorized to the full extent of any other wet municipality.
386 In addition to the other requirements for incorporating into a
387 municipality set forth in Sections 11-41-1 and 11-41-2, the
388 petition shall provide notice to potential voters that if the
389 new municipality is incorporated it shall be wet."

390 "§35-8B-2

391 The exclusive and uniform method for the establishment
392 of a community development district shall be by the filing of



393 the articles of establishment of a community development
394 district with the judge of probate of the county in which the
395 district is to be located, or if located in more than one
396 county, of the county wherein is located the largest area of
397 the community development district.

398 (1) The articles of establishment of a district defined
399 in subsection (a) of Section 35-8B-1 shall contain the
400 following:

401 a. The written consent to the establishment of the
402 district by the owner or owners of at least 51 percent of the
403 real property to be included in the district, or documentation
404 demonstrating that the petitioner has control by deed, trust
405 agreement, contract, or option of at least 51 percent of the
406 real property to be included in the district.

407 b. A metes and bounds description of the external
408 boundaries of the district, with a specific metes and bounds
409 description of any real property within the external
410 boundaries of the district, which is to be excluded from the
411 district.

412 c. A schematic layout of the proposed district with a
413 map of the proposed and existing residential subdivisions,
414 streets, and roads in the district, and of the building and
415 grounds to be used in common by members of the club operating
416 in the district, together with a commitment that the owner or
417 owners of the real property located within the district will
418 bear the costs of the construction of such proposed streets
419 and roads, if such proposed roads and streets do not exist on
420 the day the articles of establishment are filed.



421 d. The proposed name of the district, and the location
422 and the mailing address of the principal office of the
423 district.

424 e. A designation of five persons to be the initial
425 members of the board of control of the district, two of whom
426 shall serve in that office until replaced by elected members;
427 provided, the two elected members of the board of control
428 shall be elected by the members of the club who may vote in
429 person or by proxy in writing at an annual meeting of the
430 district, which date shall be specified in the petition. Each
431 club member shall be entitled to cast one vote. The two
432 candidates receiving the highest number of votes shall be
433 elected to the board of control for a period of one year, or
434 until his or her successor shall be duly elected. Upon the
435 death or resignation of a non-elected member of the board of
436 control, the remaining board members shall elect, by majority
437 vote at a called board meeting, a new non-elected board
438 member.

439 (2) The articles of establishment of a district defined
440 in subsections (b) and (d) of Section 35-8B-1 shall contain
441 the following:

442 a. The written consent to the establishment of the
443 district by the owner of the real property to be included in
444 the district.

445 b. A metes and bounds description of the external
446 boundaries of the district.

447 c. A schematic layout of the proposed district with a
448 map of the buildings and grounds to be used in common by the



449 members of the club operating in the district.

450 d. The proposed name of the district and the location
451 and the mailing address of the principal office of the
452 district.

453 e. A designation of members of the board of governors
454 of the club operating in the district who shall be the members
455 of the board of control of the district.

456 (3) The articles of establishment of a district
457 described in Section 35-8B-1(e), (f), (g), (h), (i), (j), (k),
458 (l), (m), (n), (o), (p), (q), ~~or~~ (r), or (s) shall contain the
459 following:

460 a. The written consent to the establishment of the
461 district by the owner of the real property to be included
462 within the district.

463 b. A metes and bounds description of the external
464 boundaries of the district.

465 c. A schematic layout of the proposed district with a
466 map of the buildings and grounds to be used in common by
467 guests in the district.

468 d. The proposed name of the district and the location
469 and the mailing address of the principal office of the
470 district.

471 e. A designation of members of the board of governors
472 of the district who shall be elected by the owner of the real
473 property included in the district.

474 (4) The articles of establishment and two copies
475 thereof shall be delivered to the ~~probate judge~~ judge of
476 probate who shall, upon the payment of the fees hereinafter



477 prescribed:

478 a. Endorse on the articles and on each of the copies
479 the word "Filed," and the hour, day, month, and year of the
480 filing thereof.

481 b. File the articles in his or her office and certify
482 the two copies thereof.

483 c. Issue a certificate of establishment to which he or
484 she shall affix one certified copy of the articles of
485 establishment, and return the certificate with a certified
486 copy of the articles of establishment affixed thereto to the
487 district.

488 (5) Upon the filing of the articles of establishment of
489 the community development district with the ~~probate judge~~judge
490 of probate, the district's existence shall begin.

491 (6) In lieu of all other charges and fees for a
492 community development district formed under Section
493 35-8B-1(a), (b), or (d), the ~~probate judge~~judge of probate
494 shall charge and collect for filing the articles of
495 establishment and issuing a certificate of establishment, one
496 thousand dollars (\$1,000) payable to the municipality in which
497 is located the largest area of the community development
498 district if located in a municipality, and if not, to the
499 county in which is located the largest area of the community
500 development district and three hundred fifty dollars (\$350) to
501 the county for the purpose of providing additional funds for
502 the office of the ~~probate judge~~judge of probate. On or before
503 the anniversary date of the filing of the articles of
504 establishment, excluding the actual year of filing, the board



505 of control shall pay to the ~~probate judge~~judge of probate a
506 fee of three hundred fifty dollars (\$350) and a fee of one
507 thousand dollars (\$1,000) payable to the municipality in which
508 is located the largest area of the community development
509 district if located in a municipality, and if not, to the
510 county in which is located the largest area of the community
511 development district for the purpose of providing additional
512 funds for the office of the ~~probate judge~~judge of probate.

513 (7) In lieu of all other charges and fees for a
514 community development district formed under Section
515 35-8B-1(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o),
516 (p), (q), ~~or~~(r), or (s) the judge of probate shall charge and
517 collect a one-time fee for filing the articles of
518 establishment and issuing a certificate of establishment of
519 five hundred dollars (\$500) payable to the county in which is
520 located the largest area of the district for the purpose of
521 providing additional funds to the judge of probate."

522 "§35-8B-3

523 (a) If a majority of the board of control of a
524 community development district formed under Section
525 35-8B-1(a), (b), or (d) consents to and approves the sale and
526 distribution of alcoholic beverages within the district, it
527 shall be lawful to sell and distribute alcoholic beverages in
528 the community development district in the following manner and
529 subject to the following terms, definitions, and conditions:

530 (1) Upon being licensed by the Alabama Alcoholic
531 Beverage Control Board, alcoholic beverages may be sold by the
532 club of the district to members and their guests for



533 on-premises consumption only. The club shall be licensed to
534 sell alcoholic beverages to its members and their guests as a
535 club liquor retail licensee by the Alabama Alcoholic Beverage
536 Control Board, upon the club's compliance with the provisions
537 of the alcoholic beverage licensing code and the rules adopted
538 thereunder. The original application shall be accompanied by a
539 certificate from the board of control of the district in which
540 the licensed club is located, consenting to and approving the
541 sale of alcoholic beverages at the club. The club shall not be
542 required to present its application or obtain the consent and
543 approval of any authority other than the board of control of
544 the district.

545 (2) MEMBER. Any person or entity whose membership
546 application has been approved by the club.

547 (3) ON-PREMISES CONSUMPTION. Consumption on the
548 property of the club, including the club house, the golf
549 course, and other recreational facilities of the club. Sales
550 of alcoholic beverages for on-premises consumption shall be
551 made only by authorized charge to a member's account.

552 (b) If a majority of the board of control of a
553 community development district formed pursuant to Section
554 35-8B-1(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (p),
555 ~~or~~ (q), or (s) consents to and approves the sale and
556 distribution of alcoholic beverages within the district for
557 seven days a week, any person within the district licensed by
558 the Alabama Alcoholic Beverage Control Board may sell
559 alcoholic beverages in the district for on-premises
560 consumption.



561 (c) If a majority of the board of a community
562 development district formed pursuant to Section 35-8B-1(h)
563 consents to and approves the sale of alcoholic beverages
564 within the district for seven days a week, any person within
565 the district with the appropriate license from the Alabama
566 Alcoholic Beverage Control Board may sell alcoholic beverages
567 in the district for on-premises or off-premises consumption,
568 subject to approval by a referendum as provided herein.

569 (1) If the community development district is situated
570 entirely within the corporate limits of a municipality, then
571 upon a petition by the board of the district being filed with
572 the city or town clerk or governing body of the municipality,
573 the governing body must call a municipal referendum election
574 on the question of whether to authorize the sale of alcoholic
575 beverages in the district as provided in the petition. The
576 municipal election shall be held at the time of the primary,
577 general, county-wide, or municipal election next succeeding
578 the date of the filing of the petition but not less than 82
579 days from the date of the filing of the petition. The cost of
580 the municipal election, including the cost of notice by
581 publication, shall be paid out of the general fund of the
582 municipality.

583 (2) If the community development district is not
584 situated entirely within the corporate limits of a
585 municipality, then upon a petition by the board of the
586 district being filed with the ~~probate judge~~judge of probate of
587 the county, the ~~probate judge~~judge of probate must call a
588 county-wide referendum election on the question of whether to



589 authorize the sale of alcoholic beverages in the district as
590 provided in the petition. The county-wide election shall be
591 held at the time of the regularly scheduled primary or general
592 election next succeeding the date of the filing of the
593 petition but not less than 82 days from the date of the filing
594 of the petition. The cost of the election, including the cost
595 of notice by publication, shall be paid out of the general
596 funds of the county.

597 (3) Notice of any referendum election called pursuant
598 to the provisions hereof shall be given by the city or town
599 clerk for municipal elections, or by the ~~probate judge~~ judge of
600 probate for county-wide elections, by publication at least
601 three weeks before the date of the election, in a newspaper in
602 the municipality or county, as appropriate, or, if there be
603 none, by posting the notice at the town or city hall or county
604 courthouse, as appropriate, apprising the voters of the
605 municipality or county that an election will be held to
606 determine whether alcoholic beverages may be sold within the
607 district as provided in the petition.

608 (4) If a majority of the electors voting in a
609 referendum called pursuant hereto votes "yes" in favor of the
610 question, then the sale of alcoholic beverages in the district
611 as provided in the petition shall be authorized. If a majority
612 of the electors votes "no," then the sale of alcoholic
613 beverages in the district shall be authorized only as provided
614 by the laws in effect for the district prior to the filing of
615 the petition, and the board of the community development
616 district shall not file another petition under this subsection



617 within 12 months of the referendum election.

618 (d) (1) In any community development district formed
619 pursuant to Section 35-8B-1(e) or (f) in which the sale of
620 alcoholic beverages has been approved pursuant to this
621 section, the board of that district may establish an
622 entertainment district within the district, which may not
623 exceed one-half mile by one-half mile in area, but may be
624 irregularly shaped.

625 (2) The Alabama Alcoholic Beverage Control Board may
626 issue an entertainment district designation to any retailer
627 licensee that is licensed to sell alcoholic beverages for
628 on-premises consumption and to any manufacturer licensee that
629 conducts tastings or samplings on the licensed premises,
630 provided the licensees are located in an entertainment
631 district established pursuant to this subsection.

632 (3) Notwithstanding any provision of law to the
633 contrary, a licensee who receives an entertainment district
634 designation under this subsection shall comply with all laws
635 and rules governing its license type, as well as the
636 limitations specified in this section, except that patrons,
637 guests, or members of that licensee may exit that licensed
638 premises with open containers of alcoholic beverages and
639 consumer alcoholic beverages anywhere within the confines of
640 the entertainment district.

641 (4)a. For purposes of this subsection, the term
642 "on-premises" as applied to consumption within the
643 entertainment district shall include anywhere within the
644 district.



645 b. The permission granted by this subsection permitting
646 the consumption of alcoholic beverages anywhere within the
647 confines of the entertainment district shall not be construed
648 to extend the confines of the licensed premises.

649 (5) The operation of an entertainment district
650 established in a community development district pursuant to
651 this subsection shall not be affected by any future annexation
652 of that district or any part of that district into a
653 municipality.

654 (e) In addition to the limitations specified in this
655 section, with regard to a community development district
656 defined in subsections (a) and (b), alcoholic beverages shall
657 be sold only for on-premises consumption, as defined in
658 subdivision (a)(3), and in regard to a community development
659 district defined in subsection (b), alcoholic beverages shall
660 not be sold within 3,000 feet of the south right-of-way of any
661 state or federal highway adjacent to any such district."

662 Section 2. This act shall become effective on July 1,
663 2024.