

ARTICLE 75 ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

75.1 - Definitions

For the purpose of this article the following definitions, terms, and their application shall be used and applied.

Alcoholic beverages are as defined by the state alcoholic beverage control laws.

Brewery means any premises licensed by the city to engage in the distillation, production, fermenting, brewing, rectifying or otherwise in the manufacture of only beer, or malt or brewed alcoholic beverages as well as engaging in the receiving, storage, or warehousing only of beer, or malt or brewed beverages within the city for transshipment inside and outside the state.

Brewpub means an establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, which qualifications include but are not necessarily limited to the requirements that such brewpub must contain and operate a restaurant with a seating capacity of not less than eighty (80), and that the beer shall be sold at retail for on-premises consumption only.

Church means a tax-exempt place of worship set apart primarily for religious purposes and in which religious services are routinely and customarily held and with which a clergyman is associated.

Class I Club Liquor Retailer means an establishment licensed as and meeting the qualifications of a club liquor retail class I licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-12 of the Code of Ala. of 1975, which qualifications include but are not necessarily limited to the requirements that there be at least one hundred and fifty (150) paid-up members and that the club provide special space and accommodations where, in consideration of payment, food with or without lodging is habitually served.

Class II Club Liquor Retailer means an establishment licensed as and meeting the qualifications of a club liquor retail class II licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-12 of the Code of Ala. of 1975, which qualifications include but are not necessarily limited to the requirement that there be at least one hundred (100) paid-up members.

Class I Lounge Liquor Retailer means an establishment licensed as and meeting the qualifications of a lounge retail liquor class I licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-11 of the Code of Ala. of 1975, and section 20-X-5-.04 of the regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Class II Lounge Liquor Retailer means an establishment licensed as and meeting the qualifications of a lounge retail liquor class II licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-11 of the Code of Ala. of 1975, and section 20-X-5-.04 of the regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS: 2

Child care center means a facility licensed by the Alabama Department of Human Resources that provides for the care of thirteen (13) or more children.

Convenience store means a small scale retail store that offers for sale a limited line of groceries and household items and may also sell gasoline.

Dinner theater means a restaurant with live theatrical performances.

Entertainment means live entertainment or dancing including cabarets, concerts, live bands, ballrooms, dance halls, comedy clubs, karaoke, theaters, disc jockeys, or other similar live performance venues.

Expressway means a multi-lane divided highway for through traffic with full control of access and with grade separations at street intersections.

Food court means a common space adjacent to food vendors within an enclosed shopping mall designed and furnished for the convenience of diners.

Food service shall mean the same as a restaurant.

Hotel means a building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel and bed and breakfast, but shall not include a rooming house or boarding house.

Importer means an establishment licensed as and meeting the qualifications of an importer of alcoholic beverages under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-7 of the Code of Ala. of 1975.

Manufacturer means an establishment licensed as and meeting the qualifications of a manufacturer of alcoholic beverages under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-6 of the Code of Ala. of 1975.

Maximum occupancy means the establishment's occupancy rating set in accordance with the applicable provisions of the city's fire code.

Meal means a diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

Nursery school means a school designed to provide daytime care or instruction for two (2) or more children from 2 to 5 years of age.

On/Off-Premises Beer Retailer means an establishment licensed as and meeting the qualifications of a retail beer licensee for on-premises and off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-16 of the Code of Ala. of 1975; provided, however, where the off-premises sales of beer are more than twenty-five percent (25%) of the total combined on and off-premises sales of beer, then the establishment shall be regulated for purposes of this article as an off-premises beer retailer.

On/Off-Premises Beer/Table Wine Retailer means an establishment licensed as and meeting the qualifications of an on/off-premises beer or an on/off-premises table wine retailer, or both; provided, however, where the off-premises sales of beer and/or table wine are more than twenty-five percent (25%) of the total combined on and off-premises

sales of beer and/or table wine, then the establishment shall be regulated for purposes of this article as an off-premises beer/table wine retailer.

On/Off-Premises Table Wine Retailer means an establishment licensed as and meeting the qualifications of a retail table wine licensee for on-premises and off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-14 of the Code of Ala. of 1975; provided, however, where the off-premises sales of beer are more than twenty-five percent (25%) of the total combined on and off-premises sales of table wine, then the establishment shall be regulated for purposes of this article as an off-premises table wine retailer.

Off-Premises Beer Retailer means an establishment licensed as and meeting the qualifications of a retail beer licensee for off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-17 of the Code of Ala. of 1975. Entertainment shall not be allowed or included in such retailer.

Off-Premises Beer/Table Wine Retailer means an establishment licensed as and meeting the qualifications of an Off-Premises Beer Retailer or an Off-Premises Table Wine Retailer, or both. The term does not include establishments licensed to sell liquor, as that term is defined by the state alcoholic beverage control laws, for on or off-premises consumption. Entertainment shall not be allowed or included in such retailer.

Off-Premises Table Wine Retailer means an establishment licensed as and meeting the qualifications of a retail table wine licensee for off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-15 of the Code of Ala. of 1975. Entertainment shall not be allowed or included in such retailer.

Package sales means the off-premises sale of liquor, as liquor is defined by the alcoholic beverage control laws of the state.

Package Sales Establishment means an establishment licensed to sell liquor, as liquor is defined by the state alcoholic beverage control laws, at retail for off-premises consumption, whether or not the establishment is also licensed to sell liquor at retail for on-premises consumption, including a Class I Club Liquor Retailer, a Class II Club Liquor Retailer, a Class I Lounge Liquor Retailer, and a Class II Lounge Liquor Retailer, and which establishment actually sells, intends to sell, or holds itself out as selling liquor for off-premises consumption. The term shall also mean and include state stores of the Alabama Alcoholic Beverage Control Board.

Protected uses include and are limited to churches, schools, nursery schools, and child care centers, provided such uses were established prior to the establishment of the licensed retailer and such protected uses have not been abandoned or discontinued for a period of six (6) months or more and further provided that the protected use is not separated from the retailer by an expressway or an interstate highway.

Restaurant means an establishment that meets the definition and qualifications of the state alcoholic beverage control laws, including section 28-3-1 of the Code of Ala. of 1975 and section 20-X-5-.05 of the regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time, including the requirement that the establishment be habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises. In addition, the licensee shall maintain gross retail sales of meals prepared and served on the licensed premises in excess of fifty percent (50%) of its total gross sales.

ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS: 4

Restaurant Liquor Retailer means an establishment, including restaurants, hotels, dinner theaters, and civic center authorities, licensed as and meeting the qualifications of a restaurant retail liquor licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-13 of the Code of Ala. of 1975 and section 20-X-5-.05 of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Retailer means an establishment licensed to sell alcoholic beverages at retail.

Retailer's premises means the licensed premises and any adjoining parking areas used or available for parking whether such areas are owned, leased, or otherwise assigned to the retailer.

School means places used for the imparting of instruction to children in grades K-12, when provided by a public, private, denominational, and parochial school. The term does not include proprietary trade or occupational schools.

Special Events Retailer means an event licensed as and meeting the qualifications of a special events retail licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-20 of the Code of Ala. of 1975.

Special Retailer means an organization licensed as and meeting the qualifications of a special retail licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-19 of the Code of Ala. of 1975.

Specialty store means a store, including a grocery store, convenience store, gift shop, drug store, and general merchandise store, specializing primarily in the sale of goods, including groceries, gasoline, sundries, household items, notions, and dry goods. The specialty store may include the off-premises sale of beer and table wine by an Off-Premises Beer/Table Wine Retailer; provided, however, at least fifty percent (50%) of the store's gross retail sales must be derived from the sale of goods other than alcoholic beverages in order to qualify as a specialty store.

State alcoholic beverage control laws mean the alcoholic beverage control laws of the state and the regulations promulgated thereunder by the Alabama Alcoholic Beverage Control Board, as such laws may be amended or superseded from time to time.

Warehouse means an establishment licensed as and meeting the qualifications of a warehouse under the state alcoholic beverage control laws, including section 28-3A-10 of the Code of Ala. of 1975.

Wholesaler means an establishment licensed as and meeting the qualifications of a wholesaler of alcoholic beverages under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-8 (liquor wholesalers) and 28-3A-9 (beer and table wine wholesalers) of the Code of Ala. of 1975.

75.2 - Measurements

Where this article establishes separations between the retailer's premises and protected uses, residential districts, or other retailer's premises, in all cases the distance shall be measured from the external boundary of the retailer's premises to the external boundary of the protected use, the residential district, or the other retailer's premises, as the case may be.

75.3 - Permitted Establishments by Districts

The following establishments, engaged in the sale and service of alcoholic beverages, and no other, shall be permitted in the districts hereinafter set forth:

75.3.1 Neighborhood Business C-1, Neighborhood Business C-1A and Neighborhood Business C-2 Districts

Restaurant Liquor Retailers, excluding hotels and civic center authorities licensed as a Restaurant Liquor Retailer, and On/Off-Premises Beer/Table Wine Retailers with food service (all without entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) no alcoholic beverages shall be served, offered, dispensed, sold, or consumed between the hours of midnight and 2 a.m. unless a special exception has been granted in accordance with Section 92.5 – Powers and Duties, and further provided, the provisions of Section 74.4 – Non-Conforming Uses of Structures shall not operate to allow existing establishments to function contrary to this provision; and
- 2) there shall be no private sidewalk or patio seating unless a special exception has been granted in accordance with Section 92.5 – Powers and Duties; and
- 3) no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Off-Premises Beer/Table Wine Retailers operating as a specialty store provided that such retailers are not located within five hundred (500) feet of any protected use, unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

75.3.2 General Business C-3 District

Brewpubs and Breweries.

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment).

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 3) The aforesaid distance restrictions shall not apply where the retailer's premises and the protected use front on different streets and do not have common exits or driveways providing access or adjoining property lines; and
- 4) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Off-Premises Beer/Table Wine Retailers -- provided such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district, provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

75.3.3 Highway Business C-4 District

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided

that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment). Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment.

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and
- 4) Such retailer's premises shall not be located within one thousand (1000) feet of other such retailer's premises; and
- 5) Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment.

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

- 3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Package Sales Establishments -- provided that such use shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall have frontage on a major arterial street; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; and
- 3) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except a Package Sales Establishment may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 4) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and
- 5) Such retailer's premises shall not be located within one thousand (1000) feet of the retailer's premises of a Class I Lounge Liquor Retailer, a Class II Club Liquor Retailer, or an On/Off-Premises Beer/Table Wine Retailer (all with or without entertainment); and
- 6) Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of another Package Sales Establishment.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

75.3.4

Commercial Recreation C-5 and Commercial Industrial Park Districts

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Warehouse, in Commercial Industrial Park districts only.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

75.3.5

Light Industry, Research Park Commercial and Airport Commercial Districts

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

- 3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and
- 4) Such retailer's premises shall not be located within one thousand (1000) feet of other such retailer's premises, except in the Research Park Commercial District where the aforesaid distance restriction from other such retailer's premises shall not apply in the case where said retailer has a maximum occupancy of no more than one hundred (100) persons; and
- 5) Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment.

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 3) The aforesaid distance restriction relative to protective uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Warehouse, in Light Industry and Airport Commercial districts only.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

75.3.6 Heavy Industry District

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and
- 4) Such retailer's premises shall not be located within one thousand (1000) feet of other such retailer's premises.

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

- 1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and
- 2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- 3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Package Sales Establishments -- provided that such use shall be subject to each of the following restrictions:

ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS: 12

- (1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; and
- (2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except a Package Sales Establishment may be located within five hundred (500) feet of accessory child care centers located in office buildings; and
- (3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Warehouse.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

75.4 - Accessory Uses

- 75.4.1 Tastings: Wine tastings and beer tastings shall be allowed as accessory uses to those primary permitted retailers that are authorized by state alcoholic beverage control laws to conduct such tastings, provided that said retailers shall at all times comply with state laws regulating wine and beer tastings.
- 75.4.2 Special Retailers: Special Retailers shall be allowed only as accessory uses to those primary permitted uses that include state parks, racing commissions, fair authorities, airport authorities, civic center authorities, museums, and other such organizations created by a governmental entity; and shall include the franchises or concessionaires thereof.

75.5 - Special Events Retailers

Special Events Retailers shall be permitted as a special exception in all residential districts provided that, in addition to any appropriate conditions and safeguards that may be imposed in the granting of the special exception in accordance with Section 92.5 - Powers and Duties:

- 1) The applicant for licensure is a tax-exempt, non-profit organization; and
- 2) The applicant has not applied for or sponsored, either solely or jointly, more than four special events in a given calendar year; and
- 3) The applicant certifies under oath that substantially all of the net proceeds will be used for non-profit purposes; and
- 4) No other retailer shall sponsor or otherwise receive any form of remuneration from the event.

Special Events Retailers shall be allowed as a permitted use in all non-residential districts.

75.6 - Severability

Should any section or provision of this ordinance be held void or invalid, it shall not affect the validity of any other section or provision thereof which is not of itself void or invalid, it being the purpose and intention of the City Council to enact each separate section and/or sub-section separately.
