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RECOMMENDED BY: TRANSPORTATION AND COMMUNICATION COMMITTEE

SUBMITTED BY: THE CITY ATTORNEY

ORDINANCE NO. 18-3

An Ordinance to amend Title 12, “Licensing and Regulations”, Chapter 16, “Taxicabs and Vehicles for Hire”, of the General Code of the City of Birmingham, 1980, to amend Article H, “Pedal Bus Service”, Section 12-16-93, to allow the passengers of a pedal bus to possess and consume alcoholic beverages.

SECTION 1. BE IT ORDAINED by the Council of the City of Birmingham that Title 12, “Licensing and Regulations”, Chapter 16, “Taxicabs and Vehicles for Hire”, Article H, “Pedal Bus Service”, Section 12-16-93, be and hereby is amended to read as follows:

“12-16-93

“(a) Passengers on a pedal bus may consume alcoholic beverages, subject to the following:

- (1) Passengers may bring only beer or wine in unopened, non-breakable, individual serving containers on board the pedal bus for consumption while on the vehicle. No glass containers shall be allowed on board a pedal bus in any case.
- (2) While within a designated entertainment district of the city, a passenger may possess and consume a beverage purchased from an authorized licensee within the district in compliance with the city’s entertainment district ordinance.
- (3) Alcoholic beverages shall not be removed from a pedal bus and consumed along the route unless it is within a designated entertainment district of the city and during the approved hours of operation of the district.
- (4) It shall be unlawful for a pedal bus service or its drivers to sell, serve or dispense alcoholic beverages unless a valid license has been obtained from the Alabama Alcoholic Beverage Control Board with the approval of the city council.
- (5) It shall be unlawful for the driver/operator of any pedal bus to consume alcoholic beverages while driving or operating a pedal bus.

“(b) The provisions of Sec. 12-10-9, “Drinking in public”, of this code shall not apply to passengers consuming alcoholic beverages while on board a pedal bus and in compliance with subsection (a) of this section.”

SECTION 2. That the provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses phrases, or parts are held to be unconstitutional or void, the remainder shall continue in full force and effect.

SECTION 3. That this Ordinance shall become effective upon publication as required by law.

Adopted by the Council January 3, 2018 and Approved by the Mayor January 4, 2018



A CERTIFIED COPY
Lee Frazier, City Clerk
Birmingham, Al

A handwritten signature in black ink that reads "Lee Frazier".