

ORDINANCE NO. 2016-21

AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES, CITY OF MADISON, ALABAMA.

WHEREAS, the City of Madison desires to regulate the manufacture and sale of alcoholic beverages in accordance with laws of the state;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Madison, Alabama, as follows:

SECTION 1. That Article I of Chapter 4 of the *Code of Ordinances, City of Madison, Alabama*, is hereby amended as follows:

“Section 4-3 is hereby repealed and replaced as follows:

Sec. 4-3. Powers and duties of the Revenue Director.

The Revenue Director shall administer and enforce the licenses imposed by this chapter. The Revenue Director shall have the power to enter upon the premises of any taxpayer, examine or cause to be examined by any agent or representative designated by the Revenue Director for that purpose any books, papers, records, or memoranda, and other records bearing upon the amount of licenses or taxes payable and to secure other information directly concerned in the enforcement of this chapter.

Section 4-8 is hereby repealed and replaced as follows:

Sec. 4-8. Employment of minors.

It shall be unlawful to employ any person under the age of nineteen (19) years to sell or dispense alcoholic beverages of any kind.

Section 4-11 is hereby repealed and replaced as follows:

Sec. 4-11. Prohibited locations—Generally.

Except as otherwise provided in this Chapter, the sale of alcoholic beverages of any kind is prohibited within the city limits.

Section 4-12 is hereby repealed and replaced as follows:

Sec. 4-12. On-premises beer and wine.

Retail beer or table wine licenses for on-premises consumption may be granted to establishments such as restaurants, bars, taprooms, salon-spas, barber shops, art studios, cigar stores, and vaping stores located in the following use districts as defined by the *Zoning Ordinance of the City of Madison, Alabama*:

- (a) B-1 Neighborhood Business District.
- (b) B-2 Community Commercial District.
- (c) B-3 General Business District.
- (d) MC Medical Center District.
- (e) MU Mixed Use District.
- (f) TND Traditional Neighborhood Development.

Section 4-13 is hereby repealed and replaced as follows:

Sec. 4-13. Off-premises beer and wine.

Licenses for the sale of table wine and beer for off-premises consumption may only be granted to establishments located in the following use districts as defined by the *Zoning Ordinance of the City of Madison, Alabama*:

- (a) B-1 Neighborhood Business District.
- (b) B-2 Community Commercial District.
- (c) B-3 General Business District.
- (d) MC Medical Center District.
- (e) MU Mixed Use District.
- (f) TND Traditional Neighborhood Development.
- (g) M-1 Restricted Industrial District.

Section 4-14 is hereby repealed and replaced as follows:

Sec. 4-14. On-premises liquor.

Licenses for the sale of liquor for on-premises consumption may only be granted to establishments and restaurants located in the following use districts as established by the *Zoning Ordinance of the City of Madison, Alabama*:

- (a) B-1 Neighborhood Business District.
- (b) B-2 Community Commercial District.
- (c) B-3 General Business District.
- (d) MC Medical Center District.
- (e) MU Mixed Use District.
- (f) TND Traditional Neighborhood Development.
- (g) M-1 Restricted Industrial District.

Section 4-15 is hereby repealed and replaced as follows:

Sec. 4-15. Off-premises liquor.

Licenses for the sale of liquor for off-premises consumption may only be granted to establishments located in the following use districts, as defined and conditioned by the *Zoning Ordinance of the City of Madison, Alabama*:

- (a) B-2 Community Commercial District.

- (b) B-3 General Business District.
- (c) MC Medical Center District.
- (d) MU Mixed Use District.
- (e) TND Traditional Neighborhood Development.

Section 4-32 entitled "Hours for selling or serving of alcoholic beverages on Sunday specified" is hereby repealed in its entirety.

SECTION 2. That Article II of Chapter 4 of the *Code of Ordinances, City of Madison, Alabama*, is hereby amended as follows:

Section 4-55 is hereby repealed and replaced as follows:

"Sec. 4-55. License and food service requirements.

- (a) It shall be unlawful for any person who has not been licensed to do so under the appropriate provisions of the laws of the state and of this chapter to sell, offer for sale, or have possession for sale of any alcoholic beverages.
- (b) It shall be unlawful for any person holding a license for on-premises consumption of any alcoholic beverages pursuant to this chapter to offer such beverages for sale at any time without offering food or snack items."

Section 4-56 is hereby repealed and replaced as follows:

"Sec. 4-56. Manufacturers, importers, wholesalers, and warehouse; application procedure; issuance.

- (a) Upon the applicant filing an application with the board for a manufacturer, importer, liquor wholesaler, wholesaler, or warehouse license, or within five (5) business days thereafter, the applicant must file a duplicate, verified copy of such application with the Revenue Director, along with a nonrefundable filing fee and the privilege license fee as required by Chapter 10, such privilege license fee being conditioned on the board granting the requested license. The amount of the filing fee shall be as established by the Council, from time to time.
- (b) All applicants shall, upon the filing of the application with the Revenue Director, submit copies of the plans and specifications for any building located or planned to be located upon the proposed premises to the Building Department and the Planning Department. The premises shall comply with all planning and zoning requirements and ordinances, fire codes, and public health laws as required by the ordinances of the city, county, and state. If the premises complies with said planning and zoning codes and regulations, the head of the City's Planning Department will submit a signed certification of such compliance to the Revenue Director. If the premises complies with city and state fire prevention, electrical, and building codes, the head of the

City's Building Department will submit a Certificate of Occupancy to the Revenue Department.

- (c) Upon receipt of the requested license from the board, and upon the applicant's compliance with Section 4-56(b), including the required certifications from City departments, the Revenue Director is authorized to issue the following licenses to the applicant:
- (1) A manufacturer's license, which shall authorize the licensee to manufacture or otherwise distill, produce, ferment, brew, bottle, rectify, or compound alcoholic beverages within the city or for sale or distribution within the city, under the terms and conditions as permitted by the laws of the state.
 - (2) An importer's license, which shall authorize the licensee to import alcoholic beverages manufactured outside the United States of America into the city under the terms and conditions as permitted by the laws of the state.
 - (3) A liquor wholesaler's license, which shall authorize the licensee to import and receive shipments of liquor or wine from outside the city from licensed manufacturers and to sell at wholesale or distribute liquor or wine to the board or as authorized by the board; except, that a liquor wholesale licensee may not sell liquor or fortified wine to retail licensees of the board, under the terms and conditions as permitted by the laws of the state.
 - (4) A wholesaler's license, which shall authorize the licensee to import and receive shipments of beer and table wine from outside the state from licensed manufacturers, to purchase beer and table wine from licensed manufacturers or other licensed wholesalers within the state, and to sell at wholesale or distribute beer and table wine to all licensees or others within the state lawfully authorized to sell beer and wine within the state, and to export beer and wine from the state, under the terms and conditions as permitted by the laws of the state.
 - (5) A warehouse's license, which will authorize the licensee to receive, store, or warehouse alcoholic beverages within the state for transshipment inside and outside the state, under the terms and conditions as permitted by the laws of the state."

Section 4-57 is hereby repealed and replaced as follows:

"Sec. 4-57. Lounges, clubs, restaurants, on-premises table wine, off-premises table wine, and liquor licenses; application procedures; issuance; operation requirements.

- (a) Upon the applicant's filing for a state lounge, club, or restaurant retail liquor license, off-premises retail liquor license, or on-premises or off-premises table wine license, or special retail license, or within five (5) business days

thereafter, the applicant shall file a duplicate verified copy of that license application with the Revenue Director, along with a nonrefundable filing fee, and the license fee as specified in Chapter 10, which license fee shall be conditioned upon the board's granting of the requested license.

- (b) Upon receipt of the license application and the fees referred to in subsection (a) of this section, the Revenue Director shall inform the chief of police of the city of the application for such license, along with the name of the individual, partnership, or corporation applying for such license and, in the event that the proposed licensee is to be a partnership or corporation, the names of the partners or stockholders of the partnership or corporation, and the name of the proposed manager of the proposed licensee. The chief of police shall cause an investigation to be made of the applicant, including, if the applicant is a partnership or corporation, the partners or stockholders and the proposed manager of the proposed licensee. The chief of police shall, at the earliest practicable time, report to the governing body the results of the investigation, along with a recommendation to the governing body as to the granting of consent by the governing body to the proposed licensee; but in no case shall the report be made later than the time set for public hearing of the proposed licensee's request for consent of the governing body.
- (c) A public hearing shall be held on the granting or withholding of consent to the issuance of the license by the board, which hearing shall be held at a regular meeting of the governing body; provided, however, that no public hearing on the application shall be held less than fourteen (14) days from the date of the filing of the application with the Revenue Director. In all cases, notice of such public hearing shall be given by at least one insertion in a newspaper of general circulation in the city at least ten (10) days prior to the time set for such public hearing; any such advertisement shall be of a size of not less than four inches by four inches, carrying a distinctive surrounding border, stating the address and location of the proposed premises, the name of the applicant, and the date and time of the public hearing. Such notice shall be published at the applicant's expense, and proof of publication must be mailed or delivered to the Revenue Director's office prior to the time for the public hearing. At such public hearing, the applicant and all persons interested in securing the approval or disapproval of such application may be heard.
- (d) In considering an application for a license, the City Council shall consider the following, including, but not necessarily limited to: character of the applicant; the applicant's record; location of the place of business; applicant's compliance with the present laws of the state and of the city; the period of residence in the limits of the city; and the applicant's general attitude toward the sale of alcoholic beverages.
- (e) No consent shall be given by the City Council under this chapter to any person or any partnership to whom a partner belongs, or to any corporation to whom a stockholder belongs, that has, during the preceding twelve (12) months, forfeited a cash bond for violation of liquor laws in any court or has

been convicted of violating the liquor laws in any court, or to any applicant who has misstated any material fact on the application for a license.

- (f) All applicants shall, upon the filing of the application with the Revenue Director, submit copies of the plans and specifications for any building located or planned to be located upon the proposed premises to the Building Department and the Planning Department. The premises shall comply with all planning and zoning requirements and ordinances, fire codes, and public health laws as required by the ordinances of the city, county, and state. If the premises complies with said planning and zoning codes and regulations, the head of the City's Planning Department will submit a signed certification of such compliance to the Revenue Director. If the premises complies with city and state fire prevention, electrical, and building codes, the head of the City's Building Department will submit a Certificate of Occupancy to the Revenue Department.
- (g) Upon both the grant of any retail or special retail license and the certification of City departments required in 4-57(f), the Revenue Director shall be authorized to issue to the applicant a lounge, club, restaurant, or special retail license, which will allow the applicant to purchase liquor and wine from the board or as authorized by the board, and beer, and to sell the same at retail, under the terms and conditions set forth in this chapter, the state code, and the regulations of the Board; provided, however, that:
 - (1) A license under this Chapter for a restaurant may be issued only to an eating establishment licensed by the city which has obtained all required food handling permits from the department of public health of either Madison County or Limestone County.
 - (2) A special retail license may be issued for a state park, racing commission, fair authority, airport authority, or civic center authority, or the franchises or concessionaire of such park, commission, or authority, and to any other valid responsible organization of good reputation for such period of time not to exceed one year and upon such terms and conditions as the council may prescribe, subject to restrictions and limitations imposed by the board or its regulations.
- (h) Upon the board's grant of an off-premises retail liquor license, or an on-premises or off-premises table wine license, and upon applicant's compliance with this Chapter and the certification of City departments as specified in 4-57(f), the Revenue Director is authorized to issue the following appropriate licenses to the applicant:
 - (1) A retail liquor license for off-premises consumption, which authorizes the licensee to purchase liquor from the board or from a licensed wholesaler and to sell such liquor in original unopened containers at retail for off-premises consumption, as permitted by the Code of Alabama and the regulations of the board.
 - (2) A retail table wine license for off-premises consumption, which authorizes the licensee to purchase table wine in package form from

the board or from a licensed wholesaler and to sell such table wines in original unopened containers at retail for off-premises consumption, as permitted by the Code of Alabama and the regulations of the board.

- (3) A retail table wine license for on-premises consumption, which authorizes the licensee to purchase table wine from the board or from a licensed wholesaler and to sell table wine at retail for on-premises consumption, as permitted by the Code of Alabama and the regulations of the board."

Section 4-58 is hereby repealed and replaced as follows:

"Sec. 4-58. Beer license for on-premises consumption.

Upon the applicant's filing with the board for a retail beer license for on-premises consumption, or within five (5) business days thereafter, the applicant shall file a duplicate, verified copy of such application with the Revenue Director, along with a nonrefundable filing fee and the privilege license fee as required by Chapter 10, such privilege license fee being conditioned on the board's granting the requested license. The amount of the filing fee shall be as established by the City Council, from time to time. Upon granting the requested license from the board, and upon applicant's compliance with this chapter and the certification of City departments as specified in 4-57(f), the Revenue Director is authorized to issue a retail beer license for on-premises consumption, which authorizes the licensee to purchase beer from a licensed wholesaler and to sell the same at retail for on-premises consumption and in original unopened containers for off-premises consumption, to the extent permitted in the Code of Alabama and the regulations of the Board."

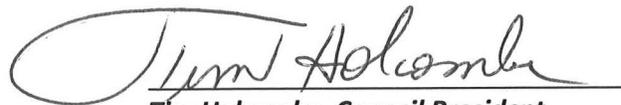
Section 4-59 is hereby repealed and replaced as follows:

"Sec. 4-59. Beer license for off-premises consumption.

Upon the applicant's filing an application with the board for a retail beer license for off-premises consumption, or within five (5) business days thereafter, the applicant must file a duplicate, verified copy of such application with the Revenue Director, along with a nonrefundable filing fee and the privilege license fee as required by Chapter 10, such privilege license fee being conditioned on the board granting the requested license. The amount of the filing fee shall be as established by the City Council, from time to time. Upon granting the requested license from the board, and upon the applicant's compliance with this chapter and the certification of City departments as specified in 4-57(f), the Revenue Director is authorized to issue a retail beer license for off-premises consumption, which license will authorize the licensee to purchase beer in original unopened containers from licensed wholesalers and to sell such beer in package form at retail for off-premises consumption, to the extent permitted in the Code of Alabama and the regulations of the Board."

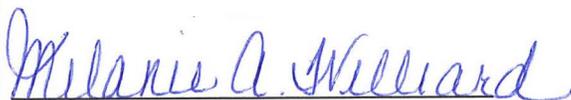
SECTION 3. That this ordinance shall become effective immediately upon its passage and upon its proper publication as required by law.

READ, APPROVED AND ADOPTED this 8th day of February, 2016.



Tim Holcombe, Council President
City of Madison, Alabama

ATTEST:



Melanie A. Williard, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this 10th day of February, 2016.



Troy Trulock, Mayor
City of Madison, Alabama

Ordinance/Resolution Adoption Action Form

Document Number: 2016-21

1. Date Introduced: January 25, 2016
Minutes No.: 2016-02-RG
2. Date Approved: February 8, 2016
Minutes No.: 2016-03-RG

Votes of Council

Council Member	Absent	Aye	Nay	Abstain
Holcombe		X		
Smith			X	
Klein		X		
Potter		X		
Overcash		X		
Clark		X		
Ondocsin		X		

4. Date signed by President/
Pro Tempore of Council: February 8, 2016
5. Date signed by Mayor: February 10, 2016
If vetoed by Mayor, further Council action: n/a
6. Publication Date: February 24, 2016
Newspaper: Madison County Record

Distribution: Municipal Code Corporation, Library