

State of Alabama
DeKalb County
City of Henagar

Ordinance No. 2017-0701

AMENDMENTS TO THE HENAGAR ALCOHOLIC BEVERAGE ORDINANCE
REGARDING FINES FOR FAILURE TO PAY MONTHLY TAXES AND ADVERTISING

WHEREAS, the City Council of the City of Henagar, Alabama, wishes to amend its Alcoholic Beverage Ordinance, among other things;

BE IT ORDAINED by the City Council of Henagar Alabama, as follows:

1. Article III, Section 8 of the Henagar Alcoholic Beverage Ordinance is amended and shall read in its entirety:

Section Eight: License Fees and Taxes

Each person licensed by the ABC board, who shall engage in the alcoholic beverage, liquor, beer or wine business within the corporate limits, prior to engaging in such business shall pay to the City, for the privilege of so engaging in business, an annual privilege business license fee and further license fees and taxes as established below:

- (a) Beer wholesale license. Each person licensed as a beer wholesaler under section 28-3A-1 et seq. Of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of fifty percent (50%) of the amount charged for state beer license by the State of Alabama. In addition, each licensee will remit to the City Clerk, on forms provided by such clerk, each month, the privilege or excise tax levied on the sales of beer by the "Uniform Beer Tax Act," Acts 1982, No. 82-344. Wholesale beer dealers and distributors will not sell to any retail outlet that does not have a current city license.
- (b) Wine wholesaler license. Each person licensed by the ABC board as a wine wholesaler under section 28- 3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of fifty percent (50%) of the amount charged for state wine license by the State of Alabama. In addition, each licensee will remit to the City Clerk, on forms provided by such Clerk, each month, the privilege or excise tax levied on the sales of table wine by the "Alabama Table Wine Act," Acts 1980, No. 80-382. Wholesale wine dealers will not sell to any retail outlet that is not properly licensed by the City.
- (c) Beer and wine wholesale license. Each person licensed as a beer and wine wholesaler under section 28- 3A-1 et seq., of the Code of Alabama, 1975 as

amended, shall pay to the City an annual license fee of fifty percent (50%) of the amount charged for state wine and beer license by the State of Alabama. In addition, each licensee will remit to the City Clerk, on forms provided by such Clerk, each month, the privilege or excise tax levied on the sales of beer by the "Uniform Beer Tax Act," Acts 1982, No. 82-344. In addition, each licensee will remit to the City Clerk, on forms provided by such clerk, each month, the privilege or excise tax levied on the sales of table wine by the "Alabama Table Wine Act." Wholesale beer and wine dealers will not sell to any retail outlet that is not properly licensed by the City.

- (d) Warehouse License. Each person licensed by the ABC board to receive, store or warehouse alcoholic beverages within the state for transshipment inside and outside the state shall pay to the City an annual license fee of five hundred dollars (\$500.00).
- (e) Club retail liquor license. Each person licensed by the ABC board to operate a club, Class I or II, under section 28-3A-1 et seq. of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of one thousand five hundred dollars (\$1,500.00) if a Class I club, and two thousand dollars (\$2,000) for a Class II club. In addition, to said stated license fee, each person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of ten percent (10%) of wholesale cost of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.
- (f) Lounge retail liquor license. Each person licensed by the ABC board to operate a retail lounge under section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of two thousand dollars (\$2,000.00). In addition to said stated license fee, each person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of ten percent (10%) of wholesale cost of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.
- (g) Retail liquor for off-premises consumption. Each person licensed by the ABC board to operate a retail lounge under section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of one thousand five hundred dollars (\$1,500.00). In addition to said stated license fee, each person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of ten percent (10%) of the wholesale cost of all alcoholic beverages, except beer and table

wine, received during such immediate next preceding calendar month.

- (h) Restaurant retail liquor license. Each person licensed by the ABC board to sell alcoholic beverages in connection with the operation of a restaurant under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual privilege license fee of one thousand five hundred dollars (\$1,500.00). In addition to the stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of ten percent (10%) of the wholesale cost of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.
- (i) Retail table wine license for off-premises consumption. Each person licensed by the ABC board to sell table wine for off-premises consumption under section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of fifty percent (50%) of the amount charged for state wine license by the State of Alabama.
- (j) Retail table wine license for on-premises and off-premises consumption. Each person licensed by the ABC board to sell table wine at retail for on-premises and off-premises consumption under section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of fifty percent (50%) of the amount charged for state wine license by the State of Alabama, unless such person shall have paid for an on-premises liquor license.
- (k) Retail beer for on-premises and off-premises consumption. Each person licensed by the ABC board to sell beer for on-premises and off-premises consumption under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of fifty percent (50%) of the amount charged for state beer license by the State of Alabama.
- (l) Retail beer for off-premises consumption. Each person licensed by the ABC board to sell beer for off-premises consumption under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of fifty percent (50%) of the amount charged for state beer license by the State of Alabama.
- (m) Special retail liquor license for on-premise consumption. Each person who has obtained a special retail liquor license from the ABC board under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City a license fee of two hundred fifty dollars (\$250.00) when the period of use is thirty (30) days or less. Such person shall pay to the City a license fee of three

hundred fifty dollars (\$350.00) when the period of use is more than thirty (30) days. In addition to said stated license fee, each such person shall pay to the City percent (50%) of the amount charged for state wine license by the State of Alabama. In addition to the stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of ten percent (10%) of the wholesale cost of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

- (n) Special events retail license for on-premise consumption. Each person who has obtained a special events retail liquor license from the ABC board under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City a license fee of two hundred dollars (\$200.00). No such license shall be issued for a period in excess of seven (7) days. Such alcoholic beverages as are authorized by the ABC board may be sold. All applications for special event licenses shall be filed with the City Clerk at least sixty (60) days in advance of the event for which a license is sought. In addition to the stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of ten percent (10%) of the wholesale cost of all alcoholic beverages, except beer and table wine, received incidental to such special event.

Hereunto, shall apply to applicant for a special event retail liquor license.

- (1) Submit the required filing fee.
 - (2) Receive approval from the city council; and
 - (3) Pay the required license fee.
 - (4) Each applicant/organization shall not be allowed to apply for more than five special event license in any one calendar year.
 - (5) No sale of alcohol shall be allowed to be sold during a special event on any Sunday after 2:00 AM.
 - (6) Shall be required to purchase the alcoholic beverages from a wholesale licensee of the ABC board.
- (o) Manufacturer license. Each person who has obtained a manufacturer license from the ABC board under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of three hundred fifty dollars (\$350.00).
- (p) Importer license. Each person who has obtained an importer license from the ABC board under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of three hundred fifty dollars (\$350.00).

- (q) Liquor wholesale license. Each person who has obtained a liquor wholesale license from the ABC board under Section 28-3A-1 et seq., of the Code of Alabama, 1975 as amended, shall pay to the City an annual license fee of seven hundred fifty dollars (\$750.00).

The stated annual license fee levied by the schedule under the foregoing provisions shall be due January 1st of each year and shall be delinquent after January 31st of the year for which such license is due, and a penalty of ten percent (10%) of the license amount shall be collected during February – March. In the event that a license fee has not been paid as of March 31st, the license shall be revoked. In addition, such person must pay a two hundred dollar (\$200.00) citation fee. The foregoing schedule of licenses shall be for the calendar year, and a full amount thereof shall be charged and collected, provided that where a new license is issued after July 1st, one-half (1/2) of the annual rate shall be charged and collected. There shall be no rebate allowed upon revocation, suspension, abandonment or surrender of such license before the expiration thereof. All additional license taxes levied by said schedule shall be due the fifteenth (15th) day of the calendar month specified in each levy and shall be delinquent if not reported and paid by such date. Such delinquency will result in an additional penalty and interest charges as follows: If reports are not filed within the time herein provided and the taxes not paid on the dates herein provided for, such person shall pay to the City the full amount of tax together with a penalty of ten percent (10%) of the amount of the tax as well as an additional interest charge at the rate of three percent (3%) per month from the date the payment of such tax became delinquent. Any failure to comply with this section shall be declared unlawful and be punishable as such.

2. Article II of the Henagar Alcoholic Beverage Ordinance shall be amended to include the following section regarding advertising:

Section Fourteen-Advertising

It shall be unlawful for any business to display signs of any kind advertising alcoholic beverages, whether electric, painted, or of any other nature, outside any place of business, or inside any place of business in a position visible from outside the building, except on the rear most wall. The rear most wall is defined as that wall furthest and opposite to the entrance to said business. This prohibition does not apply to aisle or floor merchandise displays not generally visible from outside the building. Any signage otherwise placed shall make no reference to beer, wine, malt beverages, liquor or mixed drinks. There shall be no signs or banners outside the premises of any retail licensee which advertise a particular manufacturer or brand of beer except that special events retail licensees shall be permitted to have such signs and banners which advertise a particular brand of beer, wine, malt beverage, or liquor. Display of advertising and violation of this section shall be considered a violation of the ordinance and punishable in accordance therewith.

3. All remaining parts, provisions, sections, subsections or portions of Ordinance No. 2017-0101 not affected by this amendment shall remain in full force and effect.

4. Such amendments shall become effective five days after approval and publication.

Whereas, said ordinance is adopted and approved this day, the 24 day of July, 2017.



Mayor



Council Member



Council Member



Council Member



Council Member



Council Member

Attest:



City Clerk

Certificate by Clerk

I certify that the foregoing ordinance number 2017-0701 was duly adopted by the City Council of the City of Henagar on the 24 day of July, 2017, and was duly posted at the City Hall, the City Police Station, and the Henagar Public Library on the 25 day of July, 2017. I further certify that a copy was posted on the City's website.



City Clerk

I certify that this is a true and correct copy of ordinance number 2017-0701 regarding the sale of alcohol in Henagar, Alabama.



City Clerk