

ORDINANCE NO. 2019-254

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

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

WHEREAS, the City of Madison also desires to update certain names for license classifications in order to match the classifications and requirements of the ABC Board;

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:

"Sec. 4-34. Lounge Retail Liquor - Class I

Lounge Retail Liquor – Class I Licenses for on-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 Business District.
- (b) B-3 General Business District.
- (c) MC Medical Center District.
- (d) MU Mixed Use District.
- (e) TND Traditional Neighborhood Development.
- (f) Urban Center District (UC)"

"Sec. 4-35. Special Retail License.

Special Retail Licenses for alcoholic beverages may only be granted to establishments 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 Business 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.
- (h) Urban Center District (UC)

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

"Sec. 4-57. - Lounges, clubs, restaurants, manufacturers, on or off premises table wine and 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, manufacturers, off-premises retail liquor license, or on or off premises or off-premises table wine license, or special retail license, or within five 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 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 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 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 section 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 a lounge retail – class II (package), a lounge retail – class I, an on or off-premises or off-premises table wine license, or a manufacturers license and upon applicant's compliance with this chapter and the certification of city departments as specified in section 4-57(f), the revenue director is authorized to issue the following appropriate licenses to the applicant:
- (1) A lounge retail liquor – class II (package), 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 or off premises consumption, which authorizes the licensee to purchase table wine in package form from the board or a licensed wholesaler and to sell table wine at retail for on or off premises consumption, as permitted by the Code of Alabama and the regulations of the board, provided that the establishment is licensed by the city and if offering table wine for sale, has obtained all required food handling permits from the department of public health of either Madison County or Limestone County.
 - (4) A manufacturers license which shall authorize the licensee to manufacture or otherwise distill, produce, ferment, brew, bottle, rectify, or compound alcoholic beverages within this state or for sale or distribution within this state or for sale or distribution within this state.
 - (5) A lounge retail liquor – class I, which authorizes the licensee to sell alcoholic beverages for on-premise and off-premise consumption. All sales for off-premises consumption shall be in original unopened containers.

SECTION 3. The provisions of this Ordinance and the Franchise Agreement are intended to be severable, and if any word, clause, phrase, sentence, paragraph, or provision of either this Ordinance or the Franchise Agreement shall be invalidated by a court of competent jurisdiction, such invalidity shall not affect any other word, clause, phrase, sentence, paragraph, or provision hereof.

SECTION 4. That this ordinance shall become effective immediately upon its passage and upon its proper publication as required by law.

READ, APPROVED AND ADOPTED this 23rd day of September, 2019.

Steve Smith, Council President
City of Madison, Alabama

Attest:

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

APPROVED this 24th day of September, 2019.

Paul Finley, Mayor
City of Madison, Alabama