

**ORDINANCE NO. 2021-02**

**An Ordinance for Alcoholic Beverages in the Town of Triana, Alabama**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TRIANA, ALABAMA:**

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ARTICLE I. IN GENERAL

Section 1. Definitions

(a) As used in this chapter, the following words and phrases shall, unless the context plainly shows a different meaning, be given the meanings ascribed to them in Code of Ala. 1975, Title 28 (Code of Ala. 1975, 5 28-1-1 et seq.): alcoholic beverages, association, beer, board, carton, container, club, corporation, fortified wine, hotel, importer, liquor, liquor store, manufacturer, meal, minor, person, restaurant retailer, sale or sell, table wine, unopened container, wholesaler, wine.

(b) As used in this chapter, the word “club” or “private club” shall, unless the context plainly shows a different meaning, be given the meaning ascribed in Code of Ala. 1975, § 28-3-1(7)a for a Class I license.

**State law references:** Code of Alabama § 28-3-1.

Section 2. Violation of state code.

It shall be unlawful for any person to violate any of the provisions of Code of Ala. 1975, Title 28 (Code of Ala. 1975, § 28-1-1 et seq.), and such violations shall be considered a misdemeanor against the Town and punishable the same as any other violation of this chapter.

Section 3. Citations/Criminal penalties.

The Town Clerk, upon request of the Town Council, is hereby authorized to issue summons to any person for violation of this chapter in addition to the Police Department issuing citations. Such citations shall order the person to appear in municipal court to answer such charges. Any person found guilty of violating any of the provisions of this ordinance shall be fined an amount not less than \$50.00 and not more than \$500.00, and may also be sentenced to imprisonment for a period not exceeding six months, in the discretion of the court trying the case. Violations on separate days shall each constitute separate offenses.

Section 4. Seizure of property.

In all cases of confiscation of alcoholic beverages in violation of this chapter, the officer making the seizure shall prepare a list containing a particular description of the property seized. The chief of police shall post notices at the Town police department, the Town municipal building and the location from which the property was taken. Such notice shall describe the property seized, and the time and place and cause of the seizure, and require any person claiming an interest in such property to make written claim within 30 days of the first posting. Any person claiming the property seized as contraband must file with the chief of police a written claim stating his/her/its interest in the property seized and may execute a bond in a penal sum equal to double the value of such property, but in no case less than \$150.00, with sureties approved by the municipal court, judge, or magistrate, conditioned that in case of condemnation of the property obligors shall pay to the Town the full value of the property and all cost and expense of the proceedings to obtain condemnation. Upon filing of the bond the property shall be returned to the claimant pending outcome of the case. The Town attorney may then file a complaint in county circuit court to secure the forfeiture of such property.

Section 5. General restrictions on retailers licensed for on-premises consumption.

(a) *Sales to be in room accessible to general public.* No on-premises licensee shall sell any alcoholic beverages for consumption on the licensed premises except in a room or place on the licensed premises at all times accessible to the use and accommodation of the general public; provided, however, a hotel or club licensee may sell alcoholic beverages in any room of such hotel or clubhouse occupied by a bona fide registered guest or member or private party entitled to purchase alcoholic beverages.

- (b) *Security Services to be provided by Alabama Security Regulatory Board Licensed Companies and minimum number of Security Officers.* On-premises licensee contracting for Private Security Services shall only hire services from Contract Security Companies licensed by the by the Alabama Security Regulatory Board (ASRB) and any individual Security Officers provided by an aforementioned Contract Security Company must also be licensed by the Alabama Security Regulatory Board (ASRB).

**State Law Reference:** Code of Alabama § 34-27C-4(a)

- (c) *Compliance with Building Occupancy.* No on-premises licensee shall allow the occupancy limit of the licensed premises as established by the County Fire Marshall to be exceeded. Further, no retailer shall allow a temporary reduced occupancy limit established by the State of Alabama or Madison County Health Officers in response to a pandemic to be exceeded.

**State Law Reference:** Code of Alabama § 22-2-2

- (d) *Advertising.* No on-premises licensee shall advertise the name of their establishment other than the name under which the retailer's license was granted or a d.b.a (doing business as) provided with the license application.

- (e) *Security Plan.* On-premises licensee licensed for on premises shall be required to develop and submit a security plan to the Chief of Police and Fire Chief upon application for a license for new licensees, or within 45 days of the passage of this ordinance for existing licensees. On-premises licensee shall file an updated written safety plan annually with the chief of police. If there have been no material changes to an establishment's programming, operation, ownership, or size, the updated written safety plan may take the form of a letter from the establishment operator to the chief of police certifying that there have been no material such changes. The security plan shall address at a minimum the following topics:

- 1) The number and location of all security personnel;
- 2) The occupancy load of the establishment, average patron attendance, and the type of entertainment/events held at the establishment;
- 3) The establishment identification checking and patron search procedures;
- 4) Procedures for ensuring that only persons 21 years or older are served alcohol;
- 5) The establishment's procedures for handling violent incidents, other emergencies, and calling the police department;
- 6) A description of the training provided or completed by security and other personnel, including conflict de-escalation training;
- 7) The establishment's procedures for crowd control and preventing overcrowding;
- 8) The establishment's plan for maintaining order upon the accessory premises or open space adjacent to such premises (i.e. parking lots and Public Right of Ways);
- 9) Current contact information for the person or position responsible for addressing safety, security, or city Code related complaints by patrons or neighborhood residents; and
- 10) Show proof that security officers employed and the Contract Security Company contracted by the club are licensed by the state security regulatory board or that they are exempted from such licensing by state law (i.e. reciprocal state licensing, or off-duty APOST certified Law Enforcement Officers). Notwithstanding the foregoing provision, all security officers are subject to city business licensing.

The following table specifies the minimum number of Security Officers Required:

<u>Capacity</u>	<u>Number of Security Officers Required</u>
50-150 Persons	1
151-300 Persons	2
301-450 Persons	3
451-600 Persons	4
Each Add'l 150 Persons	1 additional Security officer

- (f) *Duty of Manager to Maintain Order on Premises; duty to report incidents.* It shall be the duty of each officer, owner, manager or person in charge of any on-premises licensee, within the Town to immediately make an appropriate report by telephone to the police division of each assault, assault and battery, or affray occurring on the licensed premises while such premises are open for business. It shall further be the duty of the person to make a written report of such incidents to the police department within 36 hours. Failure to make either report shall be grounds for revocation or suspension of the license for the operation of the establishment. Habitual breaches of the peace, affrays, assaults, assaults and batteries, and the continued and habitual presence of disorderly persons upon the premises of a licensee shall be grounds for revocation or suspension of the license for the operation of the establishment. In addition, repeated and habitual incidents of vandalism, breaches of the peace, disorderly conduct or other violations of state and local laws and ordinances, including violations of the Town's Noise Ordinance, which unreasonably interfere with the peace, quiet, comfort and repose of persons of ordinary sensibilities in the neighborhood where such incidents may be attributable to the presence in the neighborhood of the licensed establishment shall also be grounds for revocation and suspension of the license of the establishment.

Section 6. Prohibited sales.

- (a) *Underage persons.* It is unlawful for any person, either directly or by the servants, agents, or employees of such person, or for any servant, agent, or employee of any person, to sell, deliver, furnish, or give away alcoholic beverages to any person under the legal drinking age, as defined in Code of Ala. 1975, 28-1-5, or to permit any person under the legal drinking age, as defined in Code of Ala. 1975, § 28-1-5, to drink, consume, or possess any alcoholic beverages on any licensee's premises of any licensee under this chapter.

**State law references:** Code of Alabama § 28-3A-25(a)(3).

- (b) *Sale to persons engaged in illegal sales.* It shall be unlawful for any licensee to knowingly sell any alcoholic beverages to any person engaged in the business of illegally selling alcoholic beverages.
- (c) *Rolling stores.* No licenses shall be issued for the sale of any alcoholic beverages by rolling stores.

Section 7. Package stores.

- (a) *Sales to be in sealed containers only.* The retail sale of alcoholic beverages for consumption off the premises of the licensee shall be permitted only in sealed containers.
- (b) *Minimum distance between package stores.* No package store license shall be issued at any location within 500 feet of another package store.
- (c) *Use of Interior Passageways.* Any interior door window or passageway in licensed premises which opens or may be opened into an adjoining building may, be used only by the licensee or its employees. Such interior openings must be unavailable to the patrons, customers or members of the licensee and such passageway must be clearly marked "employees only."
- (d) *Age restriction for issuance of license.* No person under the age of 21 years shall be issued such licenses nor shall any corporation be issued such licenses unless the president shall be over the age of 21 years.
- (e) *Signs, emblems, slogans and other advertising*

- 1) It shall be unlawful for any signs, cards, placards, or streamers to be distributed by or for any licensee advertising specific sports events which are carried by radio and television stations. This does not prohibit calendars or schedules of sports such as football, basketball, baseball, hockey; etc... It shall be unlawful for any signs to be displayed or visible from the outside of a licensee's establishment advertising beverages by the case carton, or bottle, or advertising- beverages at a certain price; or for any signs to be displayed outside a retail licensee's establishment which advertise alcoholic beverages by brand name or by use. of the terms "beer," "liquor," "wine" or "whiskey"
  - 2) A licensee may use the name of its emblems, slogans, etc., on the letterhead used by the licensee.
  - 3) The sale of items bearing names, slogans, or emblems of any alcoholic beverage is not prohibited.
  - 4) The licensee shall not advertise or identify its premises, prices or location by the use of a flashing or blinking sign whether operated by electricity, gas or otherwise.
- (f) *Beverage lockers prohibited.* The licensee may not rent out, furnish or maintain so-called beverage locker service for the storing or keeping by customers, patrons, members or renters of any alcoholic beverages.
- (g) *Prohibited conduct*
- 1) An off-premises licensee, employee or agent is prohibited from conducting, sponsoring or allowing any type of contest which requires the consumption of alcoholic beverages on the licensed premises.
  - 2) No off-premises licensee, employee or agent may sell any alcoholic beverage to any person if such person is acting in such a manner as to appear to be intoxicated.
  - 3) No off-premises licensee, employee or agent may consume alcoholic beverages during working hours.
- (h) *Manner of sales.* Alcoholic beverages shall not be sold by means of a drive-up, walk-up or drive-through window or other type of exterior access. All sales of alcoholic beverages must be made on the inside of the licensed premises.
- (i) *Time of sales.* It shall be unlawful between hours of 2:00 a.m. and 7:00 a.m. of any Sunday for any person to sell, buy, give away, serve or consume alcoholic beverages in a package store that licensed-to sell alcoholic beverages for off-premises consumption.
- (j) *Open containers prohibited.* It shall be unlawful for any person to be in possession of any glass, can, bottle or other open container containing an alcoholic beverage on the premises of any package store or any street, sidewalk, alley, parking lot or other public property, or right-of-way adjoining the premises of such a licensee. The licensee shall post a notice at each exit stating "No alcoholic beverage (beer, liquor or wine) may be carried in an open container inside this building or the surrounding area."

Section 8. Hours of sale for on-premises consumption.

It shall be unlawful between hours of 2:00 a.m. and 10:00 a.m. any day of the week for any person to sell, buy, give away, serve or consume alcoholic beverages in any cafe, lunchroom, restaurant, hotel dining room, lounge or other public place licensed to sell alcoholic beverages for on-premises consumption.

**State law references:** Code of Alabama § 28-3A-25(a)(19-20).

Section 9. Responsibility of club and lounge licensees to document age.

All club and lounge retail licensees shall be responsible for determining that no minors enter such establishment and that each customer has legal documentation of age.

Section 10. Lewd acts.

- (a) No licensee shall permit any person upon the licensed premises to perform acts of or acts which simulate:
- 1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or flagellation;
  - 2) The touching, caressing or fondling of the breasts, buttocks, anus or genitalia; or
  - 3) The display of pubic hair, anus, vulva, genitalia, nipples and areola of the breast
- (b) No licensee shall permit the showing of films, still pictures, electronic reproductions or other visual reproductions depicting such acts or simulations of such acts.

Section 11. Retail off-premises table wine licensees to separate wine from other goods.

Any retail off-premises table wine licensee operating a business other than the sale of alcoholic beverages shall place the table wine available for purchase on the premises in such a manner as to readily distinguish and separate it from the other goods or merchandise available for purchase.

**State law references:** Code of Alabama § 28-3A-25(a)(2).

Section 12. Purchase, consumption or possession by persons under 21 years of age.

- (a) It is unlawful for any person less than 21 years of age to attempt to purchase, to purchase, consume, or possess, or to transport any alcoholic beverages within the Town; provided, however, it shall not be unlawful for a person under 21 years of age who is an employee of a wholesale licensee or an off-premises retail licensee of the board to handle, transport, or sell any beer or table wine if the person under the legal drinking age is acting within the line and scope of his/her employment while so acting. There must be an adult licensee or servant, agent, or employee of the licensee present at all times a licensed establishment is open for business.
- (b) Notwithstanding any other provision of this section, it shall not be unlawful for any state alcoholic beverage control board licensee to employ any person under 21 years of age to work, provided there is an adult in attendance at all times. It shall be permissible to employ persons in an on-premises licensed establishment under 21 years of age such as professional entertainers, show people, musicians, cashiers, hostesses, ushers, waiters and waitresses, bus boys or girls, and the like, provided they do not serve, dispense or consume alcoholic beverages and there is an adult in attendance at all times. Notwithstanding the previous sentence, persons who are 19 years of age or older and working as a waiter, waitress, or server may serve alcoholic beverages during normal dining hours in a restaurant which holds a state alcoholic beverage control board restaurant retail license. An employer who employs a person between the ages of 19 and 21 to serve alcoholic beverages as provided in the preceding sentence shall be a licensee of the board who has been annually certified as a responsible vendor under the Alabama Responsible Vendor Act (Code of Ala. 1975, § 28-10-1 et seq.).

**State law references:** Code of Alabama § 28-1-5, 28-3A-25(a)(19).

Section 13. Drinking in public place.

It shall be unlawful for any person to drink alcoholic beverages in any public place, including, but not limited to, public buildings, public parks, streets, sidewalks, alleys, public rights-of-way, parking lots, shopping centers, malls, bus stations, theaters, or service stations, except when a special retail or special events retail license has been obtained.

**State law references:** Code of Alabama § 13A-11-10.

Section 14. Wholesale sales of beer and table wine.

It shall be unlawful for any wholesaler to sell beer or table wine to any person other than one holding a current Town retail license for beer or table wine, provided wholesalers may sell draft or keg beer for off-premises consumption.

Section 15. Portable coolers.

No iced container, sometimes referred to as a portable cooler, shall be used or allowed to be used for the sale of individual containers of alcoholic beverages on the premises of an establishment licensed to sell alcoholic beverages on an off-premise basis, unless specifically permitted by resolution of the Town Council.

ARTICLE II. LICENSES

Section 16. Sale without license prohibited.

It shall be unlawful for any person to deliver, furnish, distribute, manufacture, import, store, sell, offer for sale or have in possession for sale any alcoholic beverages when such person has not been licensed to do so. The possession of five gallons or more of liquor, including wine, and/or two cases or more of beer by one who is not licensed under this chapter shall be prima facie evidence that such alcoholic beverages are in possession for sale under the terms of this section. Any alcoholic beverages so possessed shall be contraband and are subject to confiscation and condemnation as set out in section 4 or as otherwise provided by law.

Section 17. Separate license required for each place of business.

Any retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of alcoholic beverages, but a separate license must be secured for each place where alcoholic beverages are sold. Where more than one retail operation is located within the same building, each such operation under separate or different ownership is required to obtain a separate retail license.

Section 18. Application requirements; qualifications.

- (a) *Application for state license, fee.* Each person desiring to sell alcoholic beverages in the corporate limits of the Town shall file with the state Alcoholic Beverage Control Board a written application in such form and containing such information as is required for a state license, and shall pay the appropriate license fee prescribed by this chapter.
- (b) *Additional information.* In addition, such application shall state the type of license sought; the place where the business is to be conducted; whether the applicant is a person, association or corporation; the name, address, birthdate, place of birth and record of all criminal convictions of the applicant and each officer, director, manager or person holding ten (10%) percent or more of the stock; and evidence of ownership or lease of real property where the business will be located.
- (c) *Application for club liquor license.* Any application for a club liquor license shall show the name of the club and its business address; the location where alcoholic beverages will be sold; the names and addresses of the owners of the premises and all lessees and sublessees; a certified copy of the certificate of incorporation, constitution and bylaws of the club; a verified list of the members of the club at the time of application, together with resident addresses; and the names and resident addresses of the elected officers and manager of the club. The highest elected official of the club shall certify to the truth of all matters in the application with his signature attested by any other elected officer of the club.
- (d) *Character of applicant.* Licenses shall be granted only to reputable individuals who are of good moral character, to associations whose members are of good moral character, or to reputable corporations organized under the laws of the state or qualified to do business in the state, if it appears that all officers and directors of the corporation are of good moral character.
- (e) *Certificates of health and safety.* Every applicant for an original license shall furnish:

- 1) A certificate by the health officer that the premises of the business are sanitary and comply with Town and state sanitary and health laws, rules and regulations; and
- 2) A certificate of approval for occupancy by the building official.

Section 19. Types of Licenses and Costs of Licenses

<u>Types of Licenses</u>	<u>Cost of License</u>
Liquor wholesale	\$300.00
Wholesale beer only	\$300.00
Wholesale wine only	\$300.00
Lounge retail liquor	\$800.00
Restaurant retail liquor	\$800.00
Club liquor	\$800.00
Retail off-premises table wine	\$300.00
Retail on premises table wine	\$200.00
Retail on-premises beer	\$200.00
Retail off-premises beer	\$300.00
Manufacturer beer only	\$300.00
Manufacturer wine only	\$300.00
Manufacturer liquor only	\$300.00
Manufacturer liquor and beer or wine	\$500.00
Manufacturer beer only with on-premises beer	\$500.00
Manufacturer liquor and beer or wine manufacturer with tasting room	\$600.00

**State law references:** Code of Alabama § 28-3A-21(a).

In addition to the license fee prescribed by this chapter there shall be a gross receipts tax on the sale of beer, liquor and wine; that is, on all sales of beer, liquor and wine by lounge retail licensees, restaurant retail licensees, club liquor licensees, special retail licensees, package stores and special events retail licensees. Each such retailer shall pay an additional tax of seven (7%) percent of the gross receipts from the sale of the beer, liquor and wine. Gross receipts include total receipts from the sale of any drink or mixture containing an alcoholic beverage. Such tax shall be paid on or before the 20th of each month following the month in which the sale was made. If the tax is not paid on time but is paid no later than 24 hours after due, there shall be assessed a penalty of ten (10%) percent. A penalty of twenty (20%) percent shall be assessed for taxes more than 24 hours past due. If the 20th falls on a Saturday, Sunday or municipal holiday, the tax shall be paid on the next working day. A signed, sworn statement of such sales must accompany the payment of tax. Failure to pay such tax by the final business day of each month shall constitute grounds for revocation of any license issued pursuant to Section 28, Paragraph (3).

**State law references:** Code of Alabama § 28-3-190.

Section 20. Review of application; hearing.

- (a) Every person applying for an alcoholic beverage license shall file with the Town Clerk an application to the Town Council as required in this Chapter. Said application shall be upon an appropriate form supplied by the Town Clerk or other duly-authorized representative and shall be signed and verified by oath or affirmation by the applicant, if a natural person, or in the case of a partnership, association, or unincorporated enterprise, by a partner or member thereof, or in the case of a corporation, by an executive officer thereof. The applicant shall deposit with the Town Clerk, the required application fee and the amount of publication costs to be incurred hereunder upon filing the application.
- (a) The Town Clerk shall notify the Town Council and Mayor of the application.



- (b) The Mayor and Town Council shall review the application as well as any and all background information (including criminal records if applicable) and available in Town records, and make such other investigation as appears reasonably necessary to determine the character of the applicant. All background information (including criminal records, if applicable) that is not otherwise public record shall not be disseminated or distributed by the Town.
- (c) The Town Council and Mayor shall review the application to determine if the proposed business location is properly zoned for such a use, if any, and if there are any land use or other prohibitions on the sale of alcoholic beverages at that location, and shall recommend whether or not the application should be approved, and, if not, the reason why it is not recommended.
- (d) When the Town clerk has received the application, the Town clerk shall set the application for a public hearing before the Town Council.
- (e) Notice of the hearing will be sent by first class mail to the applicant at the business address listed on the application (and to the owner of the property if different from the applicant), posted in the Town at least five (5) days prior to the hearing, and sent to any person who has a written request on file with the Town Clerk to be notified in writing of any request for an alcoholic beverage license within 300 feet of his/her/its property. In addition, the -owner of the property where the applicant proposes to operate shall prominently post notice on the property. The applicant shall pay all costs of providing notice.
- (f) At the hearing, the Council will hear any person who wishes to address the issue of whether the application for that particular site by that particular person should be approved.
- (g) Among the factors that the Town Council may consider in making its decision on the application are:
  - 1) Zoning, if any.
  - 2) The character and reputation of the applicant.
  - 3) The applicant's criminal record according to local police records and NCIC records.
  - 4) Location of place of business, including proximity to residences, schools, churches, etc.
  - 5) The applicant's compliance with alcoholic beverage laws of the Town, state and other jurisdictions.
  - 6) The applicant's general attitude towards the sale of alcoholic beverages.
  - 7) Recommendations of the department heads of the Town departments.
  - 8) Any other fact that would be relevant to the decision.
- (h) After the hearing has concluded, the Council must by majority vote approve the application or state its reasons for denying the application or continue the application until it obtains information reasonably necessary to make its decision.
- (i) The approval by the Council is conditional on compliance with all building and fire safety codes of the Town.
- (j) If the application is approved by the Town Council, the applicant must then file with the state Alcohol Beverage Control Board a written application in such form as is required by them. The approval of Alcohol Beverage Control Board is required for the issuance of a license. Upon approval of the ABC Board, the Town Council shall then issue the license to the applicant.

- (k) No hearing shall be required for the renewal of an existing license by the same licensee, for the change of the name of a licensee, for the transfer of a license to a person, firm or corporation affiliated in business with the existing licensee, or for a special events license where the event occurs on only one day. No hearing shall be required if the Town Council has previously approved the issuance of one type or category of alcoholic beverage license for the premises to the same applicant and the business has continued to operate pursuant to that approval, unless the change is from off-premise sales to on-premise sales. If the ABC Board requires a new license because the licensee failed to renew the state license in a timely manner, no hearing shall be required if there is otherwise no change in the applicant, location or type of alcoholic beverage license.
- (l) If an applicant fails to appear at the hearing after being properly notified and has not made a request for a continuance, the Council may proceed with the hearing and decide in the absence of the applicant.

Section 21. Issuance; renewal; payment of fee.

Upon approval of an application for an alcoholic beverage license by the Town Council and by the state ABC Board, the Town Council shall issue the appropriate license. Licenses shall be renewed annually for the period from January 1 to December 31, upon the filing of an application with the Town Council before January 31 of each year, along with the payment of the appropriate fee. License fees shall be due and payable on January 1 of each year and shall not be prorated.

Section 22. Keeping alcoholic beverages other than those authorized.

It shall be unlawful for any person licensed to sell liquor, wine or beer to keep, maintain or possess on the premises covered by his license any alcoholic beverages other than those authorized by his/her/its license.

Section 23. Location restrictions.

- (a) No original license for the sale of alcoholic beverages shall be issued for a location in any building that is within three hundred (300) feet of a church building or a school building.
- (b) The distance between the two buildings shall be measured by the building official between the nearest points of the two buildings.
- (c) Whenever a license is transferred or a new person applies for approval to do business at that location, then the restrictions of this section shall apply to that location.
- (d) If a church building or school building is erected after issuance of the license, within three hundred (300) feet of an alcoholic beverage sales location, that particular church building or school building shall not be used as a measuring point to determine if a violation of this section has occurred. If an extension is made to an already existing church building or school building, then the church building or school building as so extended shall not be used as a measuring point to determine if a violation of this section has occurred. The date of erection of the church building or school building is defined as the date a certificate of occupancy is issued by the building official.
- (e) All businesses and persons who are current have a current license to sell alcohol as of the date of the enactment of this Ordinance that are within three hundred (300) feet of a church building or school building is hereby "grandfathered" in and shall not be required to comply with the provisions of this Section 24. Notwithstanding the foregoing, however, should the licensee's license expire or should the licensee fail to pay any sales tax or other applicable tax, or should the business fail, the "grandfathering" rights under this subsection (e) shall cease and be null and void.
- (f) The words "school" or "school building" in this section refer only to buildings housing an elementary school, junior high school, high school, kindergarten, nursery, day care center or other similar institution which is used for the education or care of children under the age of nineteen (19) years. The words do not

include a building housing a college, university, junior college, business college, technical college, technical institute or other similar institution which is used for the education of persons who are predominantly over the age of nineteen (19) years.

Section 24. Assignment or transfer.

Licenses issued under this article may not be assigned, but a license may be transferred to another location, or from one person to another, by following the same procedure as if it were an original application. No transfer shall be made to any person who would not have been eligible to receive the license originally or to any place for which the license could not originally have been issued lawfully.

Section 25. Notification of change in ownership.

A licensee under this article shall notify the Town Council within seven days of any change in the ownership, officers, directors or managers of the licensee.

Section 26. Display.

Every license to sell alcoholic beverages shall be constantly and conspicuously displayed on the premises.

Section 27. Records.

Each licensee under this article shall keep full and complete records of all purchases, sales and deliveries of alcoholic beverages and shall preserve such records for three years. Such records shall be subject to inspection and audit by employees of the Town at any and all times of the day or night as may be deemed necessary. Town police officers shall have the right, without hindrance, to enter any place that is subject to inspection under this chapter or any place where such records are kept.

Section 28. Revocation or Suspension.

Any license issued under this article may be revoked or suspended up to one (1) year by resolution of the Town Council after notice to the licensee and a public hearing for any one or more of the following reasons:

- 1) Failure to keep accurate records as required by this chapter.
- 2) Refusal to allow Town Council to inspect records, accounts and other documents relating to the sale, purchase, handling or delivery of alcoholic beverages.
- 3) Failure to pay the license fee or gross receipts tax when due.
- 4) Violation of the provisions of this ordinance.
- 5) Violation of state law regarding the operation of the licensee's business.
- 6) Violation of any ordinance dealing with alcoholic beverages.
- 7) When the public safety, peace, good order or decency require revocation.
- 8) When the licensee aids and abets the violation of the ordinances of the Town or the laws of the state.

Section 29. Severability.

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence or part thereof or the application thereof to any employer or licensee or class of persons shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently, of each other.

Section 30. Repeal of ordinance.

All ordinances or parts of ordinances in conflict with this ordinance are to the extent of such conflict hereby repealed.

Section 31.      Effective date.

This ordinance shall be in full force and effect on and after August 1, 2021, and from year to year thereafter until repealed.

THIS ORDINANCE PASSED AND ADOPTED this the 24<sup>th</sup> day of May 2021.

*///SIGNED COPY ON FILE///*  
Mary Caudle, Mayor

ATTEST:

*///SIGNED COPY ON FILE///*  
Sharron Humphrey, Town Clerk