



State of Alabama)
City of Oneonta)
County of Blount)

Ordinance No. 0521-01

Ordinance Amending the Ordinance Regulating the Sale and Distribution of Alcoholic Beverages
within the City of Oneonta, Alabama

WHEREAS, the Oneonta City Council met in regular council meeting on Tuesday, April 27, 2021, approved to schedule a public hearing for proposed amendments set forth in Section 14.0 of the above referred to Ordinance (Alcohol Ordinance); and

WHEREAS, the Oneonta City Council conducted a public hearing at 5:30 p.m. on May 11, 2021, for the purpose of public input into the proposed amendments to the Oneonta Alcohol Ordinance; and

NOW THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Oneonta, the Alcohol Ordinance for the City of Oneonta, Alabama in Section 14.0 is amended to read as follows:

Section 14-3.- Definitions.

Deletions: Committee, a.k.a. the City of Oneonta's Alcohol Review Committee (A.R.C.): The city manager or designated representative as approved by the city council; the chief of police or designated representative as approved by the city council; the fire chief or designated representative as approved by the city council; the mayor or designated representative, and three (3) other members to be appointed by the city council.

Deletions: Licensing board: means the committee/City of Oneonta's Alcohol Review Committee (A.R.C.) as defined herein above.

Deletions: Restaurant, Class I: (g) the A.R.C. or any elected official

Deletions: Restaurant, Class II: (g) the A.R.C. or any elected official

Additions: *Special events*: An event licensed authorizing a responsible organization or a person of good reputation for a permit not to exceed seven (7) days and upon such terms and conditions as the fire chief, police chief and public safety director shall prescribe and be approved by the ABC board to sell alcoholic beverages, table wine, and/or beer.

Section 14-10.- Authorized lawful and unlawful hours.

Lawful Hours-

It shall be lawful for any person, whether liquor, wine, beer licensee, to sell, offer for sale or to serve or dispense for reward or offer to serve or dispense for reward, any liquor, wine or malt beverage during the following times:

(1) Between the following hours:

Sunday	10:00 a.m. until 2:00 a.m.
Monday	7:00 a.m. until 2:00 a.m.
Tuesday	7:00 a.m. until 2:00 a.m.
Wednesday	7:00 a.m. until 2:00 a.m.
Thursday	7:00 a.m. until 2:00 a.m.
Friday	7:00 a.m. until 2:00 a.m.
Saturday	7:00 a.m. until 2:00 a.m.

Unlawful Hours-

It shall be unlawful for any person, whether liquor, wine, beer licensee, to sell, offer for sale or to serve or dispense for reward or offer to serve or dispense for reward, any liquor, wine or malt beverage during the follow times:

(1) Between the following hours:

Sunday	2:01 a.m. until 9:59 a.m.
Monday	2:01 a.m. until 6:59 a.m.
Tuesday	2:01 a.m. until 6:59 a.m.
Wednesday	2:01 a.m. until 6:59 a.m.
Thursday	2:01 a.m. until 6:59 a.m.
Friday	2:01 a.m. until 6:59 a.m.
Saturday	2:01 a.m. until 6:59 a.m.

All other terms and conditions set forth in the Alcohol Ordinance remain in full force and effect unless amended herein.

Deletions: Sections 14-18.- A.R.C. city alcohol license review committee

- (1) There is hereby created for the purpose of assisting and advising the city council in the review of applications for city licenses, and inquiry and recommendation concerning complaints or disciplinary action of a city licensee, a committee to be known and designated as the City of Oneonta's Alcohol Review Committee (A.R.C.) to be composed as follows:
 - a. City manager or designated representative approved by the council;
 - b. Chief of police or designated representative approved by the council;
 - c. Fire chief or designated representative approved by the council;
 - d. City mayor or designated representative; and
 - e. Three (3) other members to be appointed by the city council.

The city manager or designated representative shall act as liaison to the city council on behalf of the A.R.C. The A.R.C. shall hold meetings as necessary to consider appeals by applicants for alcohol licenses, resolve matters of public concern, or make inquiry into the compliance of a current city licensee with this chapter and other provisions of this chapter.

- (2) The A.R.C. shall review the information contained within the application for an alcoholic beverage license and shall submit a written recommendation to the city council concerning the approval or disapproval of the application before the applicant is submitted to the alcohol beverage control board.
- (3) The A.R.C. shall investigate complaints or initiate its own inquiries into conditions which may violate provisions of this chapter concerning the operation of any establishment licensed by the city to conduct routine business in the selling of alcoholic beverages as allowed by state law.
- (4) The A.R.C. shall have the authority to require the licensee to produce records for its review as related to the operation, ownership, or management of the licensed establishment. The A.R.C. shall promulgate procedures for documenting and investigating complaints concerning the operation of an alcoholic beverage establishment as well as establishing a method of documenting violations of this chapter by a licensee or its employees.

Section 14-20.- Alcohol license tax bond.

Deletions: In definition two remove "city manager" two times.

Section 14-22.- Application for lounge, clubs, restaurant, etc. license deposit.

Additions: duly authorized representative two times.

Deletions: city manager two times.

Section 14-24. Review of application.

Additions: (1) The application shall be submitted to the city clerk or designated city representative.

Deletions: (1) The application shall be submitted to the city manager or designated representative as required by subsection 14-18(1).

Additions: (2) In the event of approval by the city council, the designated representative shall be responsible for ensuring that written approvals of the police, building, fire and health departments, and the designated representative are included as a part of the application indicating the satisfactory compliance with the applicable requirements for each respective department.

Deletions: (2) In the event of approval by the city council, the city manager or designated representative shall be responsible for ensuring that written approvals of the police, building, fire and health departments, and city manager or designated representative are included as a part of the application indicating the satisfactory compliance with the applicable requirements for each respective department.

Additions: (3) Subsequent to the city council approval and the applicant's compliance with subsection (2) of this section, designated representative, is hereby authorized to indicate and communicate in writing the city's approval for the issuance of a license for the applicant to the alcoholic beverage control board. The method for the communication of this approval by the city shall be determined based on the most current mechanism indicated as acceptable by the alcoholic beverage control board field office supervisor responsible for Blount County.

Deletions: (3) Subsequent to the city council approval and the applicant's compliance with subsection (2) of this section, the city manager or designated representative, is hereby authorized to indicate and communicate in writing the city's approval for the issuance of a license for the applicant to the alcoholic beverage control board. The method for the communication of this approval by the city shall be determined based on the most current mechanism indicated as acceptable by the alcoholic beverage control board field office supervisor responsible for Blount County.

Section 14.25.- Public Notice.

Additions: (1) designated city representative

Deletions: (1) city manager

Section 14-26.- Consideration of application.

Additions: (6) The recommendation of the Oneonta Fire Chief, Oneonta Police Chief, and Public Safety Code Enforcement. Any recommendation factor must be grounded in the protection of the safety, and public welfare of the community.

Deletions: (6) The recommendation of the City of Oneonta Alcohol License Review Committee. Any recommendation factor must be grounded in the protection of the safety, and public welfare of the community.

Section 14-27.- Filing fee.

Additions: There is hereby required, as a filing fee to cover the costs of processing and investigating each application filed with the city license of any kind or class, the sum of two hundred dollars (\$200.00) and the duly authorized representative shall not accept any application for any such license not accompanied by said payment to the city along with the payment of the publication costs the sum of fifty dollars (\$50), as required in this chapter. The city shall retain said non-refundable filing fee to cover the expenses of processing and investigating said application, whether or not said application results in approval or denial, provided however that the non-refundable filing fee for a special events license application shall be two hundred dollars (\$200.00).

Deletions: There is hereby required, as a filing fee to cover the costs of processing and investigating each application filed with the city license of any kind or class, the sum of two hundred dollars (\$200.00) and the city manager or duly authorized representative shall not accept any application for any such license not accompanied by said payment to the city along with the payment of the publication costs, as required in this chapter. The city shall retain said non-refundable filing fee to cover the expenses of processing and investigating said application, whether or not said application results in approval or denial, provided however that the non-refundable filing fee for a special events license application shall be two hundred dollars (\$200.00).

Section 14-28.- License fee.

Additions: (1) a. *Beer wholesale license.* Each person licensed as a beer wholesaler under § 28-3A-1 et seq., Code of Alabama 1975, shall pay to the city an annual license fee of fifty (50) percent of the amount charged for state beer license by the State of Alabama. In addition, each licensee will remit monthly to the designated city representative on forms provided, the privilege or excise tax levied on the sale 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.

Deletions: (1) a. *Beer wholesale license.* Each person licensed as a beer wholesaler under § 28-3A-1 et seq., Code of Alabama 1975, shall pay to the city an annual license fee of fifty (50) percent of the amount charged for state beer license by the State of Alabama. In addition, each licensee will

remit monthly to the city manager on forms provided, the privilege or excise tax levied on the sale 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.

Additions: (1) b. *Wine wholesale license*. Each person licensed by the board as a wine wholesaler under § 28-3A-1 et seq., Code of Alabama 1975, shall pay to the city an annual license fee of fifty (50) percent of the amount charged for state wine license by the State of Alabama. In addition, each licensee will remit monthly to the designated city representative on forms provided by such designated city representative, the privilege or excise tax levied on the sales of table wine by the "Alabama Table Wine Act", Acts 1980, and No. 80- 382. Wholesale wine dealers will not sell to any retail outlet that is not properly licensed by the city.

Deletions: (1) b. *Wine wholesale license*. Each person licensed by the board as a wine wholesaler under § 28-3A-1 et seq., Code of Alabama 1975, shall pay to the city an annual license fee of fifty (50) percent of the amount charged for state wine license by the State of Alabama. In addition, each licensee will remit monthly to the city manager on forms provided by such city manager, the privilege or excise tax levied on the sales of table wine by the "Alabama Table Wine Act", Acts 1980, and No. 80- 382. Wholesale wine dealers will not sell to any retail outlet that is not properly licensed by the city.

Additions: (1) c. *Beer and wine wholesale license*. Each person licensed as a beer and wine wholesaler under § 28-3A-1 et seq., Code of Alabama, 1975, shall pay to the city an annual license fee of fifty (50) percent of the amount charged for state wine and beer license by the State of Alabama. In addition, each licensee will remit monthly to the city designated city representative on forms provided by such designated city representative, the privilege or excise tax levied on the sales of beer by the "Uniform Beer Tax Act", Acts 1972, and No. 82-344. In addition, each licensee will remit monthly to the designated city representative on forms provided by such designated city representative, 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.

Deletions: (1) c. *Beer and wine wholesale license*. Each person licensed as a beer and wine wholesaler under § 28-3A-1 et seq., Code of Alabama, 1975, shall pay to the city an annual license fee of fifty (50) percent of the amount charged for state wine and beer license by the State of Alabama. In addition, each licensee will remit monthly to the city manager on forms provided by such city manager, the privilege or excise tax levied on the sales of beer by the "Uniform Beer Tax Act", Acts 1972, and No. 82-344. In addition, each licensee will remit monthly to the city manager on forms provided by such city manager, 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.

Additions: (1) m. designated city representative

Deletions: (1) m. city manager

Additions: (1) n. designated city representative

Deletions: (1) n. city manager

Additions: (1) n. 2) Receive affirmative recommendation to the city council by the Oneonta Fire Chief, Oneonta Police Chief and Public Safety Code Enforcement.

Deletions: (1) n. 2) Receive affirmative recommendation to the city council by the City of Oneonta Alcohol Review Committee.

Section. 14-29. – Reports of business done and tax due.

Additions: The person liable for any license tax or other tax imposed by this chapter shall file with the duly authorized representative, on or before the final date on which the tax may be paid without a penalty, such report, or reports in such form as the duly authorized representative, may prescribe evidencing the amount of business done and the amount of license tax or other tax due thereon, together with full payment for any tax liability. Any failure to comply with this section shall be declared unlawful and be punishable as such.

Deletions: The person liable for any license tax or other tax imposed by this chapter shall file with the city manager or duly authorized representative, on or before the final date on which the tax may be paid without a penalty, such report or reports in such form as the city manager or duly authorized representative, may prescribe evidencing the amount of business done and the amount of license tax or other tax due thereon, together with full payment for any tax liability. Any failure to comply with this section shall be declared unlawful and be punishable as such.

Section. 14-31.- Appeals and waivers.

(1) Appeals

Additions: a. Appeals to the council may be taken by any person aggrieved by an officer, department, board, or bureau of the City of Oneonta affected by a decision as to an alcohol license or any other city officials based on this chapter. Such appeal shall be taken within a reasonable time not to exceed ten (10) days, by filing with the designated city representative a written notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the designated city representative.

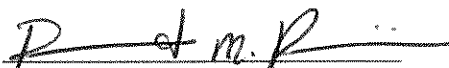
Deletions: a. Appeals to the council may be taken by any person aggrieved by an officer, department, board, or bureau of the City of Oneonta affected by a decision as to an alcohol license

or any other city officials based on this chapter. Such appeal shall be taken within a reasonable time not to exceed ten (10) days, by filing with the city manager a written notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the city manager.

All other terms and conditions set forth in the Ordinance Regulating the Sale and Distribution of Alcoholic Beverages within the City of Oneonta, Alabama remain in full force and effect unless amended herein.

ADOPTED AND APPROVED this the 11 day of May 2021.

City of Oneonta, Alabama
A Municipal Corporation

BY: 
Richard Phillips, Mayor

ATTEST: 
Amanda Cole, City Clerk