

1 HB624
2 129090-2
3 By Representatives Johnson (W), Williams (P), Patterson, Hall,
4 Sanderford and McCutcheon (N & P)
5 RFD: Madison County Legislation
6 First Read: 24-MAY-11

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ENROLLED, An Act,

Relating to Madison County, to authorize the Madison County Commission, by resolution, to levy, provide for the assessment and collection of, and provide penalties for the nonpayment of a privilege or license fee upon every person, firm, or corporation licensed by the Alcoholic Beverage Control Board, engaged or continuing within the unincorporated area of Madison County in the business of selling liquor, for on-premises consumption in an amount equal to 12 percent of gross receipts from that part of the business; to provide for the collection of the privilege or license fee, and to provide for the distribution of the privilege or license fee; and to authorize the Madison County Commission, by resolution, to authorize, regulate, and license the sale of alcoholic beverages for on-premises consumption within the unincorporated areas of Madison County by restaurants that are licensees of the Alcoholic Beverage Control Board and to provide for the contents and requirements contained in the resolution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply to Madison County.

Section 2. (a) The Madison County Commission, by resolution adopted by a simple majority of the entire commission, may do the following:

1 (1) Levy, provide for the assessment and collection
2 of, and provide penalties for the nonpayment of, in addition
3 to all other taxes of every kind and nature imposed by law, a
4 privilege or license fee upon every person, firm, or
5 corporation licensed by the Alcoholic Beverage Control Board,
6 engaged or continuing within the unincorporated areas of
7 Madison County in the business of selling liquor as that term
8 is defined in subdivision (15) of Section 28-3-1, Code of
9 Alabama 1975, of alcoholic drinks containing liquor, including
10 all ingredients which are made a part of such drinks, for
11 on-premises consumption in an amount equal to 12 percent of
12 gross receipts or gross sales from that part of the business.

13 (2) Regulate and license the sale of alcoholic
14 beverages, as that term is defined in subdivision (1) of
15 Section 28-3-1, Code of Alabama 1975, for on-premises
16 consumption within the unincorporated areas of Madison County
17 by restaurants, as that term is defined in subdivision (22) of
18 Section 28-3-1, Code of Alabama 1975, that are licensees of
19 the Alcoholic Beverage Control Board.

20 (b) The Madison County Commission may, in the
21 resolution, provide for:

22 (1) The issuance of a license.

23 (2) The collection of a fee for the issuance of such
24 a license.

1 (3) The grounds and process for revocation of any
2 such licenses.

3 (4) Limitations upon the types of music and
4 entertainment allowed in any licensed restaurant.

5 (5) The percentage of gross receipts from the sale
6 of food for on-premises consumption required for a restaurant
7 to be licensed.

8 (6) Restrictions upon the location of the restaurant
9 in regard to the location of schools, recreational facilities,
10 churches, residences, and in regard to whether the location is
11 in a commercial area.

12 (7) Restrictions upon the hours of operation of any
13 licensed restaurant.

14 (8) Restrictions upon the ownership of a licensed
15 restaurant in regard to criminal convictions or violations of
16 rules in regard to alcoholic beverages promulgated by any
17 state or local government.

18 (9) Requirements regarding compliance with
19 applicable building and fire codes.

20 Section 3. Any privilege or license fee levied by
21 the Madison County Commission shall be collected by the
22 Madison County Commission, and the net proceeds from the
23 privilege or license fee, less a reasonable cost of collection
24 which shall be retained by the Madison County Commission,

1 shall be paid into the county treasury and distributed as
2 follows:

3 (1) Fifty percent to the Madison County General
4 Fund.

5 (2) Twenty-five percent to the Madison County Board
6 of Education to be used for the purchase of school supplies,
7 books, and equipment but no portion of these funds shall be
8 used to pay for salaries or capital improvements.

9 (3) Twenty-five percent to volunteer fire
10 departments located in Madison County to be distributed in the
11 same percentages as the 3 mil ad valorem tax for fire
12 protection is distributed among the volunteer fire departments
13 located in Madison County.

14 Section 4. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.

