

1 HB624
2 129090-1
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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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Madison County, to authorize the Madison
14 County Commission, by resolution, to levy, provide for the
15 assessment and collection of, and provide penalties for the
16 nonpayment of a privilege or license fee upon every person,
17 firm, or corporation licensed by the Alcoholic Beverage
18 Control Board, engaged or continuing within the unincorporated
19 area of Madison County in the business of selling liquor, for
20 on-premises consumption in an amount equal to 12 percent of
21 gross receipts from that part of the business; to provide for
22 the collection of the privilege or license fee, and to provide
23 for the distribution of the privilege or license fee; and to
24 authorize the Madison County Commission, by resolution, to
25 authorize, regulate, and license the sale of alcoholic
26 beverages for on-premises consumption within the
27 unincorporated areas of Madison County by restaurants that are

1 licensees of the Alcoholic Beverage Control Board and to
2 provide for the contents and requirements contained in the
3 resolution.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act shall apply to Madison County.

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

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

21 (2) Regulate and license the sale of alcoholic
22 beverages, as that term is defined in subdivision (1) of
23 Section 28-3-1, Code of Alabama 1975, for on-premises
24 consumption within the unincorporated areas of Madison County
25 by restaurants, as that term is defined in subdivision (22) of
26 Section 28-3-1, Code of Alabama 1975, that are licensees of
27 the Alcoholic Beverage Control Board.

1 (b) The Madison County Commission may, in the
2 resolution, provide for:

3 (1) The issuance of a license.

4 (2) The collection of a fee for the issuance of such
5 a license.

6 (3) The grounds and process for revocation of any
7 such licenses.

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

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

13 (6) Restrictions upon the location of the restaurant
14 in regard to the location of schools, recreational facilities,
15 churches, residences, and in regard to whether the location is
16 in a commercial area.

17 (7) Restrictions upon the hours of operation of any
18 licensed restaurant.

19 (8) Restrictions upon the ownership of a licensed
20 restaurant in regard to criminal convictions or violations of
21 rules in regard to alcoholic beverages promulgated by any
22 state or local government.

23 (9) Requirements regarding compliance with
24 applicable building and fire codes.

25 Section 3. Any privilege or license fee levied by
26 the Madison County Commission shall be collected by the
27 Madison County Commission, and the net proceeds from the

1 privilege or license fee, less a reasonable cost of collection
2 which shall be retained by the Madison County Commission,
3 shall be paid into the county treasury and distributed as
4 follows:

5 (1) Fifty percent to the Madison County General
6 Fund.

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

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

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