

## **ORDINANCE NUMBER 1503 - 17**

**AN ORDINANCE AMENDING ORDINANCE 1017 AS AMENDED BY ORDINANCE 1018 AND AS FURTHER AMENDED BY ORDINANCE 1023 AND AS FURTHER AMENDED BY ORDINANCE 1195-98 , AND ORDINANCE 1361-06 OF THE CITY OF MUSCLE SHOALS ALABAMA BEING AN ORDINANCE TO REGULATE AND CONTROL ALCOHOLIC BEVERAGE TRANSACTIONS IN THE CITY OF MUSCLE SHOALS AND TO IMPOSE AND LEVY AND AUTHORIZE LICENSE FEES FOR ENGAGING IN WHOLESALE OR RETAIL SALES OF ALCOHOLIC BEVERAGES IN THE CITY OF MUSCLE SHOALS, ALABAMA, OR WITHIN ITS POLICE JURISDICTION**

BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama as follows: Ordinance 1017 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on November 3, 1981, as amended by Ordinance 1018 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on December 10, 1981, and as amended by Ordinance 1023 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on September 28, 1982, as amended by Ordinance 1195-98 of the City of Muscle Shoals, Alabama as heretofore adopted by the City of Muscle Shoals on July 28, 1998 is hereby amended so that the said Section 2, (A) through (K) of Ordinance 1017, as amended by Ordinance 1018 and as further amended by Ordinance 1023 and as further amended by Ordinance 1195-98 and as further amended by Ordinance 1361-06 shall include the following language and read in its entirety as follows:

I. Section 2 (A) through (K) of Ordinance 1017 of the City of Muscle Shoals, Alabama as amended is hereby further amended to read as follows:

Section 2. Each person licensed by the Board, who shall engage in the alcoholic beverage, liquor, beer or wine business within the corporate limits, or the police jurisdiction, shall, prior to engaging in such business, pay to the City, for the privilege of so engaging in business, an annual license fee and further license fees as established below:

(A) BEER WHOLESALE LICENSE. Each person licensed as a beer wholesaler in the City of Muscle Shoals, shall pay to the City an annual license fee of Two Hundred Fifty Dollars (\$250.00). In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month, 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 of Muscle Shoals beer license. Each person licensed as a beer wholesaler having engaged in selling malt or brewed beverages within the police jurisdiction, but outside the corporate limits, shall pay license fees of one-half (1/2) of the amounts set forth above.

(B) WINE WHOLESALER LICENSE. Each person licensed by the Board as a wine wholesaler in the City of Muscle Shoals, shall pay to the City an annual license fee of Two Hundred Seventy-Five Dollars (\$275.00), and also that tax provided by the Alabama Table Wine

Act 1980, Section 28-7-1 through 28-7-24 Code of Alabama 1975, as amended. Each person licensed by the Board as a wine wholesaler engaged in business outside of the corporate limits, but within the city police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(C) BEER AND WINE WHOLESALE LICENSE. Each person licensed as a beer and wine wholesaler in the City of Muscle Shoals shall pay to the City an annual license fee of Three Hundred Seventy-Five Dollars (\$375.00). In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month, the privilege or excise tax levied on the sales of beer by the "Uniform Beer Tax Act", Acts 1982, No. 82-344. In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month the privilege or excise tax levied on the sales of table wine by the "Alabama Table Wine Act", Acts 1980, No. 80-382. Each person licensed by the Board as a beer and wine wholesaler engaged in selling malt or brewed beverages outside of the corporate limits, but within the city police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(D) LOUNGE RETAIL LIQUOR LICENSE. Each person licensed by the Board to operate a retail liquor lounge in the City of Muscle Shoals, shall pay to the City an annual license fee of One Thousand Five Hundred Dollars (\$1,500.00). In addition to said stated license fee, each such retail liquor lounge licensee shall pay, on or before the fifteenth (15<sup>th</sup>) day of the calendar month next succeeding each separate calendar month, for the privilege of so engaging in such business in said calendar month, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding month. Each person licensed by the Board to operate a retail liquor lounge engaging in such business outside of the corporate limits of the City, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amounts set forth above. No person under the age of nineteen (19) years shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

(E) RESTAURANT RETAIL LIQUOR LICENSE. Each person licensed by the Board to sell alcoholic beverages in connection with the operation of a restaurant by the City of Muscle Shoals, shall pay to the City an annual license fee of One Thousand Dollars (\$1,000.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15<sup>th</sup>) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each restaurant licensed by the Board engaging in such business outside of the corporate limits, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amount set forth above.

(F) Omitted.

(G) RETAIL TABLE WINE LICENSE FOR OFF-PREMISE CONSUMPTION.

Each person licensed by the Board to sell wine at retail for off-premise consumption in the City of Muscle Shoals, shall pay to the City, an annual license fee of Seventy-Five Dollars (\$75.00). Each person licensed by the Board to sell wine at retail for off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(H) RETAIL TABLE WINE LICENSE FOR ON-PREMISE CONSUMPTION. Each person licensed by the Board to sell table wine at retail for on-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of Seventy-Five Dollars (\$75.00), unless such person shall have paid for an on-premise liquor license. In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15<sup>th</sup>) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board to sell table wine at retail for on-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amount set forth above.

(I) RETAIL BEER LICENSE FOR ON-PREMISE AND OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell beer for on-premises and off-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of Seventy-Five Dollars (\$75.00). Each person licensed by the Board to sell beer for on-premises and off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amounts set forth above.

(J) RETAIL BEER LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell beer for off-premise consumption in the City of Muscle Shoals shall pay to the City an annual license fee of Fifty Dollars (\$50.00). Each person licensed by the Board to sell beer for off-premise consumption outside of the corporate limits, but within the police jurisdiction shall pay license fees of one-half (1/2) of the amounts set forth above.

(K) The stated annual license fees levied by the schedule under the foregoing provisions shall be due January 2<sup>nd</sup> of each year and shall be delinquent after January 15<sup>th</sup> of the year for which such license is due, and a penalty of fifteen percent (15%) shall be collected on or after January 16<sup>th</sup> of such year. All additional license taxes levied by said schedule shall be due the fifteenth (15<sup>th</sup>) day of the calendar month specified in each levy and shall be delinquent if not paid by such date and a penalty of fifteen percent (15%) shall be collected after such day of such month. There shall be no proration of any license fee because of having operated only a part of a calendar year, except as required by State Law.

II. Section 2 of Ordinance 1017 as amended is hereto amended to include the following and to read as follows:

(L) RETAIL COMMON CARRIER LICENSE. Each person licensed by the Board as a retail common carrier liquor licensee to sell liquor, wine and beer for on-premises consumption

by passengers within the City of Muscle Shoals, Alabama while aboard a railroad, airline, bus line, ship line, vessel or other common carrier entity operating passenger vehicles with a passenger seating capacity of at least ten (10) people shall pay to the City an annual license fee of Seventy- Five Dollars (\$75.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15<sup>th</sup>) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board as a retail common carrier liquor licensee to sell liquor, wine and beer for on-premises consumption by passengers within the City of Muscle Shoals, Alabama while aboard a railroad, airline, bus line, ship line, vessel or other common carrier entity operating passenger vehicles with a passenger seating capacity of at least ten (10) people outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

III. Section 2 of Ordinance 1017 of the City of Muscle Shoals, Alabama as amended is hereby further amended to include the following and to read as follows:

(L) RETAIL LIQUOR, WINE AND BEER LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell liquor, table wine and beer at retail for off-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of Seven Hundred Fifty Dollars (\$750.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15<sup>th</sup>) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board to sell liquor, table wine and beer at retail for off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amount set forth above.

IV. All other provisions of Ordinance 1017 heretofore adopted and the amendments thereto shall remain in full force and effect.

V. The Ordinance, and its provisions, shall become upon publication or posting pursuant to law or as otherwise provided for by law.

COUNCIL OF THE CITY OF MUSCLE SHOALS,  
ALABAMA

By: Allen Noles  
ALLEN NOLES, President of the Council

ATTEST:

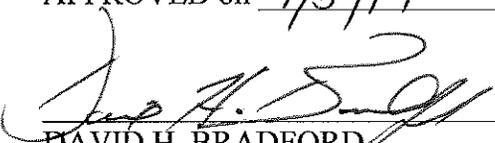
Richard L. Williams  
RICHARD L. WILLIAMS, City Clerk

TRANSMITTAL

I hereby certify that the foregoing Ordinance Number 1503 - 17 was passed on the 3<sup>rd</sup> day of July 2017 by the City Council of the City of Muscle Shoals and was transmitted to the Mayor on the 5<sup>th</sup> day of July 2017 at 11:30 a.m. o'clock.

  
\_\_\_\_\_  
City Clerk

APPROVED on 7/5/17 at 11:40 am o'clock

  
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DAVID H. BRADFORD  
Mayor of the City of Muscle Shoals, Alabama

**CERTIFICATE OF POSTING**

I, Richard L. Williams, City Clerk for the City of Muscle Shoals, Alabama, hereby certify that the above and foregoing Ordinance was duly and properly adopted by the Council of the City of Muscle Shoals, Alabama at a regular meeting of the said Council held on the 3rd day of July, 2017 at 6:00 o'clock p.m. in said City.

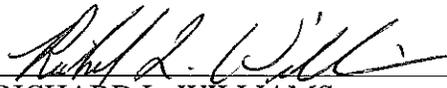
The said Ordinance has been duly and properly published or posted on the 5<sup>th</sup> day of July, 2017, pursuant to and in compliance with Act. 2011-680 of the Acts of Alabama, by posting a copy of said Ordinance at the Office of the Mayor at City Hall in the City of Muscle Shoals, Alabama; Muscle Shoals Public Library; Muscle Shoals Recreation Building # 1, Gattman Park; and First Metro Bank, Muscle Shoals Branch; being four conspicuous public places lying and being within the City of Muscle Shoals, Alabama, there being no newspaper published and of general circulation in the City of Muscle Shoals, Alabama.

I certify that a copy of the said Ordinance has been posted to the City's website which may be found at www.cityofmuscleshoals.com.

Reasonable steps will be undertaken to maintain the postings for not less than thirty (30) days.

This 5<sup>th</sup> day of July, 2017.



  
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RICHARD L. WILLIAMS  
City Clerk