

ORDINANCE NO. 2019-270

WHEREAS, the Board of Commissioners finds that the allowed serving hours for alcoholic beverages be established in the City Code, and

WHEREAS, the Board of Commissioners finds that the interest rate charged on delinquent liquor tax payments be updated to align with Code of Alabama (1975) §40-1-44, and

WHEREAS, the Board of Commissioners finds that the verbiage in the City Code be revised to identify the revenue officer as responsible for the collection of liquor tax.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Dothan, Alabama, as follows;

Section 1. That Sec. 6-5 be added to Article I. IN GENERAL as follows:

Sec. 6-5. – Sales, etc. after hours for persons licensed for on-premises sales.

- (a) The provisions of this section shall apply to the retail sale of alcoholic beverages for on-premises consumption and to the retail sale of alcoholic beverages for off-premises consumption by on-premises licensees but shall not apply to those businesses engaged solely in the retail sale of such alcoholic beverages for off-premises consumption nor to the wholesale of alcoholic beverages.
- (b) It shall be unlawful for any person to sell, furnish or give away any alcoholic beverages in premises licensed for on-premises sales of alcoholic beverages on Sunday between 2:00 a.m. and 1:00 p.m.
- (c) It shall be unlawful for any person to allow or fail to prevent the possession or consumption of any alcoholic beverages in premises licensed for on-premises sales of alcoholic beverages on Sunday between 2:00 a.m. and 1:00 p.m.
- (d) It shall be unlawful for any person to purchase or obtain any alcoholic beverages in premises licensed for on-premises sales of alcoholic beverages during the hours specified in subsection 6-5(b) above.
- (e) It shall be unlawful for any person to consume any alcoholic beverages in premises licensed for on-premises sales of alcoholic beverages during the hours specified in subsection 6-5(c) above.
- (f) Notwithstanding the paragraphs above, any restaurant including but not limited to full service restaurants, limited service restaurants, and restaurants that are accessory to hotels, country clubs, bowling alleys, and similar establishments holding an on-premises license issued by the State Alcoholic Beverage Control Board may begin serving alcohol at 10:00 a.m. on Sunday.

Sec. 6-6. – Sales, etc. after hours for persons licensed for off-premises sales.

- (a) It shall be unlawful for any person to sell, furnish or give away any alcoholic beverages or to allow or fail to prevent the possession of any alcoholic beverages in premises licensed for off-premises sales of alcoholic beverages on Sunday between 2:00 a.m. and 1:00 p.m.
- (b) It shall be unlawful for any person to consume or to allow the consumption of any alcoholic beverages in premises located for off-premises only sales of alcoholic beverages.

Section 2. That Sec. 6-67(b) be replaced in its entirety with the following:

- (b) Any person who fails to pay such tax within the time required under this section shall pay, in addition to the tax, a penalty of ten percent of the amount of tax due, together with interest thereon at the applicable interest rate pursuant to Code of Ala. § 40-1-44, or fraction thereof from the date at which the tax became due and payable. Such penalty and interest shall be assessed and collected as part of the tax. However, the

revenue officer, upon the approval of the board of commissioners if a good and sufficient reason is shown, may waive the penalty of ten percent and the interest or a portion thereof. Any tax not paid by the 20th of the month following the date due shall be considered delinquent, and the revenue officer shall proceed to collect the delinquent tax in accordance with section 18-1. In addition, failure to pay this tax when due shall constitute grounds for revocation of any license issued under this division.

Section 3. That Sec. 6-68(b) and (c) be replaced in their entirety with the following:

- (b) The records shall be kept posted currently and shall be preserved for not less than five years. All such records shall be opened for inspection and audit by the revenue officer during regular city business hours.
- (c) If any retailer fails to keep such records or refuses to make the records available for inspection or audit, the revenue officer shall proceed to levy and collect the license tax as provided in this division. The revenue officer shall have the authority to use whatever information is deemed necessary and available to make the determination as to the amount of the tax due. Failure to keep any of the records required by this division or refusal to make any of the records available to the revenue officer shall constitute grounds for revocation of any license issued under this division.

Section 4. That Sec. 6-103(b)(5) and (c) be replaced in their entirety with the following:

- (5) No alcoholic beverages shall be sold at a licensed premise within the district beyond the hours as specified by the Alabama Beverage Control Board in Title 28, in sections 6-5 and 6-6 or as hereafter amended.
- (c) A licensee who receives an entertainment district designation shall comply with all laws, rules, and regulations which govern its license type except as specifically provided in this article. Nothing in this section shall be construed to allow the sale and consumption of alcohol in the entertainment district beyond the hours specified by the Alabama Beverage Control Board in Title 28, in sections 6-5 and 6-6 or as hereafter amended or the sale of alcohol to minors as specified by the Alabama Beverage Control Board in Title 28 or as hereafter amended.

Section 5. That the City Clerk of the City of Dothan is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

PASSED, ADOPTED, AND APPROVED ON November 5, 2019.

Attest:

Tammy Danner, City Clerk


Mayor

Associate Commissioner District 1


Associate Commissioner District 2

Associate Commissioner District 3

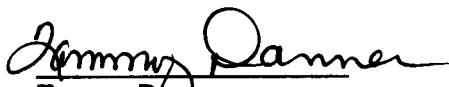
Associate Commissioner District 4

Associate Commissioner District 5


Associate Commissioner District 6

BOARD OF CITY COMMISSIONERS

I, hereby certify that the above Ordinance was published in THE DOTHAN EAGLE, a newspaper of general circulation and published in the City of Dothan, Alabama on November 7, 2019.


Tammy Danner
City Clerk