

STATE OF ALABAMA

COUNTY OF MADISON

RESOLUTION OF THE MADISON COUNTY COMMISSION

WHEREAS, Act 2011-658 of the 2011 Regular Session of the Alabama Legislature grants to the Madison County Commission the authority to authorize, regulate and license the sale of alcoholic beverages for on-premises consumption within the unincorporated area of Madison County by restaurants that are licensees of the Alabama Alcoholic Beverage Control Board, and to levy a privilege or license fee upon restaurants engaged or continuing in the business of selling liquor for on-premises consumption in the unincorporated area of Madison County; and

WHEREAS, on December 2, 2011, the Madison County Commission approved a Resolution authorizing the sale of alcoholic beverages for on premises consumption subject to certain requirements; and

WHEREAS, on April 9, 2014, the Madison County Commission amended and restated the Resolution adopted on December 2, 2011; and

WHEREAS, on July 15, 2015, the Madison County Commission amended and restated the Resolution adopted on April 9, 2014; and

WHEREAS, the Madison County Commission desires to amend and restate the Resolution adopted on July 15, 2015, as follows:

NOW, THEREFORE, be it resolved by the Madison County Commission:

1. That the Resolution of the Madison County Commission adopted on February 6, 1995, related to the approval by the Madison County Commission of retail liquor license applications is hereby amended to the extent it is in conflict with this Resolution. This Resolution is not intended to, and does not, authorize approval of any club liquor retail license under Section 20-x-5-0.3 of the Alabama Administrative Code or lounge retail liquor license under Section 20-x-5-0.4 of the Alabama Administrative Code.

2. The purpose of this Resolution is solely to permit and regulate restaurants, as that term is defined in subdivision (31) of § 28-3-1, Code of Alabama, 1975, when licensed by the Alabama Alcoholic Beverage Control Board under Section 20-x-5-0.5 of the Alabama Administrative Code to sell alcoholic beverages for on premises consumption in the unincorporated areas of Madison County, Alabama.

3. (1) Any person, partnership, corporation, P.A., P.C. or L.L.C. operating a restaurant or planning to operate a restaurant (hereinafter the "Restaurant") within the unincorporated areas of Madison County, Alabama, desiring a license to sell alcoholic beverages as that term is defined in subsection (1) of § 28-3-1, Code of Alabama, 1975, for on-premises consumption in the unincorporated areas of Madison County, Alabama, shall submit an

application on a form prescribed by the County Administrator of Madison County to the County Administrator of Madison County along with a non-refundable application fee of \$100.00.

(2) The Restaurant must file an application with the Alabama Alcoholic Beverage Control Board before filing an application within Madison County.

4. The Madison County Commission shall not approve any application for a Restaurant license under this Resolution if evidence presented to the Commission in the application or the public hearing for the license reveals evidence that the Restaurant is reasonably likely to create one or more of the following conditions:

(a) The Restaurant will create a nuisance.

(b) The Restaurant will create circumstances clearly detrimental to or which would adversely affect the public health, safety, and welfare of the adjacent residential neighborhoods.

(c) The Restaurant is not compatible with the character of the immediately surrounding area, considering factors including but not limited to master planning or lack thereof on the property or adjacent properties, the presence of public facilities or utilities, or nearby City limits with districts zoned for particular uses.

(d) The prior conviction of the applicant for an offense involving the use of alcohol or a controlled substance as described in Paragraph 5(c) of this Resolution.

(e) The proximity to and the business hours of a Restaurant located within 500 feet of church, school, childcare facility, nonprofit organization, or recreational facility will create a harmful environment for children or other patrons.

(f) The traffic congestion created by licensing the Restaurant will endanger others.

(g) Any other reason that poses a risk to public health, safety, or welfare.

5. (a) The distance between alcoholic beverage licensees and those uses identified in Paragraph 4 above shall be measured by following the shortest route of ordinary pedestrian travel along and/or across the public thoroughfare from the building from which alcoholic beverages are dispensed or sold to the nearest point of the building or, if no building is on the premises, to the nearest point of the property boundary occupied for any such use identified in Paragraph 4 above.

(b) If any use of adjoining property as described in 4(e) occurs after the initial alcoholic beverage license is issued to a Restaurant, the subsequent use of nearby property for such uses shall not affect the licensing of the Restaurant, including the licensing to different owners or operators of the same Restaurant at the same location. In the event that a use described in 4(e) occurs after a Restaurant receives a license, and a different restaurant is

proposed for the same location as a previously licensed Restaurant, which has closed, then a new restaurant may apply no later than two (2) years after closure of the former Restaurant. The new restaurant must provide notice as provided in section (5(f)) of this Resolution.

(c) The Madison County Commission shall not approve any application for a license under this Resolution if the applicant, whether an individual or corporation, or any officer, director, or stockholder who owns more than 25% of an applicant corporation, or any partner within an applicant partnership: (a) has been convicted of a felony unless said person's civil rights have been restored; (b) has, during the 36 months immediately preceding the date of the application, been convicted for violation of any federal, state, or local alcoholic beverage law of any jurisdiction, or forfeited a bond to appear in court to answer charges for any such violation; or (c) has, during the 36 months immediately preceding the date of the application had a license for the sale of malt or brewed beverages or spirituous and vinous liquor, including any license to sell beer, wine, liquor or any other alcoholic beverage, revoked or suspended by any state or local government, or has been found in violation of any rule or regulation in regard to alcoholic beverages promulgated by any state or local government. The Madison County Commission may revoke any license issued under this Resolution if any of the matters set out above occur after the issuance of such license.

(d) The Madison County Commission shall not approve any application for a license under this Resolution where the licensee is located in any area of the county other than an area that is predominantly a commercial area, that is, where the structures located adjacent to and across from the premises sought to be licensed are commercial in nature.

(e) Approval of an application for a license under this Resolution shall not be effective unless and until the premises for which the license is sought has been inspected by the Madison County Fire Marshal, or his designee, and been certified to meet the requirements of the applicable Building and Fire Codes.

(f) After receipt of an application for a license under this Resolution, the Madison County Commission will provide the applicant with a date, time and location at which a public hearing will be conducted to receive public comment from interested persons regarding the application. At least thirty days prior to the public hearing, the Madison County Commission will provide the applicant with a list of the names and addresses of the owners of property located within 500 feet of the applicant's premises and a form notice describing the application, the public hearing and the approval process. The applicant shall mail notice in the form prescribed by the Madison County Commission to each person on the list provided to the applicant. The applicant shall provide proof of mailing showing the notices were mailed at least twenty days prior to the scheduled public hearing.

(g) Each applicant for a license under this Resolution shall submit to the Madison County Commission, in addition to the application to the State of Alabama Alcoholic Beverage Control Board, a written application on a form and containing such information as prescribed by the County Administrator. An applicant shall, upon request, provide to the County Administrator, any records, books, ledgers, menus, receipts, or other documentation necessary to demonstrate compliance with this Resolution.

(h) In considering applications for licenses under this Resolution, the Madison County Commission shall consider the following:

(1) The content of the application and conformance of the applicant's proposal to this Resolution.

(2) The character and criminal record of the applicant, or its officers, directors and stockholders, or of its partners.

(3) The record of the applicant or its officers, directors and stockholders, or of its partners, and their immediate families, in regard to laws, rules and regulations regarding the sale and consumption of alcoholic beverages.

(4) Location of the premises for which the license is sought in regard to the surrounding area and in regard to traffic safety.

(5) Public comment.

6. In addition to the provisions of paragraph 4. above, the following rules and regulations shall apply to any license granted to a Restaurant authorizing the sale of alcoholic beverages, as that term is defined in subsection (1) of § 28-3-1, Code of Alabama, 1975, for on-premises consumption in the unincorporated areas of Madison County, Alabama, that are licensees of the Alabama Alcoholic Beverage Control Board pursuant to this Resolution:

(a) The Restaurant may allow recorded music and music performed by live musicians, but the Restaurant shall ensure that any musical performances or broadcasts will not violate the Madison County Noise Ordinance and shall cease outdoor music and performances by 11:00 p.m..

(b) At least fifty (50%) percent of the gross receipts of the Restaurant, on a calendar monthly basis, shall be from the sale of food for on-premises consumption at the Restaurant.

(c) The Restaurant shall close no later than 2:00 a.m.

(d) The Restaurant shall not begin serving alcoholic beverages before 8:00 a.m.

(e) The Restaurant shall comply with all applicable state laws regarding alcoholic beverages, Building and Fire codes, Health Department rules and regulations and rules and regulations of the Alabama Alcoholic Beverage Control Board.

(f) The Restaurant shall have in force and effect at all times liability insurance coverage, including dram shop coverage, in an amount not less than One Million Dollars (\$1,000,000.00).

(g) The Restaurant shall not sell alcoholic beverages for off-premises consumption.

7. (a) If the majority of the Commission present and voting shall approve an application for a license under this Resolution, it shall be presented to the County Administrator, who shall issue the license to the applicant upon the payment of the required fee. Before any license may be issued to any Restaurant liquor licensee, such Restaurant liquor licensee shall deliver to and maintain with the County Administrator a bond, payable to the County Administrator in the penal sum of \$8,000.00, which bond shall be executed by some surety company authorized to do business in the state and in the city, and conditioned to promptly pay to the County Administrator all such amounts as may become due to the County Administrator under the terms of this Resolution. If by reason of any liabilities existing against the bond or against any additional bond provided for, it should appear to the County Administrator that such bond does not provide full security of \$8,000.00 after deducting existing liability, the County Administrator, as often as such condition may exist, shall demand additional bond of \$8,000.00 or more; and it shall be the duty of such Restaurant liquor licensee to furnish bond within ten days after such demand.

(b) In lieu of any bond, which it may be or become the duty of the Restaurant liquor licensee to furnish under subsection a of this section, such Restaurant liquor licensee may deposit with the County Administrator cash or readily marketable securities, satisfactory to the County Administrator of a value equivalent to the amount of security contemplated in this section to be provided by the suretyship of surety upon bond. Any such collateral securities, or letter of credit, which may be impaired in value by existing liabilities there against, or otherwise, shall be restored or repaired by furnishing additional securities or bond, so that at all times revenues to become due shall be secured to the extent of \$8,000.00 or more.

(c) Such bond shall include the endorsement to the effect that such bond shall not be canceled without notice of cancellation being served on the County Administrator, in writing, by certified mail, at least 30 days prior to the date of cancellation.

8. There is hereby levied, in addition to all other taxes of every kind and nature imposed by law, a privilege or license fee upon every person, firm or corporation licensed by the Alabama Alcoholic Beverage Control Board engaged or continuing within the unincorporated area of Madison County in the business of selling liquor, as that term is used in subdivision (15) of § 28-3-1, Code of Alabama, 1975, (including all ingredients which are made a part of such drinks) for on premises consumption in an amount equal to twelve (12%) percent of gross receipts from that part of the business.

9. The license fees levied under the provisions of this Resolution, except as otherwise provided, shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the license fee accrues. On or before the 20th of each month, every person on whom the license fees levied by this Resolution is imposed shall render to the county, on a form prescribed by Madison County, a true and correct statement showing the gross sales, the gross proceeds of sales, or gross receipts of his business, as the case may be, for the next preceding month; the amount of gross proceeds or gross receipts which are not subject to the license fee, or are not to be used as a measurement of the fees due by such person, and their nature, together with such other information as the county may demand and require. At the time of making such monthly report such persons shall compute the license fees due and shall pay to Madison County the amount of license fees shown to be due. There shall be

a 10% late fee for each month license fees levied under this Resolution are late. Nonpayment of license fees levied under this Resolution constitutes grounds for revoking any license issued under this Resolution.

10. Any person taxable under this article, having cash and credit sales, shall report such cash sales; and the taxpayer shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the license fees due at the time of filing such report; but in no event shall the gross proceeds of credit sales be included in the measure of the license fee to be paid until collections of such credit sales shall have been made.

11. It shall be the duty of every person engaging or continuing in Madison County in any business for which a privilege license fee is imposed by this Resolution, to keep and preserve suitable records of the gross sales, gross proceeds of sales, and gross receipts or gross receipts of sales of such business and such other books or accounts as may be necessary to determine the amount of privilege license fee for which he is liable under the provisions of this Resolution. And it shall be the duty of every person to keep and preserve all invoices of goods for resale or otherwise; and all such books, invoices and other records shall be open for examination by Madison County. All sales shall be subject to the license fee in the absence of such records.

12. The monthly reports required in this article to be made are not required to be made on oath; but wherever in this Resolution any report required to be sworn to, it shall be sworn to by the taxpayer or his agent before some officer authorized to administer oaths.

13. The County Administrator shall from time to time promulgate such rules and regulations for making returns and for ascertainment, assessment and collection of the privilege license fee imposed under this Resolution as it may be deemed necessary to enforce its provisions.

14. The proceeds derived from the privilege license fees levied pursuant to this Resolution shall be accounted for within a special account of the general fund. The proceeds derived from the privilege license fees levied under this Resolution, less a reasonable cost of collection which shall be retained by the Madison County Commission, shall be paid into the county treasury and distributed as follows:

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

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

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

15. Any Restaurant licensed under this Resolution shall pay an annual license fee of \$1200.00. Licenses shall be issued for one year (October 1 through September 30). Licenses for the first year of operation of this Resolution shall be issued beginning on January 1, 2012. If a

license is issued for less than a full twelve month year, including the initial licenses, there shall be no proration or reduction of the \$1200.00 license fee.

16. Any Restaurant licensed under this Resolution must submit prior to October 1 of each year on forms prescribed by the County Administrator evidence that 50% of the gross receipts of the Restaurant, on a calendar monthly basis, are from the sale of food for on-premises consumption.

17. If the County Administrator receives information that a Restaurant licensed under this Resolution has violated or failed to comply with any provisions of this Resolution or other applicable regulations including but not limited to the Madison County Noise Ordinance the County Administrator shall notify in writing by certified mail or by personal service at the Restaurant, the Restaurant of the violation or failure and the date on which the violation or failure shall be on the agenda of the Madison County Commission. The Madison County Commission, by vote of a majority of the Commission present and voting, on that date, or at such later date to which the matter may be continued may take such action as it deems appropriate including revocation of the license issued pursuant to this Resolution.


18. Any Restaurant licensed under this resolution agrees as a condition of the license that if Madison County brings any action to enforce any provision of this resolution or to enjoin the Restaurant from operating after a license has been terminated and Madison County is successful in the litigation, the Restaurant shall pay to Madison County reasonable attorneys fees and expenses incurred by Madison County in any such litigation.

19. The provisions of this resolution in regard to the sale of beer shall not apply to the sale of beer in any establishment which was licensed by the Alabama Alcoholic Beverage Control Board to sell beer for on premises consumption in the unincorporated areas at Madison prior to January 1, 2012, and the said license has been in effect continuously and without interruption since January 1, 2012.

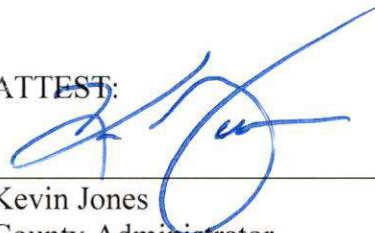
20. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Resolution shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Resolution, which shall continue in full force and effect, and to this end the provisions of this Resolution are hereby declared to be severable.

DONE this 26th day of April, 2023.

MADISON COUNTY COMMISSION

BY: 
Mac McCutcheon, Chairman

ATTEST:



Kevin Jones
County Administrator

STATE OF ALABAMA

COUNTY OF MADISON

RESOLUTION OF THE MADISON COUNTY COMMISSION

WHEREAS, on June 11, 1993, the Madison County Commission adopted a Resolution establishing procedures and standards regarding the approval of retail liquor license applications; and

WHEREAS, on October 29, 1993, the Madison County Commission adopted a Resolution regarding applications for retail liquor licenses which had been pending prior to June 11, 1993; and

WHEREAS, on February 6, 1995, the Madison County Commission adopted a Resolution establishing procedures and standards regarding the approval of retail liquor license applications and table wine license applications; and

WHEREAS, in October, 1995, the Madison County Commission adopted a Resolution authorizing and permitting the sale of alcoholic beverages within the unincorporated areas of Madison County on Sundays in the same manner as permitted on other days of the week; and

WHEREAS, on December 15, 1997, the Madison County Commission adopted a Resolution regarding the transfer of wine licenses in Madison County; and

WHEREAS, on December 20, 2010, the Madison County Commission adopted a Resolution regarding restrictions on the retail sale of table wine (for off-premise consumption only) in the proximity of single or multiple family residences; and

WHEREAS, on April 2, 2012, the Madison County Commission adopted a Resolution regarding restrictions on the retail sale of table wine (for off-premise consumption only) in the proximity of churches; and

WHEREAS, on September 24, 2014, the Madison County Commission adopted a Resolution regarding the transfer of licenses for the retail sale of table wine for off-premise consumption only; and

WHEREAS, it is the opinion of the Madison County Commission that the procedures and standards regarding the approval of the sale of liquor or table wine for off-premise consumption as described above, and more particularly, the procedures and standards regarding the sale of liquor or table wine at locations for which a license has been continuously held but which, subsequent to the issuance of the license, are sold, transferred or otherwise conveyed, thus requiring a new license and which would otherwise not qualify for a new license because a church, school, residence or other identified non-commercial use has come into existence within the precluded proximity to the location during the period of time after the initial license was issued but before the sale, transfer or other conveyance necessitating the

new license, should be further amended to allow a new license to be issued under prescribed circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Madison County Commission that Paragraphs 2 and 3 of the Resolution of the Madison County Commission adopted on February 6, 1995, as amended, setting forth procedures and standards in regard to the approval by the Madison County Commission of retail liquor license applications and wine applications, are further amended and, to the extent inconsistent with the following, superseded as follows:

2. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any property where there is a non-commercial use which attracts or involves significant numbers of persons under the age of 21, specifically including but not limited to, the following:

(a) Educational institutions of any kind whatsoever, including public and private elementary and secondary schools, colleges and universities, day care centers, nurseries and kindergartens;

(b) Ball parks, parks, playgrounds, swimming pools and other recreational facilities;

(c) Recreational centers; and

(d) Churches (this restriction shall not apply to applications for retail wine licenses where the applicant is the owner or operator of a retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose projected annual gross sales of alcoholic beverages do not exceed ten percent (10%) of its total gross sales and whose floor space is at least ten thousand (10,000) square feet); and

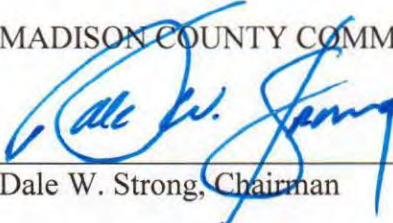
(e) Facilities operated by the YMCA, Boys and Girls Clubs, Girls, Inc. and other such non-profit organizations.

(f) The restrictions contained in this Paragraph 2 shall not apply to applications for retail liquor or wine licenses (for off-premise consumption only) where the applicant is the owner or operator of a retail establishment at a location for which a license has been continuously held but which, subsequent to the issuance of such license, is sold, transferred or otherwise conveyed, thus requiring a new license and which would otherwise not qualify for a new license because of the existence of any non-commercial use identified in Paragraph 2(a) – (e) if such non-commercial use came into existence during the period of time after the initial license was issued but before the sale, transfer or other conveyance necessitating the new license.

3. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any single or multiple family residence. This restriction shall not apply to application for retail liquor licenses which had been received by the Madison County Commission prior to June 11, 1993, or to applications for retail liquor or wine licenses where the applicant is the owner or operator of a retail establishment at a location for which a license has been continuously held but which, subsequent to the issuance of such license, is sold, transferred or otherwise conveyed, thus requiring a new license and which would otherwise not qualify for a new license because of the existence of any single or multiple family residence if such single or multiple family residence came into existence during the period of time after the initial license was issued but before the sale, transfer or other conveyance necessitating the new license.

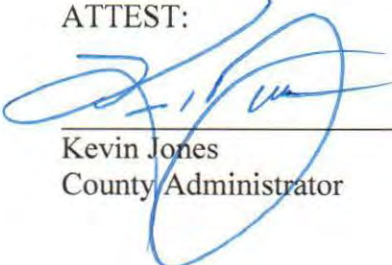
DONE this the 13th day of January, 2016.

MADISON COUNTY COMMISSION



Dale W. Strong, Chairman

ATTEST:



Kevin Jones
County Administrator

STATE OF ALABAMA

COUNTY OF MADISON

RESOLUTION OF THE MADISON COUNTY COMMISSION

WHEREAS, on June 11, 1993, the Madison County Commission adopted a Resolution establishing procedures and standards regarding the approval of retail liquor license applications; and

WHEREAS, on October 29, 1993, the Madison County Commission adopted a Resolution regarding applications for retail liquor licenses which had been pending prior to June 11, 1993; and

WHEREAS, on February 6, 1995, the Madison County Commission adopted a Resolution establishing procedures and standards regarding the approval of retail liquor license applications and table wine license applications; and

WHEREAS, in October, 1995, the Madison County Commission adopted a Resolution authorizing and permitting the sale of alcoholic beverages within the unincorporated areas of Madison County on Sundays in the same manner as permitted on other days of the week; and

WHEREAS, on December 15, 1997, the Madison County Commission adopted a Resolution regarding the transfer of wine licenses in Madison County; and

WHEREAS, on December 20, 2010, the Madison County Commission adopted a Resolution regarding restrictions on the retail sale of table wine (for off-premise consumption only) in the proximity of single or multiple family residences; and

WHEREAS, on April 2, 2012, the Madison County Commission adopted a Resolution regarding restrictions on the retail sale of table wine (for off-premise consumption only) in the proximity of churches; and

WHEREAS, it is the opinion of the Madison County Commission that the procedures and standards regarding the approval of the sale of table wine for off-premise consumption only, and more particularly, the procedures and standards regarding the sale of table wine at locations for which a license has been continuously held but which, subsequent to the issuance of the license, are sold, transferred or otherwise conveyed, thus requiring a new license and which would otherwise not qualify for a new license because a church, school, residence or other identified non-commercial use has come into existence within the precluded proximity to the location during the period of time after the initial license was issued but before the sale, transfer or other conveyance necessitating the new license.

NOW, THEREFORE, BE IT RESOLVED by the Madison County Commission that Paragraphs 2 and 3 of the Resolution of the Madison County Commission adopted on February 6, 1995, as previously amended, setting forth procedures and standards in regard to the approval by the Madison County Commission of retail liquor license applications and wine

applications, are further amended and, to the extent inconsistent with the following, superseded as follows:

2. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any property where there is a non-commercial use which attracts or involves significant numbers of persons under the age of 21, specifically including but not limited to, the following:

(a) Educational institutions of any kind whatsoever, including public and private elementary and secondary schools, colleges and universities, day care centers, nurseries and kindergartens;

(b) Ball parks, parks, playgrounds, swimming pools and other recreational facilities;

(c) Recreational centers; and

(d) Churches (this restriction shall not apply to applications for retail wine licenses where the applicant is the owner or operator of a retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose projected annual gross sales of alcoholic beverages do not exceed ten percent (10%) of its total gross sales and whose floor space is at least ten thousand (10,000) square feet); and

(e) Facilities operated by the YMCA, Boys and Girls Clubs, Girls, Inc. and other such non-profit organizations.

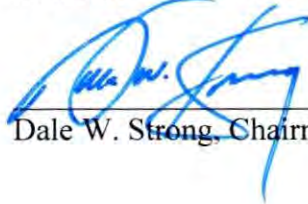
(f) The restrictions contained in this Paragraph 2 shall not apply to applications for retail wine licenses (for off-premise consumption only) where the applicant is the owner or operator of a retail establishment at a location for which a license has been continuously held but which, subsequent to the issuance of such license, is sold, transferred or otherwise conveyed, thus requiring a new license and which would otherwise not qualify for a new license because of the existence of any non-commercial use identified in Paragraph 2(a) – (e) if such non-commercial use came into existence during the period of time after the initial license was issued but before the sale, transfer or other conveyance necessitating the new license.

3. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any single or multiple family residence. This restriction shall not apply to application for retail liquor licenses which had been received by the Madison County Commission prior to June 11, 1993, or to applications for retail wine licenses where the applicant is the owner or operator of a retail

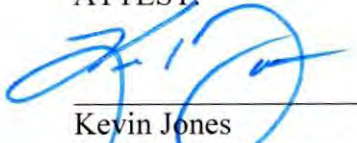
establishment at a location for which a license has been continuously held but which, subsequent to the issuance of such license, is sold, transferred or otherwise conveyed, thus requiring a new license and which would otherwise not qualify for a new license because of the existence of any single or multiple family residence if such single or multiple family residence came into existence during the period of time after the initial license was issued but before the sale, transfer or other conveyance necessitating the new license.

DONE this the 24th day of September, 2014.

MADISON COUNTY COMMISSION


Dale W. Strong, Chairman

ATTEST:


Kevin Jones
County Administrator

STATE OF ALABAMA

COUNTY OF MADISON

RESOLUTION OF THE MADISON COUNTY COMMISSION

WHEREAS, on June 11, 1993, the Madison County Commission adopted a Resolution establishing procedures and standards regarding the approval of retail liquor license applications; and

WHEREAS, on October 29, 1993, the Madison County Commission adopted a Resolution regarding applications for retail liquor licenses which had been pending prior to June 11, 1993; and

WHEREAS, on February 6, 1995, the Madison County Commission adopted a Resolution establishing procedures and standards regarding the approval of retail liquor license applications and table wine license applications; and

WHEREAS, in October, 1995, the Madison County Commission adopted a Resolution authorizing and permitting the sale of alcoholic beverages within the unincorporated areas of Madison County on Sundays in the same manner as permitted on other days of the week; and

WHEREAS, on December 15, 1997, the Madison County Commission adopted a Resolution regarding the transfer of wine licenses in Madison County; and

WHEREAS, on December 20, 2010, the Madison County Commission adopted a Resolution regarding restrictions on the sale of wine for off-premise consumption in the proximity of single or multiple family residences; and

WHEREAS, it is the opinion of the Madison County Commission that the procedures and standards regarding the approval of retail liquor license applications and table wine license applications in Madison County, as described above, should be further amended to allow the retail sale of table wine (for off-premises consumption only) by a retail establishment, whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose projected annual gross sales of alcoholic beverages do not exceed ten percent (10%) of its total gross sales and whose floor space is at least ten thousand (10,000) square feet, that is otherwise licensed to legally sell table wine in the State of Alabama, without regard to the location of the establishment in proximity to churches.

NOW, THEREFORE, BE IT RESOLVED by the Madison County Commission that Paragraph 2 of the Resolution of the Madison County Commission adopted on February 6, 1995, as amended, setting forth procedures and standards in regard to the approval by the Madison County Commission of retail liquor license applications and wine applications, is further amended and, to the extent inconsistent with the following, superseded as follows:

2. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any property where there is a non-commercial use which attracts or involves significant numbers of persons under the age of 21, specifically including but not limited to, the following:

(a) Educational institutions of any kind whatsoever, including public and private elementary and secondary schools, colleges and universities, day care centers, nurseries and kindergartens;

(b) Ball parks, parks, playgrounds, swimming pools and other recreational facilities;

(c) Recreational centers; and

(d) Churches (this restriction shall not apply to applications for retail wine licenses where the applicant is the owner or operator of a retail

establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose projected annual gross sales of alcoholic beverages do not exceed ten percent (10%) of its total gross sales and whose floor space is at least ten thousand (10,000) square feet); and

(e) Facilities operated by the YMCA, Boys and Girls Clubs, Girls, Inc. and other such non-profit organizations.

DONE this the 2nd day of April, 2012.

MADISON COUNTY COMMISSION


Mike Gillespie, Chairman

ATTEST:



Howard Baites
County Administrator

STATE OF ALABAMA

COUNTY OF MADISON

RESOLUTION OF THE MADISON COUNTY COMMISSION

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WHEREAS, in October, 1995, the Madison County Commission adopted a Resolution authorizing and permitting the sale of alcoholic beverages within the unincorporated areas of Madison County on Sundays in the same manner as permitted on other days of the week; and

WHEREAS, on December 15, 1997, the Madison County Commission adopted a Resolution regarding the transfer of wine licenses in Madison County; and

WHEREAS, it is the opinion of the Madison County Commission that the procedures and standards regarding the approval of retail liquor license applications and table wine license applications in Madison County, as described above, should be further amended to allow the retail sale of table wine (for off-premises consumption only) by a retail establishment, whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose projected annual gross sales of alcoholic beverages do not exceed ten percent (10%) of its total gross sales and whose floor space is at least ten thousand (10,000) square feet, that is otherwise licensed to legally sell table wine in the State of Alabama, without regard to the location of the establishment in proximity to single or multiple family residences.

NOW, THEREFORE, BE IT RESOLVED by the Madison County Commission that Paragraph 3 of the Resolution of the Madison County Commission adopted on February 6, 1995, setting forth procedures and standards in regard to the approval by the Madison County Commission of retail liquor license applications and wine applications, as amended, is amended and, to the extent inconsistent with the following, superseded as follows:

1. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any single or multiple family residence.
2. This restriction shall not apply to applications for retail liquor licenses received by the Madison County Commission prior to June 11, 1993.
3. This restriction shall not apply to applications for retail wine licenses where the applicant is the owner or operator of a retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose projected annual gross sales of alcoholic beverages do not exceed ten percent (10%) of its total gross sales and whose floor space is at least ten thousand (10,000) square feet.
4. All other requirements for the sale of liquor or wine in the unincorporated areas of Madison County are to remain in full force and effect.


DONE this the 20 day of December, 2010.

MADISON COUNTY COMMISSION



Mike Gillespie, Chairman

ATTEST:



Howard Baites
County Administrator

STATE OF ALABAMA

MADISON COUNTY

RESOLUTION OF THE MADISON COUNTY COMMISSION

WHEREAS, on June 11, 1993, the Madison County Commission adopted a Resolution setting forth procedures and standards regarding the approval of retail liquor license applications; and

WHEREAS, by letter dated July 15, 1994, addressed to Mike Gillespie, Chairman, Madison County Commission, the Alabama Alcoholic Beverage Control Board notified the Madison County Commission that, "effective immediately," County approval would be required on all table wine license applications, including the wine portion of a combination beer/wine application; and

WHEREAS, the Madison County Commission desires to set forth procedures and standards in regard to the approval by the Madison County Commission of retail liquor and wine license applications.

NOW, THEREFORE, BE IT RESOLVED BY THE MADISON COUNTY COMMISSION that the Resolution of the Madison County Commission adopted on June 11, 1993, setting forth procedures and standards in regard to the approval by the Madison County Commission of retail liquor license applications, as amended on October 29, 1993, is further amended in its entirety, ratified and readopted to read as follows:

"RESOLUTION OF THE MADISON COUNTY COMMISSION

WHEREAS, *Code of Alabama*, § 28-3A-23(d), provides as follows:

"(d) Each retail liquor license application must be approved by the governing authority of the municipality if the retailer is located in a municipality, or by the county commission if the retailer is located in the county and outside the limits of the municipality before the board shall have authority to grant the license.";

and

WHEREAS, *Code of Alabama*, § 28-7-5, provides as follows:

"The board shall have full and final authority, with the approval of the county or municipal governing body, to issue and renew licenses of wine retailers, wholesalers, importers and manufacturers to sell and handle table wine in this state. Licenses issued under this chapter to wine retailers, wholesalers, importers or manufacturers shall, unless revoked in the manner provided in this chapter, be valid for the license year which shall begin on the 1st day of October of each year.";

and

WHEREAS, the Madison County Commission does not possess "home rule" authority and does not possess the authority to zone or the authority to regulate or revoke retail liquor or wine licenses once such licenses are granted and does not possess the authority to make illegal any activities by the holders of retail liquor or wine licenses; and

WHEREAS, the Madison County Commission desires to set forth procedures and standards in regard to the approval by the Madison County Commission of retail liquor and wine license applications.

NOW, THEREFORE, BE IT RESOLVED BY THE MADISON COUNTY COMMISSION that the Madison County Commission does hereby adopt the following procedures and standards regarding the approval of retail liquor and wine license applications:

1. The Madison County Commission shall not approve any application for an on-premises retail liquor or wine license, that is, a Class I Lounge Retail Liquor License, as that term is presently used by the Alabama Alcoholic Beverage Control Board in its Rules and Regulations, 20-X-5-.04, or any retail liquor or wine license permitting the licensee to sell liquor or wine for on-premises consumption. The Madison County Commission hereby specifically finds in support of this provision, after consultation with the Sheriff of Madison County, that the unincorporated area of Madison County contains some 550 square miles; that the unincorporated area of Madison County has a population in excess of 59,000 people; that the area for which the Sheriff of Madison County is the sole local law enforcement agency was dramatically increased on December 28, 1990, when Amendment No. 531 to the

Alabama Constitution 1901 was proclaimed ratified, abolishing the police jurisdiction of the municipalities within Madison County; that, by the adoption of Amendment No. 531, the sales tax which had previously been collected by the City of Huntsville and other municipalities within the police jurisdiction which was used in whole or in part to pay for police protection within the police jurisdiction was done away with but no corresponding measure was passed to afford any additional revenue to the Madison County Commission or to the Sheriff of Madison County who assumed the sole local law enforcement responsibility within the former police jurisdictions; that the existence of establishments with on-premises liquor or wine licenses tends to increase the occurrence of incidents necessitating calls to local law enforcement, and therefore, there does not presently exist the resources or manpower to enable the Sheriff of Madison County to provide that level of police protection which he believes is necessary should establishments be licensed in the rural areas of Madison County for the on-premises sale of liquor or wine.

2. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any property where there is a non-commercial use which attracts or involves significant numbers of persons under the age of 21, specifically including but not limited to, the following:

(a) Educational institutions of any kind whatsoever, including public and private elementary and secondary schools, colleges and universities, day care centers, nurseries and kindergartens;

(b) Ball parks, parks, playgrounds, swimming pools and other recreational facilities;

(c) Recreational centers;

(d) Churches;

(e) Facilities operated by the YMCA, Boys and Girls Clubs, Girls, Inc. and other such non-profit organizations.

3. The Madison County Commission shall not approve any application for a retail liquor or wine license where the proposed licensee is located within 500 feet, as measured from the external boundaries of the property for said uses, of any single or multiple family residence.

This restriction shall not apply to applications for retail liquor licenses which had been received by the Madison County Commission prior to June 11, 1993.

4. The Madison County Commission shall not approve any application for a retail liquor or wine license where the applicant or any member of his or her immediate family, that is, his or her spouse or dependents, if the applicant is an individual, or any officer, director or stockholder, or any member of their immediate families, where the applicant is a corporation, or any partner or any member of their immediate family, where the applicant is a partnership: (a) has been convicted of a felony unless said person's civil rights have been restored; (b) has, during the 36 months immediately preceding the date of the application, been convicted for violation of any federal, state or local alcoholic beverage law of any jurisdiction, or forfeited a bond to appear in court to answer charges for any such violation; or (c) has, during the 36 months immediately preceding the date of the application had a license for the sale of malt or brewed beverages or spirituous and vinous liquor, this includes any license to sell beer, wine, liquor or any other alcoholic beverage, revoked or suspended by any state or local government, or has been found in violation of any rule or regulation in regard to alcoholic beverages promulgated by any state or local government.

5. The Madison County Commission shall not approve any application for a retail liquor or wine license where the licensee is located in any area of the county other than an area that is predominantly a commercial area, that is, where the structures located adjacent to and across from the premises sought to be licensed are commercial in nature.

6. The Madison County Commission shall not approve any application for a retail liquor or wine license unless the premises for which the license is sought

has been inspected by the Madison County Fire Marshal, or his designee, and been certified to meet the requirements of the applicable Building and Fire Codes.

7. At the time an application for a retail liquor or wine license is submitted to the Madison County Commission, the applicant shall obtain from the County Administrator of Madison County the date on which the application will be placed on the agenda for a regular meeting of the Madison County Commission. The applicant shall notify, in writing, the owners of all properties located within 500 feet of the outer boundary of the property for which the liquor or wine license is sought that an application for a liquor or wine license has been submitted to the Madison County Commission and the date of the meeting of the Madison County Commission when the license will be considered. Such written notices must be received by the said property owners not less than ten (10) days before the date of said meeting. The applicant must certify under oath to the Madison County Commission compliance with this provision.

8. Each applicant for a retail liquor or wine license shall submit to the Madison County Commission, in addition to the application to the State of Alabama Alcoholic Beverage Control Board, a written application on a form and containing such information as prescribed by the County Administrator.

9. In considering applications for retail liquor or wine licenses, the Madison County Commission shall consider the following:

(a) The character and criminal record of the applicant, or its officers, directors and stockholders, or of its partners, and the members of their immediate families.

(b) The record of the applicant or its officers, directors and stockholders, or of its partners, and their immediate families, in regard to laws, rules and regulations regarding the sale and consumption of alcoholic beverages.

(c) Location of the premises for which the retail liquor or wine license is sought in regard to the surrounding area and in regard to traffic safety.

10. The restrictions contained in paragraphs 2., 3. and 5. above shall not apply to transfers of retail wine licenses where a retail wine license had been issued for the exact same location prior to July 14, 1994, and a retail wine license had been in effect continuously and without interruption since July 14, 1994."

DONE this the 6TH day of February, 1995.

MADISON COUNTY COMMISSION

By: Mike Gillespie
Mike Gillespie
Chairman

ATTEST:

Howard Baites
Howard Baites
County Administrator

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Commissioner Hill introduced the foregoing Resolution; Commissioner Preyer moved the adoption of the Resolution; Commissioner Craig seconded the motion, and the Resolution was unanimously adopted on the 6TH day of February, 1995.