

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

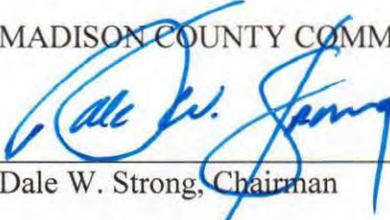
(e) Facilities operated by the YMCA, Boys and Girls Clubs, Girls, Inc. and other such non-profit organizations.

(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 13<sup>th</sup> day of January, 2016.

MADISON COUNTY COMMISSION



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Dale W. Strong, Chairman

ATTEST:



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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.

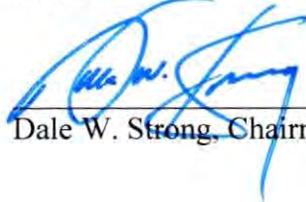
(f) The restrictions contained in this Paragraph 2 shall not apply to applications for retail wine licenses (for off-premise consumption only) where the applicant is the owner or operator of a retail establishment at a location for which a license has been continuously held but which, subsequent to the 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

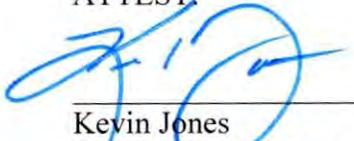
establishment at a location for which a license has been continuously held but which, subsequent to the issuance of such license, is sold, transferred or otherwise conveyed, thus requiring a new license and which would otherwise not qualify for a new license because of the existence of any single or 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 24<sup>th</sup> 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

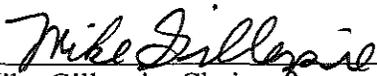
(d) Churches (this restriction shall not apply to applications for retail wine licenses where the applicant is the owner or operator of a retail

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 2<sup>nd</sup> 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**

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, 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

  
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Mike Gillespie, Chairman

ATTEST:

  
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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.