

**PROCEDURE FOR APPLYING TO THE MADISON COUNTY
COMMISSION FOR APPROVAL OF AN ON-PREMISES RETAIL LIQUOR
AND/OR WINE LICENSE APPLICATION**

1. Submit to the State of Alabama Alcoholic Beverage Control (“ABC”) an Application for On-Premise Retail Liquor and/or Wine License (the “License”). Information is available at www.abcboard.state.al.us. The ABC will provide your completed ABC Application to the Madison County Commission.
2. Contact the Madison County Fire Marshal’s Office (256.851.6947) to schedule an inspection of the premises for which the License is sought to determine if the premises meet the requirements of the appropriate Building and Fire Codes. Provide inspection form with signatures when inspection is complete and deemed “satisfactory” on all applicable items.
3. Submit the following to the Madison County Administrator, 100 Northside Square, Suite 700, Huntsville, Alabama 35801:
 - a. A completed Application for Approval of On-Premises Retail Liquor License (the “Application”), together with all requested attachments. The form Application is attached hereto and labeled “Form 1.”
 - b. A completed Report of Ownership Form attached hereto and labeled “Form 2.”
 - c. A check payable to the “Madison County Commission” in the amount of \$100.

The County Administrator, or his designee, may contact you to request additional information to assist in the consideration of the Application.

4. Upon review for completion of steps 1-3 per above, the Madison County Administrator, or his designee, will determine and communicate the date of the Commission meeting at which the Application will be considered by the Madison County Commission (the “Meeting”)
5. Once meeting date is set, obtain from the County Administrator, or his designee, a list of the owners of all properties located within 500 feet of the outer boundary of the property on which the License is sought (EXHIBIT A)
6. Provide written notice (FORM 3 ATTACHMENT 2) to the owners listed in EXHIBIT A showing that an Application has been submitted to the Madison County Commission and the date of the Meeting at which the Application will be considered. The notice is to be delivered to the mailing address listed in EXHIBIT A either by certified mail with return receipt or by hand delivery.

If notifying by certified mail with return receipt, attach CERTIFIED MAIL RECEIPT, and CERTIFIED MAIL RETURN RECEIPT to corresponding notice (FORM 3 ATTACHMENT 2)

If notifying by hand delivery, recipient is to sign and date the notice (FORM 3 ATTACHMENT 2), you are to return a copy of signed/dated notice to Madison County Commission.

The written notices must be received by the property owners not less than ten (10) days before the date of the Meeting at which the Application will be considered. If an owner to be noticed is a corporation or any other entity with a registered agent listed with the Alabama Secretary of State, the notice must be sent to the registered agent.

7. Not less than seven (7) days before the date of the Meeting deliver to the Madison County Administrator the completed Affidavit (FORM 3) with attachments as described in steps 5 & 6 .

8. If your application is approved, you will be required to provide a minimum \$8,000 liquor bond, letter of credit or some other surety in a form satisfactory to the County Administrator, executed by a surety company authorized to do business in Alabama and Huntsville, a form of which is attached hereto and labeled FORM 4.

Any questions regarding the Madison County Commission's approval of retail liquor and/or wine license applications should be addressed to:

Kevin Jones
County Administrator
Madison County Commission
100 Northside Square, Suite 700
Huntsville, Alabama 35801
256.532.3492

DO NOT WRITE IN THIS BOX

Date Application Received:
Date Property Lines Measured:
Date of Commission Meeting:

FORM 1

STATE OF ALABAMA

MADISON COUNTY

**APPLICATION TO THE MADISON COUNTY COMMISSION
FOR APPROVAL OF
ON-PREMISES CONSUMPTION ALCOHOLIC BEVERAGE LICENSE**

All attachments to this Application **must** be labeled at the top of each page with the corresponding number below which requests the attachment. (For example, Section 1(D) below requests additional pages to be attached if necessary. Those pages must be labeled at the top, "Form 1-Attachment 1(D)".)

1. Owning Entity Information

A. The applicant is a(n):

Individual

Partnership

Corporation ("Corporation," as used in this application, includes corporations, LLC's, P.A.'s, and P.C.'s)

B. Full name of applicant:

C. 24-Hour Point of Contact: Name:

Home Phone:

Work Phone:

Cell Phone:

E-Mail:

Residential Address:

D. List all locations where the applicant or any entity the applicant controls holds a license to sell liquor for on-premises consumption (attach additional page(s) labeled "Form 1- Attachment 1(D)" if necessary):

E. Have (i) for corporations - any of the applicant's officers, directors or stockholders, or a member of their immediate family (immediate family consists of spouse, children or other dependents) ; (ii) for partnerships - any partner, or a member of any partner's immediate family; or (iii) for individuals - you or any member of your immediate family:

(i) Been convicted of a felony? Yes No

If yes, have the convicted person’s civil rights been restored? Yes
 No

(ii) During the 36 months immediately preceding the date of this 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? Yes
 No

(iii) During the 36 months immediately preceding the date of this application, had a license to sell beer, wine, liquor or any other alcoholic beverage revoked or suspended by any state or local government, or been found in violation of any rule or regulation in regard to alcoholic beverages promulgated by any state or local government? Yes No

If the answer is “Yes” to question i, ii and/or iii, complete a Background Information Form (“Form 1-Attachment 1(E)(iv)” hereto) for each person which caused the answer to be “Yes.”

F. For Individual Applicants:

Date of Birth:

Social Security Number:

G. For Corporate and Partnership Applicants:

(i) Federal Taxpayer ID Number:

(ii) List (i) for corporations - all officers, directors, stockholders, and the applicant’s registered agent (ii) for partnerships - all partners (attach additional page(s) labeled “Form 1-Attachment 1(G)(ii)” if necessary):

Name	Title	Ownership Percentage (if any)

(iii) State the date and place of formation or, if a foreign corporation, LP or LLP, the date and place of registration to do business in the State of Alabama:

County of Record:

Date Recorded:

Book and Page #:

- (iv) Attach and label “Form 1-Attachment 1(G)(iv)” a copy of the corporation’s, LP’s or LLP’s recorded formation documents or, if a foreign corporation, LP or LLP an acknowledgment from the Secretary of State of Alabama that the applicant is authorized to do business in Alabama.

- H. Attach and label “Form 1-Attachment 1(H)” a copy of the applicant’s policies and training materials regarding serving alcohol.

- I. Has the applicant or any entity controlled by the applicant ever been denied a license to sell liquor for on-premises consumption? Yes If yes, provide the jurisdiction(s) and date(s) of such denial(s):

- J. Is the applicant a franchisee? Yes No
If yes, provide the name and address of the franchisor:

2. Location Information

- A. Name under which restaurant will conduct business:

- B. Business physical address:

- C. Business mailing address (if different):

- D. Attach and label “Form 1-Attachment 2(D)” a copy of the current lease/deed showing the applicant’s interest in the above-addressed real property.

- E. Has a prior owner/lessee of the above-listed address been licensed to sell liquor for on-premises consumption? If yes, provide the most recent such licensee’s name and the name under which licensee conducted business, if different:

- F. Name, address, and telephone number of the landlord/owner of the above-addressed real property:

- G. Describe the structures located adjacent to and across from the business (attach additional page(s) labeled “Form 1-Attachment 2(G)” if necessary):

September 22, 2020

H. Describe all properties within 500 feet of the external boundary of the business' physical address, 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 Paragraphs 4(a) and (b) of the Resolution adopted by the Madison County Commission on July 15, 2015, or within 500 feet of the external walls of the business if it is located in a shopping center (attach additional page(s) labeled "Form 1-Attachment 2(H)" if necessary) :

3. Premises Information

- A. State the square footage and give a brief description of the business' premises:
- B. Attach and label "Form 1-Attachment 3(B)" a site plan survey showing the boundaries of the business' physical address and the dimensions of the business' premises, showing all parcels of real property adjacent to the business' physical address, and identifying the owners of all such adjacent parcels.
- C. Have the premises been inspected by the Madison County Fire Marshal and the Madison County Building Inspector and been certified to meet the requirements of the applicable building and fire codes?
- If yes, attach and label "Form 1-Attachment 3 (C)" documentation showing such certification.
- D. Complete Form 1-Attachment 3(D) regarding the estimated percentage of the gross receipts of the business, on a calendar monthly basis, from the sale of food for on-premises consumption.
- E. List the business' hours of operation:
- F. List the business' hours of alcoholic beverage sales:
- G. Will the business have outdoor porch or patio seating?
- If yes, attach and label "Form 1-Attachment 3(G) a drawing of the area.
- H. Does the business have liability insurance coverage, which includes dram shop coverage in an amount not less than \$1,000,000?
- If yes, attach and label "Form 1-Attachment 3 (H)" a certificate of insurance. If this application is granted a certificate of insurance will be required annually.

4. Alabama Alcoholic Beverage Control Board Application

- A. Attach and label "Form 1-Attachment 4(A)" the application to the Alabama Alcoholic Beverage Control Board.
- B. If and when the applicant receives a license from the Alabama Alcoholic Beverage Control Board, provide a copy to the Madison County Administrator at:

Madison County Administrator
 100 Northside Square
 Suite 700
 Huntsville, Alabama 35801
 Phone: 256.532.3492

I hereby swear or affirm that the information contained in this application is true and correct and that there are not any undisclosed partners, stockholders, or others with any undisclosed interests in this applicant or its business.

I further hereby swear or affirm that I have received a copy of, read and understand the Madison County Commission's July 15, 2015 Resolution attached hereto and labeled "Form 3-Attachment 1" addressing the permitting and regulation of restaurants selling alcoholic beverages for on-premises consumption in the unincorporated areas of Madison County, Alabama.

I hereby agree to conspicuously display the license requested in this application in an open and easily visible location.

 Signature of Applicant

 Printed Name of Applicant

 If Corporation or Partnership, Title of
 Person signing Application

Sworn to and subscribed before me this the _____ day of _____, 20__

 Notary Public
 My Commission Expires:

FORM 1-ATTACHMENT 1(E)(iv)

BACKGROUND INFORMATION

**APPLICATION TO THE MADISON COUNTY COMMISSION
FOR APPROVAL OF
ON-PREMISES CONSUMPTION ALCOHOLIC BEVERAGE LICENSE**

Complete the below information for each person which caused a “Yes” answer to Section 1(E)(i), (ii) or (iii) of the Application:

Full Name:

Date of Birth:

Place of Birth:

SSN:

Are you a U.S. Citizen?

If naturalized, state when and where: _

If not a U.S. Citizen, state when and where you entered the United States and list your immigration status:

Present Residential Address:

How long have you lived at this address?

Phone Numbers: Home:

Work:

Cell:

Present Employer and Address:

Present Position/Title:

Marital Status:

If married or divorced, give full name (including maiden name) and address of spouse(s) and/or ex-spouse(s):

Spouse(s)/ex-spouse(s) employer and address:

Have you or any entity you control or have controlled ever been licensed to sell liquor for on-premises consumption at any time?

If yes, state the location(s), dates of licensure, and name(s) under which you/the entity you control(led) did business.

Attach additional page(s) labeled “Form 1-Background 1” if necessary.

Attach and label “Form 1-Background 2” a copy of your current driver's license or other government issued photo I.D. card.

List all criminal convictions other than non-DUI traffic violations (attach additional page(s) labeled “Form 1-Background 3” if necessary):

Violation	Jurisdiction/Court	Date of Conviction

Signature

FORM 1-ATTACHMENT 3(D)

**MADISON COUNTY, ALABAMA
GROSS RECEIPTS PERCENTAGE FORM**

Reporting Period: _____ License Holder's Name: _____

Restaurant Name and Address: _____

Month	Gross Receipts	Gross Receipts from Sale of Food for On-Premises Consumption	Percentage of Gross Receipts from Sale of Food for On-Premises Consumption
September	\$	\$	%
October	\$	\$	%
November	\$	\$	%
December	\$	\$	%
January	\$	\$	%
February	\$	\$	%
March	\$	\$	%
April	\$	\$	%
May	\$	\$	%
June	\$	\$	%
July	\$	\$	%
August	\$	\$	%
Year Total	\$	\$	%

I hereby certify that the information contained herein is true and correct.

Signature: _____

Name: _____

Date: _____ Title: _____

FORM 2

MADISON COUNTY, ALABAMA REPORT OF OWNERSHIP FORM

1. General Information.

- a. Legal Name(s) (include "doing business as" if applicable):

- b. Attach a copy of the Applicant’s Current Madison County business license hereto and labeled “Form 2-Attachment 1(b).”

2. Type of Ownership. Please complete the un-shaded portions of the following chart by checking the appropriate box below and entering the appropriate Entity Identification Number¹ (see below for an explanation of Entity I.D. number).

<input checked="" type="checkbox"/>	Type of Ownership	Entity Identification Number	State
	Individual or Sole Proprietorship		
	General Partnership		
	Limited Partnership		
	Limited Liability Partnership		
	Limited Liability Company		
	Corporation		
	Other, please explain:		

¹ If an Entity Identification Number is required and if the business entity is registered in this state, the number is available through the website of the Alabama Secretary of State at: www.sos.state.al.us, under "Government Records." If a foreign entity is not registered in this state, please provide the number equivalent to the Entity Identification Number and the state in which the entity was formed. If an Entity Identification Number is required but not available, please attach a copy of the entity's formation documents recorded in the applicable county and state hereto and label "Form 2-Attachment 2".

FORM 3

**MADISON COUNTY, ALABAMA ALCOHOLIC
BEVERAGE LICENSE NOTICE AFFIDAVIT**

1. My name is _____. I am over the age of nineteen (19) years and have personal knowledge of the matters stated herein. I am the _____ (title/position) of _____ (name of Applicant) (the "Applicant"), located at _____

2. I hereby certify that the Applicant has met the notice requirements of Paragraph 4(h) of the Resolution of the Madison County Commission dated July 15, 2015, attached hereto and labeled Form 3-Attachment 1, regarding the permitting and regulation of restaurants selling alcoholic beverages for on- premises consumption in the unincorporated areas of Madison County, Alabama.

3. The owners of all properties located within 500 feet of the outer boundary of the property for which a license to sell alcoholic beverages for on-premises consumption is sought, a list of which is attached hereto as Exhibit "A," have received the Applicant's completed Property Owner Notice included in this package and labeled "Form 3- Attachment 2 (the "Notice"). A true and correct copy of each Notice and, if the Notice was delivered by Certified Mail, the corresponding Certified Mail return receipt showing that the Owners received the Notice not less than ten (10) days before the date of the meeting at which the Madison County Commission will consider the Applicant's Application, is attached hereto and labeled "Form 3- Attachment 2."

Signed this the _____ day of _____, 20____.

Signature

SWORN TO and subscribed before me on this the _____ day of _____, 20____.

Notary Public
My Commission Expires: _____

September 22, 2020

FORM 3-ATTACHMENT 2

**MADISON COUNTY, ALABAMA PROPERTY OWNER NOTICE REGARDING
APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES FOR ON-
PREMISES CONSUMPTION**

To:

Property Address:

PPIN #:

NOTICE

NAME:

RESTAURANT NAME:

ADDRESS:

has applied to the Madison County Commission for a license to sell alcoholic beverages for on-premises consumption. The Madison County Commission will consider this application at its regularly scheduled meeting on the _____ day of _____ 20____ at 10:00 a.m. on the Seventh Floor of the Madison County Courthouse, 100 Northside Square, Huntsville, Alabama 35801.

You are receiving this notice because, based on available records, you own property within 500 feet of the outer property boundary of the above-named restaurant.

If you wish to be heard by the Madison County Commission regarding this application, please attend the meeting at the above-stated time and place. If you plan to attend the meeting, please contact the Madison County Administrator at 256-532-3492 prior to the date of the meeting.

Signature of Applicant

Printed Name

Date

FORM 4

LIQUOR LICENSE BOND

KNOW ALL MEN BY THESE PRESENTS:

That _____ hereinafter called Principal, and _____ hereinafter called Surety are held and firmly bound unto the Administrator for Madison County, Alabama in the penal sum of Eight Thousand and No/100 Dollars (\$8,000.00) for the payment of which well and truly to be made we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

The condition of the foregoing obligation is such that:

WHEREAS, the said Principal has made application to be licensed to engage in the business of selling liquor for on-premises consumption within the unincorporated area of Madison County, Alabama;

WHEREAS, as a condition precedent to the issuance of a license for such a business, said Principal is required to deliver to the Madison County Administrator a bond conditioned to promptly pay to the Madison County Administrator all such amounts as may become due to the Madison County Administrator under the terms of the Resolution adopted by the Madison County Commission on April 9, 2014, related to the permitting and regulation of restaurants selling alcoholic beverages for on-premises consumption in the unincorporated areas of Madison County, Alabama;

NOW THEREFORE, the condition of this obligation is such, that if said Principal pays all monthly privilege/license fees and annual license fees as may become due under the terms of the Resolution described in the immediately preceding paragraph, then this obligation is to be null and void; otherwise this obligation is to remain in full force and effect.

If said Surety shall so elect, this bond may be canceled by giving thirty (30) days' notice in writing to said County Administrator and this bond shall be deemed cancelled at the expiration of said thirty (30) days; said Surety remaining liable, however, subject to all terms, conditions, and provisions of this bond, for any act or acts covered by this bond which may have been committed by said Principal up to the date of such cancellation.

IN WITNESS WHEREOF, said Principal and said Surety have hereunto set their hands and seals in Madison County, Alabama on this the _____ day of _____, 2020.

Surety (SEAL)

Principal (SEAL)

By:

By:

Its:

Its:

**MADISON COUNTY, ALABAMA
LIQUOR PRIVILEGE/LICENSE FEE RETURN FORM**

Reporting Period:

License Holder's Name:

Restaurant Name:

Address

Total Enclosed \$_____

- 1. Gross Receipts: _____
- 2. Gross Receipts from Food Sold for On-Premises Consumption: _____
- 3. Gross Receipts from the Sale of 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: _____
- 4. Tax Rate for Liquor Sales: 12.00%
- 5. Gross Fee Due (Line 3 x Line 4): -
- 6. Penalty (10% of Line 5 if late): _____
- 7. Total Fee Due (Line 5 + Line 6): -
- 8. Total Fee Due and Enclosed: _____

This return must be postmarked by the 20th day of the month following the reporting period for which you are filing and include a **check or money order** for the amount stated in Line #8 to be considered a timely return.

Mail this return with remittance to:

Madison County Administrator
100 Northside Square, Suite 700
Huntsville, AL 35801

I hereby certify that the information contained herein is true and correct.

Signature:

Name:

Title:

Date:

**MADISON COUNTY, ALABAMA
ANNUAL ALCOHOLIC BEVERAGE LICENSE FEE
RETURN FORM**

License Year: October 1, 20____ Thru September 30, 20_____

License Holder's Name: _

Restaurant Name and Address:

1. Annual License Fee: \$1,200.00 _ Enclosed

2. Enclose a certificate of insurance showing that the above-named restaurant has liability insurance coverage, which includes dram shop coverage, in an amount not less than \$1,000,000.00 during the above-listed License Year. _ Enclosed

This return, including a **check or money order** for \$1,200.00, must be **received** by the Madison County Administrator at the following address prior to the first day of the above-listed License Year to be considered timely.

Madison County Administrator
100 Northside Square, Suite 700
Huntsville, AL 35801

Signature: _____

Name: _____

Title: _____

Date: _____

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, the Madison County Commission desires to amend and restate the Resolution adopted on April 9, 2014, as follows:

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

1. Paragraph 1 of 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 (22) 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. (a) The Madison County Commission shall not approve any application for a license under this Resolution where the Restaurant is located within 500 feet 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:

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

(2) Publically-owned ball parks, parks, playgrounds, swimming pools and other recreational facilities;

(3) Recreational centers;

(4) Churches;

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

(b) The Madison County Commission shall not approve any application for a license under this Resolution where the proposed licensee is located within 500 feet of any single or multiple family residence.

(c) The distance between alcoholic beverage licensees and those uses identified in Paragraphs 4(a) and (b) 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 Paragraphs 4(a) and (b) above.

(d) If any use of adjoining property described in 4.(a) or 4.(b) above occurs after the initial alcoholic beverage license is issued to a Restaurant, the subsequent use of the adjoining property shall not affect the licensing of the Restaurant including the licensing to different owners or operators at the same location.

(e) The Madison County Commission shall not approve any application for a license under this Resolution 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. 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.

(f) 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.

(g) The Madison County Commission shall not approve any application for a license under this Resolution 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.

(h) At the time an application for a license under this Resolution 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 license under this Resolution is sought that an application for a license under this Resolution 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.

(i) 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.

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

(k) 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.

(l) 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.

(m) 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.

5. 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 shall not allow music to be performed by live musicians, shall not allow live entertainment of any kind, shall not allow a person to play recorded music and introduce or comment on the music commonly known as a disc jockey or DJ and shall not allow dancing after 10:00 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. The Restaurant shall not begin serving alcoholic beverages before 10:00 a.m.

(d) 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.

(e) 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).

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

6. (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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 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 was continued may take such action as it deems appropriate including revocation of the license issued pursuant to this Resolution.

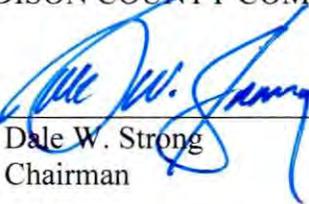
17. Any Restaurant licensed under this resolution agrees as a condition of the license that if Madison County brings any action to enforce any provision of this resolution or to enjoin the Restaurant from operating after a license has been terminated and Madison County is

successful in the litigation, the Restaurant shall pay to Madison County reasonable attorneys fees and expenses incurred by Madison County in any such litigation.

18. 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.

DONE this 15th day of July, 2015.

MADISON COUNTY COMMISSION

BY: 
Dale W. Strong
Chairman

ATTEST:


Kevin Jones
County Administrator