STATE OF ALABAMA
COUNTY OF DEKALB
TOWN OF COLLINSVILLE

ORDINANCE NO.2010-05

AN ORDINANCE REGULATING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE TOWN OF COLLINSVILLE, ALABAMA, PROVIDING LICENSING PROCEDURES AND ESTABLISHING PUNISHMENT FOR VIOLATIONS.

BE IT ORDAINED BY THE TOWN COUNCIL, AS THE GOVERNING BODY OF THE TOWN COLLINSVILLE, ALABAMA, AS FOLLOWS:

ARTICLE I. ALCOHOLIC BEVERAGES

SECTION 1. SHORT TITLE.

This ordinance shall be known and may be cited as the *"Collinsville Alcoholic Beverage Ordinance"*.

SECTION 2. PURPOSE.

This ordinance is enacted for the purposes, among others, of promoting the health and general welfare of the community, of establishing reasonable standards for the regulation and control of the licensing, sale, delivery, and consumption of alcoholic beverages, and of protecting and preserving certain areas, through reasonable consideration, among others, to the character of the areas and their peculiar suitability for particular uses, to the congestion in the roads and streets, to a general view of promoting desirable living conditions and sustaining stability of neighborhoods and property values, and to the prevention of undesirable persons from engaging in or having any interest in alcoholic beverages. This ordinance shall be construed as an exercise by the town of the police power of the state delegated to the town, in the regulation of traffic in alcoholic beverages within the town as provided by *Code of Alabama, 1975 as amended.*

SECTION 3. DEFINITIONS.

Whenever used in this chapter, the definitions set forth in the *Alcoholic Beverage Licensing Code (Code of Alabama, 1975 as amended*, Section 28-3A-1 et seq.) are hereby adopted by reference, and made a part hereof as if fully set forth herein. In addition thereto, the following terms shall have the meanings herein specifically ascribed to them:

Alcohol License Fee: A fee charged by the Town of Collinsville to a person or persons that has been granted approval by the *Alabama Alcoholic Beverage Board* for the privilege of selling alcoholic beverages within the city limits of Collinsville as herein enumerated and defined.

Association: A partnership, limited partnership, limited liability company (LLC), or any form of unincorporated enterprise.

Bartender/server: An employee of a retail alcoholic beverage licensee who is directly involved with the opening, mixing, dispensing, serving, or final sale of alcoholic beverages to a customer of the licensed establishment.

Business Owner: A person or persons issued a privilege license by the Town of Collinsville to conduct routine business.

Child Development Facility: Any child development program or club that promotes extended educational services that is funded partially or completely by federal, state, or local government revenue. (i.e. Head Start programs, boys & girls clubs, etc.)

Church: Church shall mean an entire house or structure set apart primarily for use for purposes of public worship, and whose sanctuary is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure is kept for that use and not put to any other use inconsistent therewith.

Club Class I: A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid –up members. It must be the owner , lessee, or occupant of an establishment operated solely for the objects of a national, social, patriotic, political, or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

Club Class II. A corporation or association organized or formed in good faith by authority of law and which must have a least 100 paid-up members. It must be the owner, lessee, or occupant of an establishment operated solely for the objects of a national, social, patriotic, political, or athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

Container: The single bottle, can, keg, bag or other receptacle, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer, and from which the alcoholic beverage is consumed by or dispensed to the public.

Convenience Store: Establishment that sells convenience items, snacks, grocery items, gasoline, and/or other motor fuels. A convenience store shall not be considered a package store if no more than twenty-five percent (25%) of the floor space, excluding coolers and dry storage area, is dedicated to the public display of alcoholic beverages.

Committee/Town of Collinsville Alcohol License Review Committee: The City Clerk, or designated representative; the Chief of Police, or designated representative; and three other members to be appointed by the Town Council on a staggered basis of three-year terms.

Distributor: Any person transporting alcoholic beverage in the city for such person's own retail use or for delivery to a retailer whether or not the same be owned by such person.

Engaged in business: A person shall be deemed engaged in business within the corporate limits if that person has a fixed place of business within the corporate limits, or is, pursuant to agreement of sale, expressed or implied, that person delivers any alcoholic beverage, beer or wine within the corporate limits, or if that person performs, within the corporate limits, any act authorized to be done only by the holder of any license issued by the ABC board.

Fixed place of business: Any place where any alcoholic beverage, wine or beer is kept or stored for sale or delivery.

Grocery Store: A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose 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) sq. ft.

License: A retail alcoholic beverage license or any other license issued by the *Alabama Alcoholic Beverage Control Board* requiring consent and approval of the Town Council with the exception of licenses issued by the *Alabama Alcoholic Beverage Control Board* for the sale of beer.

Licensee: Any person licensed by the Town Council for the privilege of engaging in a business involved in the sale of alcohol.

Lounge: Any place or premises in which all classes of alcoholic beverages are offered for sale for consumption within the building in which the establishment is located, but does not meet the requirements for a Restaurant Class I and Class II as defined in this chapter, which is operated by a responsible person of good reputation. In addition to meeting all other legal requirements, a lounge retail liquor licensee must also comply with the following additional conditions or requirements:

(1) Have a space of at least one thousand (1,000) square feet on one floor in one room accommodating at least thirty (30) persons at one time, when lounge is operated in connection with a hotel, motel or restaurant. When lounge is not operated in connection with a hotel, motel or restaurant, the lounge must have a space of at least two thousand (2,000) square feet on one floor in one room accommodating at least sixty (60) persons at one time.

(2) Have a minimum of two (2) off-street parking spaces provided for each one hundred (100) square feet of space inside the establishment.

(3) Such licensee shall meet the requirements for a board on-premises lounge retail liquor license.

Manager: An employee of a retail alcoholic beverage licensee who is given the responsibility and authority by the licensee to direct the operation of the licensed establishment, either solely or in conjunction with other similarly designated employees, by directing the activities of other employees of the licensed establishment. Such direction could include, but not be limited to, such responsibilities as assignment of employee tasks, scheduling of employee hours, evaluation of employee performance, and employee hiring or discipline.

Meal: A diversified selection of food some of which is not capable of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

Opened container: shall mean a container containing alcoholic beverages, which has been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

Person: A natural person, association of natural persons, partnership, corporation or other legal entity. Whenever used in a provision prescribing a fine or imprisonment, the term "person" shall mean the partners, members, directors or officers of any partnership, association, corporation or other legal entity.

Person in charge (PIC): A person or persons, whether owner, partner, officer, or employee of the alcoholic beverage licensee, who is designated by the licensee as a responsible party for the licensee in ensuring compliance with the law and regulations of the *Code of Alabama*, *Alabama Alcoholic Beverage Control Board*, and the *Ordinances* of the Town of Collinsville as apply to the operation of a business having retail sales of alcoholic beverages.

Privilege License: A privilege license issued by the Town of Collinsville to a person or persons to conduct routine business.

Public Place: Any place or gathering which the public generally attends or is admitted to either by invitation, common consent or right, or by payment of an admission or other charge, and without limiting the foregoing, shall include any streets, alleys, sidewalks, public easements, or right-of-ways, parking lots designed for use

by the general public, public buildings, buildings which are open to the public including but limited to school buildings or grounds, parks and libraries, places where school related and recreational games or contests are held, any theater, auditorium, show, skating rink, dance hall or other place of amusement or any club, provided that such term shall not mean or include premises which have been duly licensed under the ordinances of the town and the laws of the state for sale or consumption of such beverages and provided that no private gathering is included within the meaning of public place with respect to the owners or occupants of such premises or place or to any persons specifically invited therein: provided, that such term shall not mean or include premises which have been duly licensed by the town for sale thereon of such beverages.

Restaurant, Class I: A reputable place licensed as a restaurant, operated by a responsible person of good reputation, in which a diversified selection of food, refreshments and alcoholic beverages are offered for sale for consumption within the building in which the establishment is located, and which meets the following additional requirements:

(1) A dining space containing One Thousand (1000) square feet or more on one floor in one room shall have a mandatory Class I designation.

(2) The dining room shall be equipped with tables and chairs accommodating at least fifty (50) persons at one time and adequately air conditioned and heated as appropriate.

(3) All spaces of a Class I restaurant must comply with the adopted building code occupancy requirements.

(4) A kitchen separate and apart from said dining area, but adjoining the same, in which food is prepared for consumption by the public and which the food or meals served in said dining area are prepared.

(5) At least two (2) meals per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods for redecorating.

(6) Such place shall meet the minimum requirements for an *Alabama Alcoholic Beverage Control Board* on-premises license.

(7) The serving of food or meals shall constitute the principal business of such establishment, with the serving of liquor, malt or brewed beverages, wines or other alcoholic beverages being only an incidental part of the business. During any ninety-day period, the gross receipts from the serving of meals and food shall constitute at least thirty percent (30%) of the total gross receipts of the business. The licensee of such establishment shall maintain separate cash register receipts, one for food and one for liquor, malt or brewed beverages, wine or other alcoholic beverages. In addition, the licensee for such establishment shall maintain all invoices for the purchases of food and all types of alcoholic beverages and shall preserve such records for not less than three (3) years. All such records shall be available for inspection and audit at the licensee's premises within the city during regular business hours as the city Clerk, or duly authorized representative, may request.

Restaurant, Class II: A reputable place licensed as a restaurant, operated by a responsible person of good reputation, in which a diversified selection of food, refreshments and alcoholic beverages are offered for sale for consumption within the building in which the establishment is located, and which meets the following requirements:

(1) A dining space of less than one thousand (1,000) square feet on one floor in one room.

(2) Said dining room shall be equipped with tables and chairs accommodating a number of persons meeting with all the adopted building code occupancy requirements.

(3) The dining space shall be adequately air conditioned and heated as appropriate.

(4) A kitchen separate and apart from said dining area, but adjoining the same, in which food is prepared for consumption by the public and in which the food or meals served in said dining area are prepared.

(5) At least one (1) meal per day shall be served for each day open.

(6) Such place shall meet the minimum requirements for an *Alabama Alcoholic Beverage Control Board* on-premises license.

(7) The serving of food or meals shall constitute the principal business of such establishments, with the serving of liquor, malted or brewed beverages, wines or other alcoholic beverages being only an incidental part of the business. During any ninety-day period, the gross receipts from the serving of meals and food shall constitute at least thirty percent (30%) of the total gross receipts of the business. The licensee of such establishment shall maintain separate cash register receipts, one for food and one for liquor, malt or brewed beverages, wine or other alcoholic beverages. In addition, the licensee for such establishment shall maintain all invoices for the purchases of food and all types of alcoholic beverages and shall preserve such records for not less than three (3) years. All such records shall be available for inspection and audit at the licensee's premises within the city during regular business hours as the City Clerk or duly authorized representative, may request. Examples, without limitation, of a Class II Restaurant are as follows:

(a) A place of business meeting all other required criteria, which may not be open for all meals of each day.

(b) A place of business meeting all other required criteria, which may not be open five (5) days a week.

(c) Delicatessen, dinner theaters, café's, eateries, bistros and similar small establishments.

(d) A place of business meeting all other required criteria but also presenting a minimum of nine hole golf course, public or private, who may also sell food and alcoholic beverages on the golf course, with the following exceptions:

1) no minimum meal per day requirement,

2) food sales in any 90 day period must equal twenty percent (20%) of gross revenue of food and beverage operation.

School: A state accredited public or private elementary, intermediate, middle, junior high or senior high school.

Unopened container: A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

SECTION 4. LOCATION OF PREMISES NEAR CHURCH OR SCHOOL.

(1) Subject to exceptions contained in this section, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where the building in which the premises are located is less than one hundred (100) feet from any building in which there is a church, or a public or private elementary, intermediate, middle or junior high, high school and child development facility the aforesaid distance restrictions shall not apply in the following enumerated cases:

(a) City licensed premises located within areas zoned B-1 Central Business District and B-2 General Business District by the Zoning Ordinance of the Town of Collinsville.

(b) Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes and the minimum distance between the licensed premises and the church or school building is at least one hundred (100) feet.

(c) Where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of twelve (12) months the above restrictions do not apply.

(d) Where the city-licensed premise is a grocery store as defined herein.

(2) When measuring from a church or school, the main entrance to the church or school complex shall constitute the beginning point for measurement. When measuring from city licensed premises, the main entrance to the building occupied by the licensee shall be used for measurement purposes. The method of measurement is a straight line from the aforementioned defined points on licensed establishments to the aforementioned defined points on a church or school.

In instances where the Council has delegated the authority to make such a determination to an agent, any person aggrieved by the decision of the agent may appeal the agent's decision to the Council. Such an appeal must be filed in writing within ten (10) days of the date of the agent's decision and must specify the details of the reason for the appeal. The Council shall hold a public hearing on such appeal at its next regularly schedule meeting which is at least fourteen (14) days after the appeal is received by the Clerk. The aggrieved party shall have the right to address the Council and present any relevant evidence and testimony at said hearing. The decision of the Council shall be final.

SECTION 5. MAINTENANCE OF ORDER; REPORT OF VIOLATION.

It shall be the duty of each licensee and of each manager or supervisor at any time charged with the management and supervision of any retail liquor, retail table wine or retail malt or brewed licensed premises, while the same are open to the public, to maintain order upon the premises and to exclude from the premises any person who is drunk and disorderly or who commits any breach of the peace, or who uses or engages in offensive, disorderly, threatening, abusive or insulting language, conduct or behavior with the intent to provoke a breach of the peace, or whereby a breach of the peace might be occasioned. It shall be the duty of each officer, licensee, manager, or person-in-charge of any retail liquor, retail table wine or retail malt or brewed beverage licensed premises within the Town, immediately to make an appropriate report to the police department of the Town of each assault, assault and battery or affray, occurring on the licensed premises while said premises are open for business. It shall further be the duty of said person to make a written report of each of said incidents to the police department of the Town and to the local field office of the *Alcoholic Beverage Control Board* within thirty-six (36) hours thereof.

SECTION 6. OFFENSES IN PUBLIC.

(1) It shall be unlawful for any person to drink, sell, serve, dispense or give away, or attempt to drink, sell, serve or give away, any liquor, wine or malt or brewed beverages, while upon any street, alley, sidewalk, public easement, right-of-ways, parking lots designed for use by the general public or in any public building or upon any public property, or while in any other public place in the Town, unless permitted by the Town Council under a special retail liquor or special events license. As used in this section, the term "public place" shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include public parks, Town Hall, library, school buildings, auditoriums, any store or place where amusement and any high school athletic contest; provided, that such term shall not mean or include premises which have been duly licensed by the Town as provided by the *Code of Alabama, 1975 as amended.*

(2) It shall be unlawful for a business licensed by the Town of Collinsville (whether or not the business is licensed to sell or furnish alcohol) to allow patrons, customers, invitees or guests to bring alcoholic beverages onto the licensed premises.

(3) It shall be unlawful for patrons, customers, invitees or guests to bring alcoholic beverages onto premises licensed to do business by the Town of Collinsville, whether or not the business is licensed to sell or furnish alcohol. CROSS REFERENCES: Alcoholic beverages in open containers.

SECTION 7. MINORS; DRUNKARDS, INSANE PERSONS—OFFENSES BY SELLER OR AGENT.

(1) It shall be unlawful for any person or for any employee, servant or agent of any person to sell, or offer for sale, any liquor, wine or beer to any person visibly intoxicated, or to any insane person, to any minor, to any habitual drunkard or person of known intemperate habits.

(2) It shall be unlawful for any person to serve to a minor or allow a minor to be served any liquor, beer, or wine in any place where such beverages are sold.

(3) It shall be unlawful for any person who operates any business of selling liquor, beer or wine to allow any liquor, beer or wine to be sold to any minor, or to be consumed by any minor, on the premises where such liquor, beer or wine is sold.

(4) Duty of Licensee – It shall be the duty of each Licensee and employees of said licensee to require any person to present any one or more of the following documents from which his or her name, residence and age may be ascertained prior to the sell, serve, dispense or giving away, of any liquor, wine or beer to any person:

(a) A valid driver's license of any state;
(b) A valid uniform United States service identification (military ID)
(c) A valid Passport; and
(d) A valid identification card issued by any agency of a state bearing a photograph and date of birth of the individual in question. (In Alabama, this is the non-driver's ID issued by the Department of Public Safety.)

SECTION 8. SAME—OFFENSES GENERALLY.

It shall be unlawful to do or perform any of the acts or things designated as follows:

(1) For any minor person, directly or indirectly, to purchase any malt or brewed beverages, any wine or liquor, or any alcoholic or intoxicating beverage, or to attempt to purchase any of said beverages.

(2) For any minor person to possess or to consume any malt or brewed beverages, any wine or liquor, or any alcoholic or intoxicating beverage, or to attempt to purchase any of said beverages.

(3) For any person to sell, furnish, give to, or purchase for any minor person any malt or brewed beverages, any wine or liquor, or any alcoholic or intoxicating beverage, or to attempt to sell, furnish, give to or purchase for any minor person any of said beverages.

(4) For any person to hire, employ or allow any person less than twenty-one (21) years of age to serve or dispense alcoholic beverages of any kind. However, this prohibition does not apply when the only license held by the licensee is an off-premises beer license or an off-premises table wine license or combination thereof, and provided there is an adult in attendance at all times. Provided further that persons who are nineteen (19) year of age or older and working as a waiter, waitress, or server may serve alcoholic beverages as provided in the preceding sentence shall be a licensee of the ABC board who has been annually certified as a responsible vendor under the *Alabama Responsible Vendor Act* as provided in

Chapter 10 (commencing with Section 28-10-1) of Title 28, *Code of Alabama, 1975 as amended.*

(5) For any minor person, directly or indirectly, to falsely represent that such person is not a minor or is not under twenty-one (21) years of age, by means of which false representation such person buys, receives or otherwise obtains, or attempts to buy, receive or otherwise obtain any malt or brewed beverages, any wine or liquor or any alcoholic or intoxicating beverages.

(6) For any person, directly or indirectly, to falsely represent that a minor person is not a minor or is not twenty-one (21) years of age, by means of which false representation such person aids or abets or attempts to aid or abet, such minor person to buy, receive or otherwise obtain any malt or brewed beverage, any wine or liquor or any alcoholic or intoxicating beverages.

SECTION 9. FALSE REPRESENTATION.

It shall be considered a false representation that a minor person is not a minor or is not under twenty-one (21) years of age, if the purchaser fails to disclose that the person making the purchase, obtaining or securing such malt or brewed beverages, or such wine or liquors, or such alcoholic or intoxicating beverages, is a minor person or has not reached the age of twenty-one (21) years.

SECTION 10. AUTHORIZED HOURS.

It shall be unlawful for any person, whether a liquor, wine or beer licensee or not, to sell, offer for sale or to serve dispense for offer or reward, or to offer to serve or dispense for reward any liquor, wine, or beer, or to allow the consumption of any alcoholic beverages on the licensed premises between the hours of 12:00 AM and 7:00 AM on Tuesday, Wednesday, Thursday, or Friday of any week, or between the hours of 2:00 AM and 7:00 AM on Saturday of any week, or between the hours of 2:00 AM on Sunday of any week and 7:00 AM of the following Monday; except it shall not be unlawful until 2:00 AM on any New Years Day holiday (January 1st of any year) except when the holiday falls on Monday, except that sales for off-premise consumption shall be allowed on each day, except Sunday, beginning at 5:00 a.m.

SECTION 11. REGULATION OF CONDUCT IN CLUBS, ETC.

It shall be unlawful for any person, club, firm or corporation or the officers, members, agents, servants or persons in charge thereof at any club or at any other place to which the public generally resorts or is admitted, which is a liquor, wine or beer licensed place, or any combination thereof, to permit, allow, conduct or condone any of the following:

(1) Topless or bottomless waitresses, waiters, dancers, servers, performers, or cashier or any lewd or indecent conduct.

(2) Acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(3) Acts, or simulated acts, of caressing or fondling of the breasts, buttocks, anus or genitals.

(4) Acts involving the displaying of the anus, vulva or genitals.

(5) Permitting any patron, customer or member to touch, caress or fondle the breasts, buttocks, anus or genitals, or any part of the body or clothing of a performer or entertainer.

(6) Permitting the showing of films, still pictures, electronic reproductions or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation,

flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched caressed or fondled on the breasts, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above in this section.

(7) Any employee including, but not limited to, waiter, waitress, dancer, entertainer, performer or model employed upon the licensed premises to sit at tables with the customers or members and guests while so employed and during the time that said establishment is open for business.

(8) Any person at the time employed or engaged on the licensed premises as an entertainer or performer, to also serve as a waiter or waitress while so employed.

(9) The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the darkened area surrounding the nipple, or the depiction of covered male genitals in a lewd or indecent manner by any waiter, waitress, dancer, entertainer, employee, model or customer.

SECTION 12. ADVERTISING.

It shall be unlawful for any business to display signs of any kind advertising alcoholic beverages, whether electric, painted, or of any other nature, outside any place of business, or inside any place of business in a position visible from outside the building, except on the rear most wall. The rear most wall is defined as that wall furthest and opposite to the entrance to said business. This prohibition does not apply to aisle or floor merchandise displays not generally visible from outside the building. Any signage otherwise placed shall make no reference to beer, wine, malt beverages, liquor or mixed drinks. There shall be no signs or banners outside the premises of any retail licensee which advertise a particular manufacturer or brand of beer except that special events retail licensees shall be permitted to have such signs and banners which advertise a particular brand of beer, wine, malt beverage, or liquor. Display of advertising and violation of this section shall be considered a violation of the ordinance and punishable in accordance therewith.

SECTION 13. RECORDS; REPORTS.

It shall be the duty of each person subject to the license tax imposed by this chapter to keep full and complete records of all purchases, sales and deliveries of alcoholic beverages, from which records can be readily obtained information as to the correct amount of license tax due the Town. As a part of such records, each wholesaler shall keep an individual ledger or card account for each of his customers, and said ledger or card account shall show the correct name and address of each person to whom any alcoholic beverages are delivered, together with the dates thereof and the number of cases sold or delivered, and each wholesaler shall also keep, as evidence of the foregoing, a receipted delivery ticket signed by each purchaser or by his authorized agent. Each retailer shall keep an individual ledger or card record showing the correct name and address of each person from whom he purchased alcoholic beverages, a delivery ticket showing each such purchase, the date thereof and the number of cases purchased. The aforesaid records shall be kept posted currently and shall be preserved for not less than three (3) years succeeding said calendar year. All of such records shall be open for inspection and audit at the licensed premises within the Town during such regular business hours as the Town Clerk, or duly authorized representative, may request. Failure to keep any of the records required by this section, or elsewhere in this chapter, or by any amendment thereto, or refusal to make the same available to the Town Clerk, or duly authorized representative, shall constitute grounds for revocation of any license issued under this chapter.

SECTION 14. PACKAGING OF BEVERAGES.

Retail licensees for off-premise sale of individual or packages of six (6) or less alcoholic beverages must place each container thereof in a bag, box or other similar opaque covering prior to the customer's leaving the licensee building used for alcoholic beverage sales.

SECTION 15. DELIVERY VEHICLES.

A manufacturer or wholesaler shall deliver any alcoholic beverages in vehicles bearing the required information on each side of the vehicle as required by the ABC board. (Title 28-3A.25-13).

SECTION 16. OPEN CONTAINERS.

(1) It shall be unlawful for any person to or allow another person to:

(a) Possess, consume or otherwise use any open container containing alcoholic beverages while upon or along any public place, street, road or highway in the Town or while in any automobile or other motor vehicle on or along any public street, road or highway in the Town except in the trunk or luggage compartment of a motor vehicle, or while in any other public place in the Town.

(b) Possess or use any alcoholic beverages at any public park, municipal playground, municipal recreation facility, school playground, and school stadium or school recreational facility, unless permitted by the Town council by a Special Events License or Special Retail License.

(c) Possess alcoholic beverages in an open glass, bottle, cup, can, keg, bag or other receptacle not its original container while upon or along any public street, road or highway in the Town or while on any automobile or other motor vehicle on or along any public street, road or highway in the Town; or while in any other public place in the Town unless permitted by the Town council by a Special Events License or Special Retail License.

(d) The above notwithstanding this section shall not apply to any person that has in his or her possession alcoholic beverages in an open container in the passenger area of a motor vehicle of any kind on a public highway or right-of-way of a public highway as defined by *Act No. 2000-670* duly adopted by the Alabama Legislature. State law shall govern in such situations.

CROSS-REFERENCES: Alcoholic beverages in public places.

SECTION 17. DISCRIMINATION PROHIBITED.

It shall be unlawful for any alcoholic beverage licensee of the Town to discriminate against any person with respect to the sale of any food, beverage, product, cover charge, or admission charge based upon race, color, creed, or sex. It is specifically provided that no alcoholic beverage licensee shall have or permit any entertainment, show, or presentation on the licensed premises to which any person is excluded based upon race, color, creed, or sex. This section shall apply to the licensee, manager, to any person in charge of any licensed premises, and to any employee of the licensee authorizing, permitting, or committing any violation hereof.

SECTION 18. TOWN OF COLLINSVILLE ALCOHOL LICENSE REVIEW COMMITTEE.

(1) There is hereby created for the purpose of assisting and advising the Town Council in the review of applications for Town licenses, and inquiry and recommendation concerning complaints or disciplinary action of a Town licensee, a committee to be known and designated as the Town of Collinsville Alcohol License Review Committee to be composed as follows: The City Clerk, or designated representative; the Chief of Police, or designated representative; and three other members to be appointed by the Town

Council on a staggered basis for three-year terms. The City Clerk, or designated representative, shall act as liaison to the Town Council on behalf of the committee. The committee shall hold meetings as are necessary to consider appeals by applicants for alcohol licenses, resolve matters of public concern, or make inquiry into the compliance of a current city licensee with this chapter and other provisions of this chapter.

(2) The committee shall review the information contained within the application for an alcoholic beverage license and shall submit a written recommendation to the Town Council concerning the approval or disapproval of the application before the applicant is submitted to the ABC board.

(3) The committee shall investigate complaints, or initiate its own inquiry, into conditions which may violate provisions of this chapter concerning the operation of any establishment licensed by the Town to conduct routine business in the sell of alcoholic beverages as allowed by State law; and make a written report of its findings to the Town Council.

(4) The committee shall have the authority to require the licensee to produce records for its review as related to the operation, ownership, or management of the licensed establishment. The committee shall promulgate procedures for documenting and investigating complaints concerning the operation of an alcoholic beverage establishment as well as establishing a method of documenting violations of this chapter by a licensee or its employees.

ARTICLE II. LICENSE

SECTION 1. APPLICABILITY WHEN COUNCIL APPROVAL REQUIRED.

In those instances where the consent and approval of the Town Council is required for an alcoholic beverage license, other than where specified by statute, the application provisions of this chapter shall apply other than those contained in Article I, Section 6.

SECTION 2. REQUIRED; TRANSFER, SUSPENSION; DISPLAY.

(1) It shall be unlawful for any person to have in such person's possession any alcoholic beverages, within the Town, for the purpose of sale, or to sell, or keep for sale, or offer for sale, any alcoholic beverages, without having first procured from the Town a privilege license and the ABC board a liquor license therefore. Licenses issued under this chapter may not be assigned or transferred. The Town is hereby authorized to allow the address for the privileged licensed premises to be changed from one place to another within the town, as the Town may determine appropriate; but shall not allow the transaction of business at a place for which the license could not originally have been issued lawfully.

(2) In the event of a change of ownership of a licensed establishment, the current licensee shall be required to file a written statement with the Town Clerk indicating this occurrence prior to either completing the sale of the licensed business, or relinquishing management or financial control of the business operation, whichever occurs first; and additionally, the party to whom the licensed establishment is to be sold must file with the Town a completed application for a Town license within twenty (20) days of notification to the Town of the intent to sell, transfer, or assign the establishment. Upon request of the Town Clerk, or designated representative, any applicant may be requested to produce records of the business or the transaction surrounding the sale of the business to determine the parties involved or the effective date of the transaction. These records include, but are not limited to, lease agreements, land sale agreements, bank statements, stock transfers, minutes of corporate board meetings, and/or purchase invoices. Any failure to produce the requested records, or a determination by the Town that the transaction is not in compliance with the requirements specified herein, will result in an immediate forfeiture of the Town

license upon notification of this determination and an opportunity for a public hearing by the Town Council.

(3) Licenses issued by the Town shall be deemed to expire, terminate, or otherwise be void when there is a substantial change in ownership in a licensed establishment, or when a licensed establishment is leased, rented, or abandoned, or when possession is otherwise surrendered to another party or parties. Provided, however, that an applicant for a new license at a currently licensed establishment may be allowed to operate the establishment for a period not to exceed sixty (60) days if said applicant is in compliance with subparagraph (2) of this section. In such case, the original licensee shall continue to be responsible for the conduct, operation and Town tax liabilities of the establishment until such time as a license is issued by the Town in the new licensee's name.

(4) Upon the death of an individual licensee, sale of the licensed establishment, or temporary closing of the licensed establishment for a period in excess of thirty (30) days, the Town license to sell alcoholic beverages shall be immediately returned to the Town Clerk, or designated representative, to be held pending the reopening of the business. In the event the temporary closing is due to any renovation, remodeling, or repair to the licensed premises, the licensee shall provide written evidence of compliance with applicable building, fire, and health codes to the Town Clerk, or designated representative, prior to the release of the license.

(5) For the purposes of this section, and to assist in defining a substantial change in ownership, the sale or transfer of twenty-five percent (25%) or more of a corporation's stock shall constitute a substantial change in ownership of the licensee.

(6) The Town shall have the right to revoke any privilege license issued by the Town for any violation of this chapter or the *Alabama Alcoholic Beverage Control Board* rules and regulations, after notice and opportunity for a hearing before the Town Council.

(7) Every privilege license issued by the Town to conduct normal and routine business and license issued by the *Board* shall be conspicuously and constantly exposed under a transparent substance in an area visible to the general public on the licensed premises.

SECTION 3. APPLICATION FOR LOUNGE, CLUB, RESTAURANT, ETC., LICENSE; DEPOSIT.

Each applicant seeking the consent and approval of the Town Council for lounge retail liquor license, a club retail liquor license, a restaurant retail liquor license or other license issued by the *Alabama Alcoholic Beverage Control Board* shall make application to the Town Council as required in this chapter. Said application shall be upon an appropriate form supplied by the Town Clerk, or duly authorized representative, and shall be signed and verified by oath or affirmation by the licensee, if a natural person, or in the case of a partnership, association or unincorporated enterprise, by a partner, limited liability company (LLC) or managing member thereof, or in the case of a corporation, by an executive officer thereof. The applicant shall deposit with the Town Clerk the required application fee that includes the background check with the *Alabama Bureau of Investigation* and the amount of publication costs to be incurred hereunder upon filing the application.

SECTION 4. APPLICATION FOR RETAIL LIQUOR LICENSE.

Application for retail liquor license shall be made in accordance with Town of Collinsville Procedures.

SECTION 5. REVIEW OF APPLICATIONS.

(1) The application shall be submitted to the Town Clerk, or designated representative.

(2) The Town Clerk, or designated representative, shall be responsible for ensuring that written approvals of zoning, building, fire and health, are included as a part of the application indicating the satisfactory compliance with the applicable requirements for each respective department.

(3) Subsequent to the Town Council approval and the applicant's compliance with subsection (2) of this section, the Town Clerk, or designated representative, is hereby authorized to indicate, and communicate in writing, the Town's approval for the issuance of a license for the applicant to the *Alabama Alcoholic Beverage Control Board.* The method for the communication of this approval by the City shall be determined based on the most current mechanism indicated as acceptable by the *Alcoholic Beverage Control Board* field office supervisor responsible for DeKalb County.

SECTION 6. PUBLIC NOTICE.

(1) Upon receipt of an application, together with the results of the investigation and recommendations made thereon, the Town Clerk shall cause notice to be posted at the Town Hall and no less than three (3) public places in the Town, stating that the application will be considered at the next regular meeting of the Town Council, which notice must be published as aforesaid at least six (6) days in advance of the next regular meeting of the Town Council, and further stating the time and place that same is to be considered and that at such time and place all interested persons may appear at said meeting and be heard for or against the application.

(2) The City Clerk shall notify all property owners, identified by the real property tax records of the DeKalb County Revenue Commissioner's office as being within one hundred 100 feet of the applicant's business location, by first class mail at least six days prior to the scheduled hearing. The notice shall state the day and time it is to be heard and considered at said public hearing by the Town Council.

SECTION 7. APPLICANT QUALIFICATIONS.

Licenses shall be granted and issued by the Town only to reputable individuals who are citizens of the United States or associations whose members are reputable individuals who are citizens of the United States or to reputable corporations organized under the laws of the state or duly qualified thereunder to do business in the state.

SECTION 8. CONSIDERATION OF APPLICATION.

In rendering a decision on each application for a license under this chapter, the Town Council shall consider, among others, the following factors:

(1) The effects upon residents, real property owners and businesses within one hundred (100) feet of the property for which a license is sought.

(2) The character and reputation of the applicant, each partner, member, officer, member of board of directors, landlord, bartender and manager.

(3) The criminal court records of the applicant, each partner member, officer, and member of the board of directors, landlord, bartender and manager.

(4) The location of the premises for which a liquor license whose place is sought and the number of establishments presently holding liquor licenses whose place or places of business are within one hundred (100) feet of the property for which a liquor license is sought.

(5) The compliance by applicant, each partner, member, officer, member of the board of directors, landlord and manager with the laws of the state and ordinances for the Town.

(6) The recommendation of the Town of Collinsville Alcohol *License Review Committee*. Any recommendation factor must be grounded in the protection of the health, safety, and public welfare of the community.

SECTION 9. FILING FEE.

There is hereby required, as a filing fee to cover the costs of processing and investigating each application filed with the Town for a Town license of any kind or class, the sum of two hundred dollars **($200.00),** and the Town Clerk or duly authorized representative shall not accept any application for any such license not accompanied by said payment to the Town. The applicant shall further pay to the Town clerk an amount equal to any further costs incurred, or to be incurred by the Town in conducting criminal background checks public hearing notices. The Town shall retain filing fee to cover the expenses of processing and investigating said application, whether or not said application results in approval or denial, provided however, that the filing fee for a special events license applications shall be seventy-five dollars **($75.00).**

SECTION 10. TOWN ALCOHOL LICENSE FEES.

(1) Each person licensed by the ABC board, who shall engage in the alcoholic beverage, liquor, beer or wine business within the corporate limits, prior to engaging in such business shall pay to the Town, for the privilege of so engaging in business, an annual privilege business license fee and further license fees as established below:

(a) Beer wholesale license. Each person licensed as a beer wholesaler under section 28-3A-1 et seq. of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of fifty percent (50%) of the amount charged for state beer license by the State of Alabama (Section 28-3A-21). In addition, each licensee will remit to the Town Clerk, on forms provided by such clerk, each month, the privilege or excise tax levied on the sales of beer by the *"Uniform Beer Tax Act,"* Acts 1982, No. 82-344. Wholesale beer dealers and distributors will not sell to any retail outlet that does not have a current Town license.

(b) Wine wholesaler license. Each person licensed by the ABC board as a wine wholesaler under section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of fifty percent (50%) of the amount charged for state wine license by the State of Alabama (Section 28-3A-21). In addition, each licensee will remit to the Town Clerk, on forms provided by such Clerk, each month, the privilege or excise tax levied on the sales of table wine by the *"Alabama Table Wine Act,"* Acts 1980, No. 80-382. Wholesale wine dealers will not sell to any retail outlet that is not properly licensed by the Town.

(c) Beer and wine wholesale license. Each person licensed as a beer and wine wholesaler under section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of fifty percent (50%) of the amount charged for state wine and beer license by the State of Alabama (Section 28-3A-21). In addition, each licensee will remit to the Town Clerk, on forms provided by such Clerk, each month, the privilege or excise tax levied on the sales of beer by the *"Uniform Beer Tax Act,"* Acts 1982, No. 82-344. In addition, each licensee will remit to the Town Clerk, on forms provided by such clerk, each month, the privilege or excise tax levied on the sales of table wine by the *"Alabama Table Wine Act."* Wholesale beer and wine dealers will not sell to any retail outlet that is not properly licensed by the Town.

(d) Warehouse License. Each person licensed by the ABC board to receive, store or warehouse alcoholic beverages within the state for transshipment inside and outside the state shall pay to the Town an annual license fee of five hundred dollars **($500.00).**

(e) Club retail liquor license. Each person licensed by the ABC board to operate a club, Class I or II, under section 28-3A-1 et seq. of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual

license fee of one thousand five hundred dollars **($1,500.00)** if a Class I Club, and two thousand dollars **($2,000)** for a Class II Club. In addition, to said stated license fee, each person shall pay to the Town, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of **ten percent (10%) of wholesale cost** of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

(f) Lounge retail liquor license. Each person licensed by the ABC board to operate a retail lounge under section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of two thousand dollars **($2,000.00)**. In addition to said stated license fee, each person shall pay to the Town, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of **ten percent (10%) of wholesale cost** of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

(g) Retail liquor for off-premises consumption. Each person licensed by the ABC board to sell liquor at retail for off-premises consumption under section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of one thousand five hundred dollars **($1,500.00).** In addition to said stated license fee, each person shall pay to the Town, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of **five percent (5%) of the wholesale cost** of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

(h) Restaurant retail liquor license.

Class I:

Each person licensed by the ABC board to sell alcoholic beverages in connection with the operation of a restaurant under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of one thousand five hundred dollars **($1,500.00).** In addition to the stated license fee, each such person shall pay to the Town, on or before the fifteenth (15th) day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of ten percent **(10%) of the wholesale cost** of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

Class II:

Each person licensed by the ABC board to sell alcoholic beverages I connection with the operation of a restaurant Class II shall pay to the Town an annual license fee of seven hundred fifty **($750.00)** dollars. In addition to the stated license fee, each such person shall pay to the Town, on or before the fifteenth (15th) day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month an additional license tax of ten percent **(10%) of the wholesale cost** of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

(i) Retail table wine license for off-premises consumption. Each person licensed by the ABC board to sell table wine for off-premises consumption under section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of fifty percent (50%) of the amount charged for state wine license by the State of Alabama, Section 28-3A-21.

(j) Retail table wine license for on-premises and off-premises consumption. Each person licensed by the ABC board to sell table wine at retail for on-premises and off-premises consumption under section 28-

3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of fifty percent (50%) of the amount charged for state wine license by the State of Alabama (Section 28-3A-21), unless such person shall have paid for an on-premises liquor license.

(k) Retail beer for on-premises and off-premises consumption. Each person licensed by the ABC board to sell beer for on-premises and off-premises consumption under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of fifty percent (50%) of the amount charged for state beer license by the State of Alabama (Section 28-3A-21), unless such person shall have paid for an on-premises liquor license.

(l) Retail beer for off-premises consumption. Each person licensed by the ABC board to sell beer for off-premises consumption under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of fifty percent (50%) of the amount charged for state beer license by the State of Alabama(Section 28-3A-21).

(m) Special retail liquor license for on-premise consumption. Each person who has obtained a special retail liquor license from the ABC board under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town a license fee of two hundred fifty dollars **($250.00)** when the period of use is thirty (30) days or less. Such person shall pay to the Town a license fee of three hundred fifty dollars **($350.00)** when the period of use is more than thirty (30) days. In addition to said stated license fee, each such person shall pay to the Town fifty percent (50%) of the amount charged for state wine license by the State of Alabama. In addition to the stated license fee, each such person shall pay to the Town, on or before the fifteenth (15th) day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of ten percent **(10%) of the wholesale cost** of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

(n) Special events retail license for on-premise consumption. Each person who has obtained a special events retail liquor license from the ABC board under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town a license fee of two hundred dollars **($200.00).** No such license shall be issued for a period in excess of seven (7) days. Such alcoholic beverages as are authorized by the ABC board may be sold. All applications for special event licenses shall be filed with the Town Clerk at least sixty (60) days in advance of the event for which a license is sought. In addition to the stated license fee, each such person shall pay to the Town, on or before the fifteenth (15th) day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of ten percent **(10%) of the wholesale cost** of all alcoholic beverages, except beer and table wine, received incidental to such special event.

Hereunto, shall apply to applicant for a special event retail liquor license.

1) Submit the required filing fee.

2) Receive affirmative recommendation to the Town council by the Town of Collinsville Alcohol Review Committee.

3) Receive approval from the Town council; and

4) Pay the required license fee.

5) Each applicant/organization shall not be allowed to apply for more than five (5) special event license in any one calendar year.

6) No sale of alcohol shall be allowed to be sold during a special event on any Sunday after 2:00 AM.

7) Shall be required to purchase the alcoholic beverages from a wholesale licensee of the ABC board.

(o) Manufacturer license. Each person who has obtained a manufacturer license from the ABC board under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of three hundred fifty dollars **($350.00).**

(p) Importer license. Each person who has obtained an importer license from the ABC board under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of three hundred fifty dollars **($350.00).**

(q) Liquor wholesale license. Each person who has obtained a liquor wholesale license from the ABC board under Section 28-3A-1 et seq., of the *Code of Alabama, 1975 as amended*, shall pay to the Town an annual license fee of seven hundred fifty dollars **($750.00).**

(2) The stated annual license fee levied by the schedule under the foregoing provisions shall be due January 1st of each year and shall be delinquent after January 31st of the year for which such license is due, and a penalty of ten percent (10%) of the license amount shall be collected during February – March. In the event that a license fee has not been paid as of March 31st, the license shall be revoked. In addition, such person must pay a two hundred dollar ($200.00) citation fee. The foregoing schedule of licenses shall be for the calendar year, and a full amount thereof shall be charged and collected, provided that where a new license is issued after July 1st, one-half (½) of the annual rate shall be charged and collected. There shall be no rebate allowed upon revocation, suspension, abandonment or surrender of such license before the expiration thereof. All additional license taxes levied by said schedule shall be due the fifteenth (15th) day of the calendar month specified in each levy and shall be delinquent if not reported and paid by such date.

(3) Every person subject to this article may take a discount in an amount equal to two percent (2%) of all taxes paid to the Town under the provisions of this article, provided the reports are made and the taxes paid before the same become delinquent hereunder. If reports are not filed within the time herein provided and the taxes not paid on the dates herein provided for, such person shall pay to the Town the full amount of tax together with interest at the rate of three percent (3%) per month, or fraction thereof, from the date the payment of such tax became delinquent; a penalty of fifteen percent (15%) of the amount of the tax; and a citation fee of one dollar and fifty cents ($1.50); which interest, penalty, and citation fee must be paid by such person.

SECTION 11. RESERVED

SECTION 12. REPORTS OF BUSINESS DONE AND TAX DUE

The person liable for any license tax or other tax imposed by this chapter shall file with the Town Clerk or duly authorized representative, on or before the final date on which the tax may be paid without a penalty, such report or reports in such form as the Town Clerk or duly authorized representative, may prescribe, evidencing the amount of business done and the amount of license tax or other tax due thereon, together with full payment for any tax liability. Any failure to comply with this section shall be declared unlawful and be punishable as such.

SECTION 13. ALABAMA RESPONSIBLE VENDOR ACT

Section 28-10-1 thru 28-10-8, *Code of Alabama, 1975 as amended*, are hereby adopted by reference, and made a part hereof as if fully set forth herein.

(1) Each business requesting to sale alcoholic beverages within the Town of Collinsville must obtain Business Certification through the *Alabama Responsible Vendor Program* within 60 days of license approval by the ABC board.

(2) Upon a business becoming de-certified from the *Alabama Responsible Vendor Program*, the Town privilege license shall be suspended or revoked for a time no more than one (1) year as determined by the Town Council upon recommendation by the Alcohol License Review Committee.

ARTICLE III: VIOLATIONS; PUNISHMENTS; GENERAL PROVISIONS

SECTION 1. VIOLATIONS DECLARED MISDEMEANOR

Any person who violates any provision of this *Ordinance* shall be guilty of a misdemeanor and, unless otherwise provided herein, shall, upon conviction or adjudication of guilt, be punished by paying a fine not to exceed $500 and being incarcerated for a period not to exceed six (6) months.

SECTION 2. APPLICATION OF MUNICIPAL CODE AND ORDINANCES

Ordinances of the Town of Collinsville, Alabama, shall apply in all respects to any violations of this *Ordinance*.

SECTION 3. SEVERABILITY

The provisions of this *Ordinance* are severable so that if any provision hereof is declared unconstitutional, void, or invalid by a court of competent jurisdiction, all other provisions hereof shall not be affected by such declaration and shall remain in full force and effect as though the unconstitutional, void or invalid provision had not been included in the *Ordinance* as originally adopted.

SECTION 4. CONFLICTS WITH STATE STATUES

This *Ordinance* shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter hereof and to be subordinate to same and in no manner intended to supersede any such statues of the State of Alabama. Any provision hereof in conflict with any provision of any State statue shall be construed so as to be in harmony with the same where possible and otherwise to be subordinate to and superseded by the provisions of such State statue.

SECTION 5. EFFECTIVE DATE

This *Ordinance* shall become effective immediately upon its adoption and publication according to law.

ADOPTED AND APPROVED this 7 day of September, 2010.

TOWN OF COLLINSVILLE

Johnny Traffanstedt, Mayor

ATTEST:

Peggy Wright, City Clerk

CERTIFICATE OF PUBLICATION

I, Peggy Wright, the duly appointed clerk of the Town of Collinsville, Alabama, certify that the afore going Alcoholic Beverage Ordinance was duly adopted on the 7th day of September, 2010 by a majority vote of the Town Council and that the ordinance was published in the following public places, to wit:
1) Collinsville Town Hall 2) Collinsville Post Office 3) Office of the Water & Sewer Board 4) Collinsville Public Library.

Done this 8th day of September, 2010.

Peggy Wright, City Clerk