

ORDINANCE NUMBER 2022-



**AN ORDINANCE AMENDING CHAPTER 6,
ALCOHOLIC BEVERAGES, SECTION 6-1, OF THE
CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WAYNESBORO, VIRGINIA THAT:**

1. Chapter 6, Alcoholic Beverages, Section 6-1, Licenses, is amended and restated in its entirety and readopted as follows:

Sec. 6-1. Licenses.

(a) *Rates.* Every person who shall engage in the business of manufacturing, bottling, wholesaling, or retailing alcoholic beverages shall obtain a license therefor and shall pay therefor the license tax provided in this Section:

(1) Manufacturer licenses. For each:

- a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750 per year; if more than 36,000 gallons manufactured during such year, \$1,000 per year; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year.
- b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250 per year, and if more than 500 barrels manufactured during such year, \$1,000 per year.
- c. Winery license, \$50 per year.
- d. Farm winery license, \$50 per year.

(2) Wholesale licenses. For each:

- a. Wholesale beer license, \$75 per year.
- b. Wholesale wine license, \$50 per year.

(3) Retail licenses – mixed beverage. For each:

- a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

- i. With a seating capacity at tables for up to 100 persons, \$200 per year;
 - ii. With a seating capacity at tables for more than 100 but not more than 150 persons, \$350 per year;
 - iii. With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$500 per year;
 - iv. With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$650 per year; and
 - v. With a seating capacity at tables for more than 1,000 persons, \$800 per year.
 - b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, \$350 per year.
 - c. Mixed beverage caterer's license, \$500 per year.
 - d. Mixed beverage limited caterer's license, \$100 per year.
 - e. Annual mixed beverage motor sports facility license, \$300 per year.
 - f. Limited mixed beverage restaurant license:
 - i. With a seating capacity at tables for up to 100 persons, \$100 per year;
 - ii. With a seating capacity at tables for more than 100 but not more than 150 persons, \$250 per year; or
 - iii. With a seating capacity at tables for more than 150 persons, \$400 per year.
 - g. Annual mixed beverage performing arts facility license, \$300 per year.
 - h. Bed and breakfast license, \$40 per year.
 - i. Museum license, \$10 per year.
 - j. Motor car sporting event facility license, \$10.
 - k. Commercial lifestyle center license, \$60 per year.
 - l. Annual mixed beverage special events license, \$300.
- (4) Retail licenses – on- and off-premises wine and beer. For each on- and off-premises wine and beer license issued to:
- a. Hotels, restaurants, and clubs, \$150 per year.
 - b. Hospitals, \$10 per year.
 - c. Rural grocery stores, \$37.50 per year.

- d. Historic cinema houses, \$20 per year.
- (5) Retail licenses – off-premises wine and beer. For each:
 - a. Retail off-premises wine and beer license, \$150 per year.
 - b. Gourmet brewing shop license, \$150 per year.
 - c. Confectionary license, \$20 per year.
- (6) Retail licenses – banquet, special event, and tasting licenses. For each:
 - a. Per-day event licenses. For each:
 - i. Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of Va. Code § 4.1-215, which shall be \$20 per license;
 - ii. Mixed beverage special events license, \$10 for each day of each event;
 - iii. Mixed beverage club events license, \$10 for each day of each event; and
 - iv. Tasting license, \$10.
 - b. Annual licenses. For each:
 - i. Annual banquet license, \$15;
 - ii. Designated outdoor refreshment area license, \$60. However, for any designated outdoor refreshment area license issued pursuant to the City Code, the annual fee shall be \$600;
 - iii. Annual mixed beverage banquet license, \$75;
 - iv. Equine sporting event license, \$10; and
 - v. Annual arts venue event license, \$10.
- (7) Retail licenses – marketplace. For each marketplace license, \$200.
- (8) Retail licenses – shipper, bottler, and related licenses. For each:
 - a. Wine and beer shipper’s license, \$10; and
 - b. Bottler license, \$500.
- (b) *Common carriers.* No license tax provided for in this section shall be charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.
- (c) *Definitions.* The licenses described above shall be as respectively defined by the act of the General Assembly known as "The Alcoholic Beverage Control Act (Code of Virginia, § 4.1-100 *et seq.*)" (the “Act”) and the terms "alcoholic

beverages," "alcohol," "spirits," "beer," and "wine," wherever used in this Section shall have the meanings respectively prescribed to them by such Act.

- (d) *State license; inspection.* No license shall be issued under this Section to any person unless such person shall hold or secure simultaneously therewith the proper state license required by the Act, which state license shall be exhibited to the Commissioner of the Revenue. All places that manufacture, bottle, store, offer for sale, or sell alcoholic beverages are subject to inspection and examining of all records, invoices and accounts therein in accordance with the Act. Any violation of the terms of this provision shall be sufficient grounds for the revocation of the license issued in accordance with this Section.
- (e) *Licenses not proratable, transferable.* No alcoholic beverage license shall be prorated or transferable.
- (f) *Tax additional.* This tax shall be in addition to applicable license taxes based on gross receipts or gross purchases. In imposing retail merchants' license taxes measured by gross receipts the term "gross receipts" shall be construed to include receipts from the sale of alcoholic beverages by persons licensed under this Section. In computing gross receipts, alcoholic beverages shall be included in the base for measuring such license taxes, the same as if the alcoholic beverages were nonalcoholic. No alcoholic beverages license levied under this Section shall be construed as exempting any licensee from any merchant's license tax, and such merchant's license tax shall be in addition to the alcoholic beverage taxes levied under this Section; provided, however, that in determining the liability of a beer wholesaler or wholesale wine distributor to merchant's license taxation, there shall be deducted from such merchant's license tax the amount of the specific license tax imposed under this Section and paid by such beer wholesaler or wholesale wine distributor.
- (g) *Deliveries only.* There will be no license tax imposed on any wholesaler for delivering alcoholic beverages in the City if such wholesaler does not maintain a place of business in City.

2. The City Manager, or his designee, is authorized to take all actions reasonably necessary to effectuate and carry out the purpose of this Ordinance, including, without limitation, execution of such documents as are reasonably necessary to approve this amendment.

INTRODUCED: ON JULY 11, 2022 BY COUNCIL MEMBER TERRY SHORT, JR.

ADOPTED:

EFFECTIVE:

CERTIFICATE

The undersigned Mayor and Clerk of the City Council of City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of an ordinance entitled An Ordinance Amending Chapter 6, Alcoholic Beverages, Section 6-1, License, of the City Code of the City of Waynesboro, Virginia, adopted by the City Council at a meeting held on .

CLERK

MAYOR