

ORDINANCE NUMBER 2016-60



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

BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that Section 6-1 of Chapter 6 of the Code of the City of Waynesboro is hereby modified 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) Distiller's license. For each distiller's license, \$500.00 per annum; provided, that no license shall be required of any distiller manufacturing not more than 5,000 gallons of alcohol or spirits or both during such license year.

(2) Winery license. For every winery license, \$500.00; provided, that no license shall be required of any winery manufacturing not more than 5,000 gallons of wine during such license year.

(3) Brewery license. For each brewery license, ~~\$500.00 per annum.~~ if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250.00 per annum, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000.00, per annum.

(4) Bottler's license. For each bottler's license, \$150.00 per annum.

(5) Wholesale beer license. For each wholesale beer license, ~~\$75.00~~ \$250.00 per annum ~~plus \$0.30 per \$100.00 of gross purchases.~~

(6) Wholesale wine distributor's license. For each wholesale wine distributor's license, \$50.00 per annum ~~plus \$0.30 per \$100.00 of gross purchases.~~

(7) Retail on-premises wine and beer license. For each retail on-premises wine and beer license, \$150.00 per annum.

(8) Retail off-premises wine and beer license. For each retail off-premises wine and beer license, \$75.00 per annum.

(9) Retail on-premises beer license or wine license, but not both. For each retail on-premises wine license or beer license, \$100.00 per annum.

(10) Retail off-premises wine license or beer license, but not both. For each retail wine license or beer license, \$50.00 per annum.

- (11) Mixed beverage license. On all persons operating restaurants located on premises of and operated by hotels or motels:
- a. Each restaurant with a seating capacity of tables for 50 to 100 persons, \$200.00 per annum.
 - b. Each restaurant with a seating capacity of tables for more than 100, but not more than 150 persons, \$300.00 per annum.
 - c. Each restaurant with a seating capacity of tables for more than 150 persons, \$400.00 per annum.
 - d. A private nonprofit club operating a restaurant located on the premises of such club, \$200.00 per annum.

No license tax provided for in this section shall be charged or collected for the privilege of selling and serving mixed beverages in passenger airplanes, dining rooms and other designated rooms of dining cars, buffet cars and club cars of trains.

(b) 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.)," 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.

(c) 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 Alcoholic Beverage Control Act (Code of Virginia, § 4.1-100 et seq.)," which state license shall be exhibited to the commissioner of the revenue, and all dining rooms, restaurants, lunchrooms and clubrooms, wherein the beverages herein defined are sold for consumption on the premises, shall at all times be open to inspection by the state police and the police authorities of the city; provided, further, that all storerooms or other buildings from which deliveries are made either at wholesale or retail by bottlers, wholesalers or retailers shall at all times be open to inspection by state police and police authorities of the city. Any violation of the terms of this provision shall be sufficient grounds for the revocation of the license issued in accordance with this section.

(d) Licenses not proratable, transferable. No alcoholic beverage license shall be prorated or transferable.

(e) 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.

Except as changed hereby, all other provisions of Chapter 6 shall remain in full force and effect.

INTRODUCED: ON OCTOBER 12, 2016 BY MR. PETE MARKS

ADOPTED: ON OCTOBER 24, 2016

EFFECTIVE: NOVEMBER 3, 2016

/s/ Julia Bortle
CLERK

/s/ Bruce Allen
BRUCE ALLEN, MAYOR