

ORDINANCE NO. 2014-04

**AN ORDINANCE AMENDING §3A-73 OF DIVISION 2, LICENSE, OF ARTICLE I, ALCOHOLIC BEVERAGE CONTROL OF CHAPTER 3A, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTE**

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BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAYETTE, ALABAMA, as follows:

**SECTION 1.** That Section 3A-73 of Division 2, *License*, of Article I, *Alcoholic Beverage Control* of Chapter 3A, *Alcoholic Beverages* of the Code of Ordinances of the City of Fayette, be and the same is hereby stricken in its entirety and the following substituted therefor, viz:

**“§ 3A-73. Application for lounge, club, restaurant, etc., license; deposit.**

Each applicant seeking the consent and approval of the City Council for lounge retail liquor license, a club retail liquor license, a restaurant retail liquor license or other license issued by the state alcoholic beverage control board shall make application to the City Council as required in this article. Said application shall be upon an appropriate form supplied by the City 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 City 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. Each application must be accompanied by a copy of all forms and required documents previously submitted to the Alabama Alcoholic Beverage Control Board requesting approval by said board for the license being sought including the background checks conducted by the Alabama Bureau of Investigation (ABI) and the Federal Bureau of Investigation (FBI). In no case will the City of Fayette accept and/or consider any application without all required documentation of such prior application with the Alabama Alcoholic Beverage Control Board except that the City Council may consider an application and grant an alcohol license without the said FBI background check to an applicant who: (1) possesses a current alcohol license in the State of Alabama; or, (2) to an applicant whose ABI background check provides sufficient information about the applicant and the ABI background check does not contain items or raise questions about his or her character, reputation or criminal record that would be addressed by the FBI background check.

The City Council, in its discretion, may wait until receipt of the FBI background check before considering whether to grant an alcohol license to an applicant.

If an alcohol license is granted to an applicant without the FBI background check, the City Council reserves the right to revoke the said license upon receipt of the FBI background check should the Council determine in its discretion that the license should be revoked due to matters revealed in the said background check. An alcohol license granted to an applicant without the FBI background check shall be made subject to the Council’s right to revoke. Also, the applicant must present the FBI background to the City within **ten** months of the grant of the license. If the applicant does not present the said FBI background check to the City within **ten** months then the applicant’s alcohol license shall be revoked.

**SECTION 2.** This Ordinance shall become effective upon its publication.

ADOPTED on this \_\_\_\_ day of February, 2014.

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Mayor

Attest:

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City Clerk