



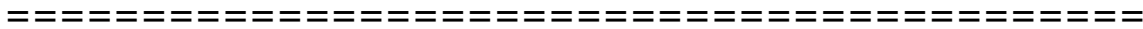
CITY OF ONEONTA, ALABAMA
ALCOHOLIC BEVERAGE
LICENSE APPLICATION

IMPORTANT NOTICE

The Blount County Circuit Court case which authorized the recent referendum for the sale and distribution of alcoholic beverages in Oneonta is on appeal to the Alabama Supreme Court. The City of Oneonta's authority to issue any alcoholic beverage license is subject to the forthcoming ruling by the Alabama Supreme Court.



CITY OF ONEONTA
ALCOHOLIC BEVERAGES LICENSE APPLICATION
PROCESS OVERVIEW



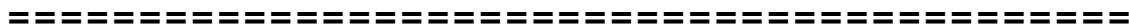
To obtain an Alcohol Beverage License for the City of Oneonta, your business must be located inside the Oneonta city limits and properly zoned for business.

Application for a license to sell alcoholic beverages is different than the application for a general license for a retail, wholesale or service related business. Due to the regulatory nature of this type of business, there are additional requirements for the issuance of a license to sell alcoholic beverages.

The typical amount of time required for the application process is a minimum of 45 days. Primarily this is due to the fact that there is a significant amount of documentation required in order to provide the City Council with an accurate insight into the financial, management and personal background of the applicant and those involved with the business. There are also several inspections that must be scheduled and approved as a part of the process.

You will need to meet with the City Manager or a designated representative to review the application for completeness and/or to answer any questions you might have regarding the application. This is very important to the process so that there will be as little misunderstanding of expectations as possible. There are specific deadlines for several aspects of the application process and if these are not complied with, the result is delay in approval and, more importantly to you, the opening of your business.

The following steps, along with a brief description, are listed in the order of completion for a typical application, approval and issuance of an alcoholic beverage license. There are only two (2) methods for making application; as a new licensee, or as a transfer of an existing license. If you are going to transfer an existing license by change of ownership, **DO NOT PURCHASE, BEGIN OPERATING, OR MANAGING THE BUSINESS UNTIL AFTER THE CITY HAS BEEN CONTACTED!**





Step 1. Verification of Zoning- Applicant must schedule a meeting with the Building/Zoning Department, (205) 274-2127. To review Verification of Zoning Form. This Form is to be complete by applicant and returned to the Oneonta Building/Zoning Department to confirm that current zoning ordinance supports the use. A copy of the legal description and most recent survey or plot plan for the address of the proposed business is required for this step.

Step 2. ABC Application- Prior to making application with the City of Oneonta, you must apply with the State Alcoholic Beverage Control (ABC) Board. You may want to call the Huntsville ABC Office at (256) 726-0401, to schedule an appointment with the local ABC Agent to begin their application process.

Step 3. City Application Overview & Release - Upon the verification of zoning and the ABC Application Process, an application package for Oneonta Alcohol Beverage License is released for completion. Forms are available at the City Manager's office, or you may download forms from the City's website, www.cityofoneonta.us, however, a meeting must be scheduled with the City Manager, (205) 274-2150, to go over the application and any specific requirements for your business.

Step 4. Departmental Approvals - It is the responsibility of the applicant to contact the Building, Fire and Health (if applicable) Departments to schedule the necessary inspections. All approvals by the council are contingent upon satisfactory department approvals. **(Form 2 and Form 3)**

Step 5. Background Investigation - All persons with any financial, operational or management interest in the proposed business will be listed on the application. As part of the application process, a criminal background search is performed by the Alabama Bureau of Investigation (ABI) with the history provided for review by the Oneonta Police Department. (You will be fingerprinted at the Oneonta Police Department.) Form ABI-46 is included in the application package, or is available on-line at: <http://dps.alabama.gov/ABI/forms/ABI-46.pdf> The ABI review will generally require at least fourteen (14) days.

Step 6. Return Completed Application to City Manager - The completed application, including ABI Form 46, is returned and submitted for consideration. At this time, the applicant pays an application fee and any costs associated with the public notice.

Step 7. Alcohol License Review Committee Consideration - Once the City Manager receives the completed application and criminal history information from ABI, a meeting of the Alcohol License Review Committee will be scheduled.



Step 8. Public Hearing - After the Alcohol License Review Committee has met and reviewed the application, the City Manager will notify the applicant to schedule a time and date for the required Public Hearing.

Step 9. Notification to Surrounding Property Owners - Form 4. *Notice Provided to Surrounding Property Owners Concerning Application for Alcoholic Beverage License* will be provided to all residents, real property owners and businesses within two hundred fifty (250) feet of the property sought to be licensed. These notices will be prepared and distributed by the City of Oneonta.

Step 10. Public Hearing and City Council Consideration - The Council meets on the second and fourth Tuesday of each month. The City Council will conduct the Public Hearing, as scheduled, and then consider the application for their vote. Any approval given is contingent upon satisfactory departmental approvals by Building, Fire, and Health (if applicable). There are several critical deadlines associated with this step, and these will be discussed with you at the time of releasing the application.

Step 11. Release of Approval - Upon receiving all approvals, the City Manager will review the file and authorize the release of the City's approval to the local representative of the State of Alabama Alcoholic Beverage Control (ABC) Board.

Step 12. Presentation of ABC License and Issuance of City License - Upon releasing the City's approval of your business for sales of alcoholic beverages, the State ABC Board will issue their License. (The ABC Board has an entirely separate application process that should be simultaneous with this application.) The ABC License must be presented to the City Manager's office, along with an Alcohol License Tax Bond OR a Letter of Credit from your bank. Upon doing so, a temporary City of Oneonta business license can be issued for your business. The City will also issue separate licenses for other business activities dependent upon the exact nature of your business (e.g., restaurant, grocery, convenience store, etc.).

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COSTS ASSOCIATED WITH ALCOHOLIC BEVERAGE LICENSING APPLICATION:

| | |
|---------------------------------|----------------------------------|
| CITY OF ONEONTA APPLICATION FEE | \$200.00 (Non-refundable) |
| ADVERTISING FEE: | \$ 50.00 (Non-refundable) |

If you should have any questions, please contact the City Manager at (205) 274-2150.



IMPORTANT PHONE NUMBERS AND CONTACTS

| | | |
|---------------------------------|----------------|---------------------|
| City Manager | (205) 274-2150 | Ed Lowe |
| Fire Department | (205) 274-2758 | Brandon Horton |
| Zoning/Building Department | (205) 274-2127 | Andy Alexander |
| Police Department | (205) 625-4351 | Chief James Chapman |
| Blount County Health Department | (205) 274-2120 | |



**CITY OF ONEONTA, ALABAMA--ALCOHOL LICENSE APPLICATION
THE FOLLOWING INFORMATION MUST BE PRINTED LEGIBLY OR TYPED TO BE ACCEPTED**

**CITY OF ONEONTA, ALABAMA
ALCOHOL LICENSE FEE SCHEDULE**

| Please Check | Code | Type of License | Oneonta License Fee |
|---------------------|-------------|--|----------------------------|
| _____ | 10 | Lounge Retail Liquor (Bar, Nightclub, Etc.) | \$5,000.00 |
| _____ | 11 | Lounge Retail Liquor (Package Store) | \$3,000.00 |
| _____ | 20 | Restaurant Retail Liquor | \$1,500.00 |
| _____ | 31 | Club Liquor (For Profit) | \$1,800.00 |
| _____ | 32 | Club Liquor (Not For Profit) | \$1,800.00 |
| _____ | 40 | Retail Beer (On Premises) | \$ 75.00 |
| _____ | 50 | Retail Beer (Off Premises) | \$ 75.00 |
| _____ | 60 | Retail Table Wine (On Premises) | \$ 75.00 |
| _____ | 70 | Retail Table Wine (Off Premises) | \$ 75.00 |
| _____ | 80 | Wholesale Liquor | \$1,000.00 |
| _____ | 90 | Wholesale Beer | \$ 275.00 |
| _____ | 100 | Wholesale Table Wine (14.9% or Less) | \$ 275.00 |
| _____ | 110 | Wholesale Table Wine & Beer | \$ 375.00 |
| _____ | 120 | Warehouse | \$ 100.00 |
| _____ | 140 | Special Events - 7 Days or Less | \$ 200.00 |
| _____ | 150 | Special Events - 8 to 30 Days | \$ 350.00 |
| _____ | 200 | Manufacturer | \$1,000.00 |
| _____ | 210 | Importer | \$ 350.00 |
| _____ | 220 | Brewpub | \$1,800.00 |

****All New Licensees are subject to a non-refundable filing fee of \$250.00**



****All licenses issued will follow a calendar year and will not be prorated or refunded for any reason.**

****All liquor licenses will also be submitting a 12% liquor tax based on their gross liquor sales.**

I. CONTACT INFORMATION FOR APPLICANT (All applicants must complete this section)

- A. Name of Applicant: _____
- B. Mailing Address of Applicant: _____

- C. Primary Phone Number: _____
- D. Secondary Phone Number: _____
- E. Driver's License Number: _____
- F. Social Security Number: _____

II. APPLICANT'S BUSINESS INFORMATION: (All applicants must complete this section)

- A. Name of Business: _____
- B. Physical Address: _____
- C. Type of Business: Individual _____ Partnership _____
 Corporation _____ Association _____
 LLC _____

D. Below, list the following for individual applicant(s), or all partners, officers and directors, if an incorporated business:

| Name/Title | D.O.B. | Present Address | SSN |
|-----------------------|-----------------------|-----------------------|-----------------------|
| _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ |
| _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ |
| _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ |
| _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ |



E. Complete the following questions regarding the applicant(s).

1. Do any of the applicants, whether individual, member or partnership or association, or officer and directors of corporation or the corporation itself, in any manner have a financial interest either directly or indirectly in any other class of business regulated under any alcoholic beverage law?
_____Yes _____ No. If yes, please describe completely:

2. Does the APPLICANT own or control, either directly or indirectly, or hold any lien against any real or personal property which is rented, leased, or used in the operation of business by the holder of a permit or license issued under the authority of any alcoholic beverage law?
_____Yes _____ No. If yes, please describe completely:

3. Is the APPLICANT receiving, either directly or indirectly, ANY loan, credit, cash or equivalent from any other alcohol licensee or from or through any subsidiary or affiliate of another alcohol licensee, or from any individual, firm, association, or corporation operating under or regulated by the authority of any alcoholic beverage law?
_____Yes _____ No If yes, please describe completely:

4. Has APPLICANT ever applied for and been refused any State or City permit or license, or had any permit or license suspended or revoked by any State or City authority?
_____Yes _____ No If yes, please describe completely:



5. Has an alcohol license ever been suspended, revoked or denied to anyone at the location for which this application is submitted?

_____ Yes _____ No If yes, please describe completely:

6. Does the APPLICANT currently possess any other permit or license issued by the State of Alabama or the City of Oneonta for the sale of alcoholic beverages? _____ Yes _____ No If yes, please list the license number, date of issuance, license type, name under which the license is issued and the physical address of the licensed business. (Attach additional sheet if necessary)

III. GENERAL INFORMATION (All applicants must complete this section)

- A, If application is for retail off-premise sales, indicate the total number of square feet of floor space the retail sales area _____.
- B. If application is for wholesale sales, indicate the total number of square feet of floor space in the warehouse area _____.
- C. If the applicant is a corporate entity, indicate the date and place of incorporation along with the book and page number where officially recorded, If a corporate entity not incorporated under the laws of the State of Alabama, provide a copy of the certificate of authority to engage in business within the State of Alabama.

Date of Incorporation: _____ Place: _____

Book _____ Page _____

IV. LOCATION INFORMATION (All applicants must complete this section)

- 1. Physical Address of Business (Copy of legal description and plat must be included)



2. Mailing address and phone number for the business

3. Indicate the name under which the business is to be operated

4. Are you currently operating a business at this location? Yes No If yes, please indicate the name of the business, type of business and the length of time you have been operating.

5. If you are purchasing an existing business, please indicate the name of that business:

6. Will any building renovations, remodeling or repairs be completed prior to opening your business at this address? Yes No If yes, describe the nature and extent of this work.

7. Give a description of the building interior (e.g., square footage, # of rooms, type of rooms, etc)

ATTACH A SKETCH OF THE BUILDING SHOWING ENTRANCES, EXITS, ROOMS, ETC. WITH APPROXIMATE DIMENSIONS. (A FREE-HAND SKETCH IS ACCEPTABLE IF LEGIBLE.)



- A. List the complete name, residence address and phone number for the owner(s) of the real estate for which this license is being requested:

- B. List all lessees or sub-lessees of the real estate for which this license is being requested:

8. The City of Oneonta will notify all property owners/residents/business within two hundred fifty (250) feet of the proposed business location by mail or letter of the public hearing to consider your alcohol license application. The public hearing for your business will be advertised the week prior to the City Council meeting in the local newspaper.

V. HOTEL/MOTEL (Complete this section only if applicable to your business)

- A. Indicate the total number of fully equipped rooms available for transient lodging _____.

- B. Does the applicant own, operate or lease dining facilities within this location?
____ Yes ____ No If yes, please describe:

- C. Indicate the square footage of the dining facilities _____.

- D. Indicate the maximum capacity of persons who can be accommodated at one time in the dining space: _____

- E. Is the food preparation area separate but adjoining the dining space? ____ Yes ____ No



VI. RESTAURANT (Complete this section only if applicable to your business)

- A. Indicate the total number of square feet of floor space in the dining room _____
- B. Indicate the maximum capacity of persons who can be seated at tables or booths at any one time in the dining room _____
- C. How frequently will meals be offered to the public? (daily, twice daily, continuously) _____
- D. Will all meal preparations occur on the premises of this location?
____ Yes ____ No If no, please describe _____

- E. Is the food preparation area separate but adjoining the dining room? ____ Yes ____ No

VII. LOUNGE/CLUB (Complete this section only if applicable to your business)

- A. List the following for each manager, or anyone who will be in a daily supervisory position for this business:

| Name/Position | D.O.B | Present Address | SSN |
|---------------|-----------|-----------------|---------|
| 1. _____ | / _____ / | _____ | / _____ |
| 2. _____ | / _____ / | _____ | / _____ |
| 3. _____ | / _____ / | _____ | / _____ |
| 4. _____ | / _____ / | _____ | / _____ |



VIII. CRIMINAL HISTORY (All applicants must complete this section)

- A. Include an Alabama Bureau of Investigation Criminal History Information Release Form for the applicant, each partner, officer or landlord. Each form must be completed entirely and must be legible. Additionally, each release form must be accompanied by a bank or postal money order, cashier's check or some type of certified funds made payable to Alabama Bureau of Investigation in the amount of \$25.00 You can submit one combined payment for the total number of forms if you choose.
- B. The applicant and all other parties listed in Section VII (A) hereby authorize the Police Department of the City of Oneonta and the Alabama Department of Public Safety to furnish the governing body of the City of Oneonta with any and all information concerning them as relates to their criminal history and general reputation and character. Information of a confidential and privileged nature may be included in the investigation and reported as determined through a search of City, State and Federal law enforcement records. This information will be used by the City of Oneonta to determine qualifications for obtaining an alcoholic beverage license by the applicant.
- C. I/we understand our rights under Title 5, United States Code, Section 552A, including the Privacy Act of 1974, and willingly waive those rights with understanding that any information collected will be used by the City of Oneonta in conjunction with the alcoholic beverage licensing procedures. I/we hereby release the City of Oneonta, its agents, employees and governing body from any liability or damage which may result from the investigation into my/our criminal history. The applicant acknowledges that each party named has been informed of the contents of the application and has authorized the applicant to sign and execute such waiver on their behalf. The applicant agrees to hold the City of Oneonta, its agents, employees and governing body harmless from any damages arising out of any disclosures of any information, arising from investigation of criminal history or of any part of this application; relating to the applicant or any other part of the application relating to the applicant of any other persons named herein.

Signed: _____ Date: _____

Title/Position _____
(Must be signed by the applicant or authorized officer if corporate entity)

VIII. BUILDING & FIRE INSPECTIONS

The applicant must correct all deficiencies found by the Building Department and the Fire Department within the allotted timeframe to obtain, renew or possess a City of Oneonta Alcohol License. If the business does not correct the deficiencies within the allotted timeframe as required by this section, the privilege and/or alcohol license may not be issued or may be revoked. Also building and fire inspections will not be completed until all construction and renovations have been completed and a Certificate of Occupancy has been issued.



IX. AFFIRMATION (This Section MUST be completed and notarized)

THE FOLLOWING INFORMATION MUST BE TYPED OR PRINTED LEGIBLY TO BE ACCEPTED.

The APPLICANT for the license requested herein, hereby swears or affirms, that he/she and all parties interested in said application have read all questions, and the answers thereto, all in connection with application of said APPLICANT for a City of Oneonta Alcoholic Beverage License as indicated in said application; that he/she and all parties interested in said application for license fully acknowledge that this attachment is a part of said application and all statements and facts herein are true and correct to the best of my knowledge; that he/she and all parties interested in said application understand, acknowledge and affirm that the applicant is the only person in any manner with pecuniary interest in the business so asked to be licensed, except as stated, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license, and that any finding or non-conformance with this affirmation can result in denial of license approval or revocation proceedings subsequent to license approval.

Signature of Applicant

Print Name and Title of Person Signing as Applicant

Sworn / Affirmed to and subscribed before me this the _____ day of _____, 20_____.

Notary Public

Date Commission Expires

X. ALCOHOL LICENSE TAX BOND

It shall be the duty of each person subject to a license fee, privilege tax or excise tax imposed by the ordinance to deliver to the City of Oneonta, Alabama a bond conditioned to promptly pay to said City all such amounts as are required to be paid to said City under the terms of the ordinance, or any amendment hereto, and any other amount which may become due to the City of Oneonta, Alabama for any licensee fee, privilege tax or excise tax becoming due after the date of the bond. The amount of the bond shall be Ten Thousand Dollars (\$10,000.00) for each location of the person's business that is engaging in activity with respect to which a license or excise tax under this ordinance is imposed. Such a bond must remain in place continuously during the entire period that the person is subject to a license fee, privilege tax or excise tax imposed by the ordinance.

With respect to those instances where the consent and approval of the City Council is required with respect to the issuance of an alcoholic beverage license, such consent and approval will not be granted where the bond described in the section has not been delivered to the City Manager or designated representative. Moreover, where such a bond is required by this section, no privilege license shall be granted, renewed, maintained or allowed to be transferred where the City Manager or authorized representative has not received or does not hold a valid and binding bond as required by this section.



**STATE OF ALABAMA
CITY OF ONEONTA**

ALCOHOL ORDINANCE TAX OR FEE BOND

That _____, hereinafter called Principal and _____, as Surety are held and firmly bound unto the City of Oneonta, Alabama, a municipal corporation, in the sum of \$10,000 for the payment of which will and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firm by the presents.

The condition of foregoing is such, however, that **WHEREAS**, as one of the conditions precedent to the consent and approval of the City Council with respect to the issuance of an alcoholic beverage license, or to the granting, renewal, maintenance, transfer or allowance of a privilege license, the Principal is required to deliver to the City of Oneonta, Alabama, a bond conditioned to promptly pay to said City all such amounts as are required to be paid to said City under the terms of its License Ordinance or any amendment thereto, and any other amount which may become due to the City of Oneonta, Alabama for any license fee, privilege tax or excise tax imposed by said ordinance and becoming due after the date of the bond.

NOW, THEREFORE, the condition of the obligation is such, that if the Principal shall faithfully comply with all the laws and ordinances of the City of Oneonta now in force, or that may hereafter be adopted and will promptly pay to said City of Oneonta, Alabama, all such amounts as may become due as required under the terms of the above license, then this obligation is to become null and void; otherwise, to remain in full force and effect.

If the Surety shall so elect, this bond may be cancelled by providing notice through Certified Mail to the City Manager of the City of Oneonta or the designated representative. This notice shall provide for thirty (30) days notice to the City of Oneonta and this bond shall be deemed cancelled at the expiration of said 30 days; the Surety remaining liable, however, subject to all the terms, conditions and provisions of this bond, for any acts covered by this bond which may have been committed by the Principal up to the date of such cancellation.

IN WITNESS WHEREOF, the said principal and the said Surety have hereunto set their hands and seals at Oneonta, Alabama on this the _____ day of _____, 20_____.

_____(Seal) _____(Seal)
Principal Surety

BY _____(Seal) By _____ Title



**CITY OF ONEONTA
ALCOHOLIC BEVERAGE LICENSE APPLICATION
APPLICANT CHECKLIST**

**THE FOLLOWING LISTED ITEMS ARE TO BE INCLUDED BY ALL APPLICANTS AS ATTACHMENTS TO
THE ALCOHOLIC BEVERAGE LICENSE APPLICATION:**

- 1. ZONING VERIFICATION FORM from the Building/Zoning Department**
- 2. ACKNOWLEDGEMENT of receipt of Application and payment of application fees (Form 1)**
- 3. COPIES OF THE LEASE OR SUBLEASE FOR THE BUSINESS LOCATION. This can be a proposed lease, with an executed lease to be submitted at a later date.**
- 4. ARTICLES OF INCORPORATION / PARTNERSHIP AGREEMENT.**
- 5. CERTIFICATION FROM BUILDING INSPECTOR (Form 2)**
- 6. CERTIFICATION FROM FIRE MARSHAL (Form 3)**
- 7. HEALTH DEPARTMENT CERTIFICATION, if applicable**
- 8. CRIMINAL BACKGROUND INVESTIGATION FORM(S) FOR ABI. (Must include separate cashier's check, money order or business check made payable to ABI) (Form ABI-46, available at: <http://dps.alabama.gov/ABI/forms/ABI-46.pdf>)**
- 9. ALCOHOL LICENSE TAX BOND from an insurance company OR a Letter of Credit from your bank.**



Form 1

CITY OF ONEONTA
ALCOHOL BEVERAGE LICENSING

ACKNOWLEDGEMENT

By signing below, I certify that I have had the requirements of Ordinance No. 1-11-2012, as amended, explained to me with reference to the \$200.00 filing fee.

I understand that if my application is denied, said application fees will not be refunded.

Proposed Licensee

Business Name

City Manager

Date: _____



**CITY OF ONEONTA
ALCOHOL BEVERAGE LICENSING**

Certification by City of Oneonta Building Inspector

NOTE: No inspections will be performed until classification of liquor sales type has been verified by the Alcohol Beverage Control (ABC) Board.

Date: _____

I hereby certify that _____

doing business as _____

does meet all the requirements of the International Building Code, current adopted edition, as prescribed by the

City of Oneonta, to operate _____

in the City of Oneonta.

Building Inspector

Notes: _____



**CITY OF ONEONTA
ALCOHOL BEVERAGE LICENSING**

Certification by City of Oneonta Fire Marshal

NOTE: No inspections will be performed until classification of liquor sales type has been verified by the Alcohol Beverage Control (ABC) Board.

Date: _____

I hereby certify that _____

doing business as _____

does meet all requirements of the International Fire Code, current adopted edition, as prescribed by the City of Oneonta, to operate _____

in the City of Oneonta.

Fire Marshal

Notes: _____



CITY OF ONEONTA ALCOHOLIC BEVERAGE LICENSING

Verification of Zoning

Date: _____

I hereby certify that the business located at _____
(Address)

doing business as _____
(Legal name of business)

meets all the requirements of the City of Oneonta Zoning Ordinance, currently adopted edition,

as prescribed by the City of Oneonta, to operate _____
(Type of business)

in the City of Oneonta.

Zoning Official

Zoning District: _____

Notes: _____

