

TOWN OF BATH ORDINANCE 2022-05-17-2

The Code of the Town of Bath, West Virginia, Chapter 6, Article II, Section 6-28, is hereby repealed and replaced as follows:

Sec. 6-28. Town license required for wine sales.

- (a) Every person licensed by the state pursuant to the provisions of article 8, chapter 60 of the Code of West Virginia, whether as a distributor or retailer of wine and who does business as such within the town shall obtain a town license as provided for in this article.
- (b) The town shall collect an annual license tax as follows:
 - (1) For a distributor's license, \$2,500 per year.
 - (2) For a retailer's license, \$150 per year.
 - (3) For a wine specialty shop, \$250 per year.
 - (4) For a wine tasting license, \$150 per year.
 - (5) For a private restaurant serving wine only, \$250 per year.
 - (6) For a private restaurant serving wine and nonintoxicating beer only, \$400 per year.
- (c) The license period shall begin on July 1 of each year, and end on June 30 of the following year. If the initial license is granted for less than a year, the fee shall be computed in proportion to the number of quarters remaining in the fiscal year, including the quarter in which application is made.
- (d) A retailer who more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

The Code of the Town of Bath, West Virginia, Chapter 6, Article II, is hereby amended as follows:

Sec. 6-29. Town license required for intoxicating liquor sales.

- (a) The town shall collect an annual license tax for retail liquor sales (class A/class B) of \$1,500.

The Code of the Town of Bath, West Virginia, Chapter 6, Article III, Sections 6-60 and 6-61, are hereby repealed and replaced as follows:

Sec. 6-60. Town license required for beer sales.

- (a) Every person licensed by the state pursuant to the provisions of article 16, chapter 11 of the Code of West Virginia, whether as a retailer, private club, wholesaler or brewer of nonintoxicating beer and who does business as such within the town shall obtain town license as provided in this article, provided that nothing contained in this article, and no license or payment under the provisions hereof, shall be taken to legalize any act which otherwise may be in violation of law, or exempt any person from any penalty prescribed for such violation. Upon the issuance of a town license, the licensee shall display it at all time in a conspicuous place upon the premises thereby licensed. Town licenses under this article shall not be

transferable. A license shall be required for each place of business and a full tax paid for each such place of business.

Sec. 6-61. Town License tax for beer sales.

There is hereby levied and imposed by annual license tax upon all brewers and dealers, as covered under section 6-60, in or of nonintoxicating beer within the town, which license period shall begin on July 1 of the following year, and if granted for a shorter period, the same shall be computed quarterly in proportion to the remainder of the fiscal year as follows:

- (1) Retail dealers shall be divided into two classes, Class A and Class B:
 - a. In the case of Class A retail dealer, the license fee shall be \$150.00 for each place of business; the license fee for social, fraternal or private clubs not operating for profit, and having been in continuous operation for five years or more immediately preceding the date of application, shall be \$150.00. Class A license issued for social, fraternal, or private clubs as herein provided, shall authorize the licensee to sell nonintoxicating beer at retail for consumption only on the licensed premises where sold. All other Class A licenses shall authorize the licensee to sell nonintoxicating beer at retail for consumption on or off the licensed premises.
 - b. In the case of Class B retailer the fee for a Class B license authorizing the sale of chilled and un-chilled beer shall be \$150.00. A Class B license shall authorize the licensee to sell nonintoxicating beer at retail in bottles, cans, or other sealed containers only, and only for consumption off the licensed premises. Sales under this license to any person at any one time must be in less quantities than five gallons. Such license may be issued only to the proprietor or owner of a grocery store. For the purpose of this section, the term "grocery store" means and includes any retail establishment commonly known as a grocery store or delicatessen, and caterer or party supply store where food or food products are sold for consumption off premises and includes a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products and supplies for the table for consumption off the premises.
- (2) In the case of a distributor, the license fee shall be \$1,000.00 for each place of business.
- (3) In the case of a brewery with its principal place of business located in the town:
 - a. Who produces twelve thousand five hundred barrels or less of nonintoxicating beer or nonintoxicating craft beer, the license fee shall be \$500.00 for each place of manufacture.
 - b. Who produces twelve thousand five hundred one barrels and up to 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee shall be \$1,000 for each place of manufacture.
- (4) In the case of a tavern serving nonintoxicating beer only, the license fee is \$150.00

The Code of the Town of Bath, West Virginia, Chapter 6, Article IV, Section 6-89 is hereby repealed.

The Code of the Town of Bath, West Virginia, Chapter 6, Article IV, Section 6-90, is hereby repealed and replaced as follows:

Sec. 6-90. Application and fee.

- (a) Application for a license to operate a private club shall be made to the town and shall include:
- (1) The name of the applicant;
 - (2) If such applicant is an incorporated association, the names and addresses of the members of its governing board;
 - (3) If such applicant is a corporation, the names and addresses of its officers and directors;
 - (4) The place at which such applicant shall conduct its operation and whether the same is owned or leased by the applicant;
 - (5) The name of members of the applicant;
 - (6) The names of any national organizations with which the applicant is affiliated and the nature of such affiliation.

It shall be sufficient for the purpose of submitting such application to submit a copy of the application of such private club made to the state for a state license to operate such private club.

- (b) A license fee is hereby established, as follows:
- (1) Fraternal or veteran organizations, nonprofit social clubs: \$500.00.
 - (2) Private clubs other than those in subsections (b)(1) and (2) of this section with less than 1,000 members serving liquor, wine, and non-intoxicating beer: \$750.00.
 - (3) Private clubs other than those in subsections (b)(1) and (2) of this section with more than 1,000 members serving liquor, wine and non-intoxicating beer: \$1,250.00.
 - (4) The fee for any such license issued following January 1 of any year and to expire on June 30 of such year shall be one-half of the annual fee noted in subsections (b)(1), (2), (3), and (4).

1st Reading May 17, 2022

2nd Reading June 7, 2022

Adopted June 7, 2022

Mayor Scott E. Mink Date 6-21-2022

Recorder Susan Webster Date 6-16-2022