

AN ORDINANCE TO REGULATE AND TAX BEER, WINE, AND LIQUORS

ARTICLE ONE

It is hereby deemed to be in public interest of the citizens of the Town of Newington, Screven County, Georgia, to legalize and tax the sale of beer, wine, and liquors so as to control the sale and consumption thereof within the limits of said town as well as to seek additional sources of revenue other than ad valorem taxes, subject at all times to the regulations and controls to be established by the Town of Newington Mayor and Council.

ARTICLE TWO

DEFINITIONS

Alcoholic beverages means and includes all alcohol, liquors, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.

Fortified wine means any alcoholic beverage containing more than twenty-one (21) percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.

Malt beverage means any alcoholic beverage obtained by the fermentation or any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than six (6) percent alcohol by volume, and including ale, porter, brown, stout, lager beer,

small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Wine means any alcoholic beverage containing not more than twenty-one (21) percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. "Wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such Beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Liquor means any alcoholic beverage obtained by distillation or containing more than twenty-one (21) percent alcohol by volume, including, but not limited to, all fortified wines.

Package means a bottle, can, keg, barrel, or other original consumer container.

Person means any individual, firm, partnership, cooperative, non-profit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

Retail dealer means any person who sells beer, wine, and liquors in unbroken packages at retail only to consumers and not for resale.

Wholesaler means any person who sells beer, wine, and liquors to other wholesale dealers or retail dealers.

Package Store shall mean a non prefabricated building located on a public, paved city street or county road, having a minimum of Six Hundred (600) square feet, with plate glass windows on the side facing the road so that the interior may be readily observed from the street and/or public road.

ARTICLE THREE

REQUIREMENTS FOR PACKAGE STORES

-A-

Package stores shall comply with the requirements specified in Article Two hereof, and shall be constructed of wood or masonry materials.

-B-

The exterior and interior of each package store shall be maintained in a neat and attractive condition including the premises on which the building is located.

ARTICLE FOUR

LICENSE APPLICATIONS

-A-

All applications for licenses, both originals or

renewals, in addition to other requirements in this Article must be accompanied by a full and complete statement under oath of information relative to any and all interest as herein defined, in establishments which sell at wholesale and/or retail malt and vinous beverages and liquors. This shall include:

(1) The names and addresses of all persons interested in the ownership of the business applying for a license to sell malt or vinous beverages and liquors;

(2) The ownership of the land and building where the business is to be operated;

(3) The amount of rental paid for the land and building and the manner in which the rent is determined and to whom and at what intervals it is paid;

(4) The names, addresses (by affidavit from the owner, lessor, or sublessor of the land and buildings) of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the store is located;

(5) A set of fingerprints of all persons with any interest in the ownership of the business. These fingerprints must be processed through and found negative by the Georgia Crime Information Center (GCIC) and the National Crime Information Center (NCIC);

(6) Photograph of principal officers; and

(7) Any other information called for by the Mayor and

Council of the Town of Newington.

(8) Any change in any relationship herein declared must be filed with the Mayor and Council or town clerk when the change is made, and failure to so file within a period of 30 days after the change is made shall be grounds for cancellation or revocation by the Mayor and Council of the Town of Newington.

(9) Before any retail liquor license is granted, applicant must post with the governing authority, along with his application, a personal performance bond; said bond to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained in this ordinance. Upon the violation of this ordinance or any part thereof, the amount of the bond to be forfeited will be determined by the seriousness of the violations as determined by governing authority after a hearing is held by the governing authority after a 3-days written notice is given the violator. Said bond is to payable to the Town of Newington in the a sum of \$ 500.00, said bond to be approved by the governing authority and shall executed in a form to be furnished.

(10) A notice of each application shall be advertised in the "Sylvania Telephone" once a week for two (2) weeks immediately preceding the meeting of the governing authority that the application is to be acted upon.

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All application for a retail beer, wine, or liquor license shall be presented in person. Each application provided for in this ordinance shall be considered and passed upon by the Town of Newington Mayor and Council in regular council session, legally assembled. No license shall be granted to any person unless it is made to appear to the Mayor and Council of the Town of Newington that the applicant is a suitable and fit person to carry on such business and that the business will be conducted in an orderly manner and in compliance with all laws, town, county, state, and federal. Upon approval of the application, and payment of the required license fees, the applicant shall be entitled to the issuance of the license; provided, however, the Mayor and Council of the Town of Newington reserve the right to approve such issuance of the license or licenses conditioned upon full and final compliance by the licensee with all applicable Town of Newington ordinances.

-C-

When contrary to the public interest and welfare no original application shall be considered and no license to sell alcoholic beverages of any kind shall be issued by the Mayor and Council of the Town of Newington to or for:

(1) Any person as determined by the Mayor and Council of the Town of Newington by reason of such person's business

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experience, financial standing, moral character, mental capacity, trade associations, personal associations, record of arrest, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state, town or local laws, rules and regulations.

(2) Any person who shall have been convicted or who shall have entered a plea of nolo contendere, or forfeited a bond, to any felony within a period of ten (10) years immediately prior to the filing of any such application, or to any misdemeanor within a period of five (5) years immediately prior to the filing of any such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance except a traffic violation, particularly, but not limited to, those involving force or violence, prostitution, alcoholic beverages, gambling or tax law violations, if such conviction, plea or forfeiture tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state, town or local laws, rules and regulations. The term "conviction" shall include an adjudication of guilt or plea of guilty, or a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime.

(3) A location not suitable in the judgment and discretion of the Mayor and Council because of traffic congestion,

general character of the neighborhood, or by reason of the effect which such an establishment would have on the adjacent and surrounding properties, or on the neighborhood.

(4) A location at which a previous alcoholic beverage license has been revoked or suspended, and where, in the judgment of the Mayor and Council, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.

(5) Any person who is an elected official of the Town of Newington, Georgia, or the spouse of any elected official or any employee of the Town of Newington, Georgia.

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All applications for licenses shall be made on forms furnished the applicant by the town clerk and shall indicate, along with all reasonable information necessary to complete the form, which of the following is to be considered for licensing of the applicant to conduct:

- (1) Retail package beer;
- (2) Retail package wine;
- (3) Retail package liquors.

Upon the approval by the Mayor and Council of an original or renewal application for license of one or more of the above type

licenses, such sales of beer, wine, and liquors may be made by the applicant after a license is issued for all or the remaining part of the calendar year in which the license is issued unless the license is revoked or suspended for "due cause" as provided herein.

All applications for renewal of licenses to sell alcoholic beverages and liquors shall be filed with the town clerk no later than 12:00 o'clock noon on the last business day of the year preceding the year for which the application renewal is made. The town clerk shall cause to be posted in her office a list of days for which the town hall will be closed for Christmas and New Year holidays. Said list shall be posted on or before the first business day in December of each year.

License renewal was amended January 10, 2002 (see attached amendment)

The annual fee for the license sought to be renewed shall be paid to the Town of Newington at the time the application for renewal is filed. Failure of any holder of a license to sell beer, wine, and liquors to file the application for renewal by the date and time specified shall render the license void, effective the last legal hour on December 31st of that year for such sales. In order to sell beer, wine, and liquors, a license holder who has allowed the license to lapse shall file a new application for license as if a license had never been held and pursuant to the provisions of this article. Where an application for renewal is timely filed as herein provided the license holder shall be permitted to continue selling alcoholic beverages under the previous year's license until the Mayor and Council has acted upon the license holder's application for renewal at a regular or called council meeting.

(a) No person, or his or her spouse, who has a direct financial interest in a license for the sale of alcoholic beverages

and liquors at wholesale shall hold any license or have an interest in any other license issued under the terms of this article.

(b) The Mayor and Council of the Town of Newington shall cause an inquiry to be made into the tax records to determine if any applicant or other parties interested in an application have any outstanding taxes or special assessments that are delinquent or any other monies owing to the Town of Newington. No license shall be issued nor shall a license be renewed until all such debts are paid in full.

(c) All applications required by this chapter shall be investigated by the Mayor and/or his designatee and the report of investigation presented to the Town Council for consideration with the application.

(d) No more than two package store licenses shall be granted in the town limits of the Town of Newington.

(e) Only two (2) retail liquor licenses shall be issued to any one person in the Town of Newington. Persons as used in this section shall include all members of such licensees family and "family" shall be deemed to include any person, related to the holder of such license within the first degree of consanguinity or affinity as computed according to the Civil Law.

(f) No retail liquor license shall be granted to any person unless the entire business premises of the proposed location is situated beyond 100 yards from the property line of any church

and beyond 200 yards from the property line of any school ground or college campus, the same to be measured by way of the nearest travelled road, street or highway, as provided by law. Each application for retain liquor license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with this ordinance with reference to this section.

(g) A separate retail liquor license shall be required for each place of business.

(h) No retail liquor license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of said building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The complete building or the proposed building shall comply with ordinances of the Town of Newington regulations of the State Revenue Commissioner and the laws of the State of Georgia. The proposed building shall also be subject to final inspection and approval when completed by the Building Inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the

building is located so as to reveal the inside retail area of the building and so as to reveal all of the outside premises of said building. Each applicant for a retail liquor license shall attach to this application evidence of ownership of the building or proposed building or copy of the lease if the applicant is leasing the building.

(i) All licensed retailers shall sell or offer to sell in the original unbroken package only and shall sell no package containing less than one-half pint, unless the same is packaged by the maker in smaller containers.

-E-

(1) TERM OF A LICENSE: No license under this ordinance shall be issued for less than all or the remainder of a calendar year. And in case of the revocation or surrender of the license before expiration of the calendar year, the holder shall not be entitled to receive any refund of any fees whatsoever.

(2) TRANSFERABILITY OF LICENSE: Licenses shall not be transferable, except as otherwise provided herein. In the case of the death of any person holding a license, or any interest therein, the same may, in the discretion of the Mayor and Council, be transferred to the administrator, executor, or lawful descendent. The executor, administrator, or lawful heir shall have a 30 day grace period or until the next regular scheduled meeting of the Mayor and Council to apply for a license transfer, whichever is

longer.

(a) Nothing in this section, however, shall prohibit one (1) or more partners in a partnership holding a license to withdraw from the partnership in favor of one (1) or more partners who were partners at the time of the issuance of the license.

(b) Should a transfer of location be approved, there shall be no pro rata return of any license fee or business tax and the new location shall be considered as a new license hereunder.

(c) All applications for transfer of locations shall comply with the provisions herein set forth governing new licenses.

(d) No license shall be granted to a retailer, under provisions of this ordinance unless the front entrance to the premises is clearly visible from a public street or highway.

(3) PROCEDURE WHEN LICENSE DENIED BY STATE: In the event the applicant is denied a license by the State, upon the proof of that refusal, he or she shall be entitled to a refund of the license fee less a charge of \$25.00 to cover the clerical cost of granting the license. This refund may be made by the town clerk without the necessity of any action by the Mayor and Council of the Town of Newington.

(4) SUSPENSION OR REVOCATION OF LICENSE: Whenever the state shall revoke any permit or license, the Town of Newington license to deal in that product shall thereupon be automatically revoked without any action by the Mayor and Council or any town

officer.

(a) Whenever a holder of a license granted in the ordinance by the Mayor and Council of the Town of Newington shall fail to open for business the establishment referred to in the license and begin the sale of products or product authorized by the license within three (3) months from the date of issuance of the license, or whenever a holder of a license shall begin the operation of a business and sale of the product or products as authorized in the license but shall fail to operate the business for a period of three (3) consecutive months, the holder shall automatically forfeit his or her license, which shall be cancelled or revoked without the necessity of any further action of the Mayor and Council of the Town of Newington.

(b) Except as provided for herein, no license which has been issued or which may hereafter be issued by the Town of Newington to any person under this ordinance shall be suspended or revoked, except for due cause as hereinafter defined, and after a hearing and upon the prior three (3) days written notice to the holder of the license of the time, place and purpose of the hearing and a statement of the charge upon which the hearing shall be held.

(c) Due cause for the suspension or revocation of license shall consist of the violation of any laws or ordinances regulating the businesses, or violation of regulations made pursuant to authority granted for the purpose of regulating the businesses, or for the violation of any town, state or federal law, or for the violation of this or any town ordinances other than

traffic ordinances. A conviction or a plea of nolo contendere to the offense of driving an automobile while under influence of intoxicating liquor or drugs shall not be considered an excepted traffic violation.

(d) The hearing shall be conducted before the Mayor and Council of the Town of Newington by the Mayor, and/or the town attorney.

(e) In the event of revocation, no refund or any portion of the license fee or business tax shall be returned.

(f) The making of any statement on an application for license to sell liquor which shall be later found to be false shall constitute grounds for revocation of said license.

Minors under 21 years of age may not be employed in or about places where liquors are sold or assist in the delivery off premises, or take orders for liquors.
In places of business where only malt and/or vinous beverages are sold, no employee under that age of 18 shall be allowed to dispense, sell, take orders or handle alcoholic beverages.
Section (g) was amended on May 11, 2006 (see attached amendment)

(h) Licenses under this ordinance shall be displayed prominently at all times on the premises for which same was issued.

(5) PREVENTION OF EVASION; RECORDS; INSPECTIONS: Upon demand by the town clerk and/or Mayor and Council, it shall be the duty of any person holding a license for retail package sale to throw open to these town officials or their designee, during regular business hours, all portions of the place of business for the purpose of enabling these town officials to ascertain and gain any information as may be necessary for determination of gross

receipts from the sale of malt, vinous beverages, and liquors.

Upon demand by these town officials, it shall also be the duty of all licensees to furnish the town officials during regular business hours at the licensee's place of business all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information, from which the correct amount of gross receipts from the sale of malt, vinous beverages, and liquors, including exhibition of bank deposit books, bank statements, copies of sales tax receipts to the State of Georgia, copies of Georgia income tax returns and federal income tax returns.

(a) It shall be the duty of any licensee of the Town of Newington to secure, preserve, maintain and keep for a period of three (3) years the records and documents enumerated and referred to in the previous section.

(b) It shall be unlawful for any licensee or for any servant, employee, or agent of the licensee to fail or refuse to perform any duty herein imposed upon the licensee or to obstruct or interfere with any town officials in obtaining information necessary for determination of the aforesaid sales.

(c) Except in the case of judicial proceedings or other proceedings necessary to collect the license fee or excise tax provided in this ordinance, it shall be unlawful for any officer, employee, agent or clerk of the Town of Newington or any person to

divulge or make known in any manner the information required to be submitted under the terms of this chapter and the rules and regulations promulgated in connection therewith. All information submitted shall be confidential and open only to the officials, employees, agents or clerks of the Town of Newington using the information for the purpose of the administration of this ordinance. Independent auditors or bookkeepers employed by the Town of Newington shall be classed as employees. Nothing herein contained shall prevent the disclosure of the license fee or excise tax levied and assessed upon any subject thereto, the name, address, and type of business of the license holder. Nothing herein contained shall be construed to prohibit publication by the town officials of statistics, so classified as to prevent the identification of particular reports or returns on the items thereof, or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia or of the United States.

6. STORAGE OF BEER, WINE, AND LIQUOR: No licensed retailer shall keep any liquor stored in any bonded or other type warehouse in the city, nor shall he enter into any type of arrangement whereby liquor ordered by him is stored for him by any licensed wholesaler. A retailer shall keep no inventory or stock of liquor at any place except his licensed place of business, and within his licensed place of business his storage space for liquor shall be

immediately adjacent to the room in which he is licensed to do business.

ARTICLE SIX

FEEES

The following annual fees shall be paid to the Town of Newington before any license to sell beer, wine, and liquors at either wholesale or retail is issued:

(1) Retail package beer with no beer to be consumed inside building or on the licensed, One Thousand & No/100 (\$1,000.00) Dollars.

(2) Retail package wine with no wine to be consumed within building or on the licensed premises, One Thousand & No/100 (\$1,000.00) Dollars.

(3) Retail package liquors with no liquors to be consumed within building or on the licensed premises, Three Thousand & No/100 (\$3,000.00) Dollars.

(4) Beer wholesalers (licensed by the State of Georgia), One Hundred & No/100 (\$100.00) Dollars.

(5) Wine wholesalers (licensed by the State of Georgia), One Hundred & No/100 (\$100.00) Dollars.

(6) Liquor wholesalers (licensed by the State of Georgia), Two Hundred & No/100 (\$200.00) Dollars.

ARTICLE SEVEN

EXCISE TAX

There is hereby imposed upon each licensed wholesale

dealer an excise tax, in addition to the excise taxes levied by the State, as follows:

-A-

Where malt beverages commonly known as tap or draft beer are sold in or from a barrel or bulk container, a tax of Six & No/100 (\$6.00) on each container sold containing not more than fifteen and one-half (15.5) gallons and a proportionate tax at the same rate on all fractional parts of fifteen and one-half (15.5) gallons.

-B-

Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$.05 per twelve (12) ounces and a proportionate tax at the same rate on all other fractional parts of twelve (12) ounces.

-C-

There is also imposed upon each licensed wholesale dealer an excise tax, in addition to the excise taxes levied by the State, on all wine sold in the Town of Newington at the rate of \$0.22 per liter which shall be paid to the Town of Newington. The \$0.22 per liter on wine shall be prorated so that all containers of wine shall be taxed on the basis of \$0.22 per liter.

Section C was amended on December 9, 1993 (see attached amendment)

-D-

See next page

There is also imposed upon each licensed wholesale dealer an excise tax, in addition to the excise taxes levied by the State and the County, on all liquor and/or distilled spirits sold in the Town of Newington at the rate of \$0.22 per liter which shall be paid to the Town of Newington on all liquor sold in the Town of Newington. The \$0.22 per liter shall be prorated so that all containers of liquor shall be taxed on the basis of \$0.22 per liter.

Section D was amended on December 9, 1993 (see attached amendment)

-E-

The taxes herein imposed shall be paid to the Town of Newington by the wholesaler on all beer, wine, and liquors sold to retail dealers or other licensees in the Town of Newington as follows:

Each wholesaler selling, shipping, or in any way delivering beer, wine, and liquors to any licensee, shall collect the excise tax at the time of delivery to the licensee on or before the fifteenth day of the month following. It shall be unlawful and in violation of this ordinance for any wholesaler to sell, ship or deliver, in any manner, any beer, wine, or liquors to a licensee without collection of said tax. It shall be unlawful and in violation of this ordinance for any licensee to possess, own, owe, store, display, or sell, any beer, wine, or liquors on which such tax has not been paid.

ARTICLE EIGHT

HOURS OF OPERATION

No license holder shall sell, give away or otherwise dispense liquors between the hours of 11:00 p.m. Saturday and 8:00 a.m. Monday, between the hours of 11:00 p.m. and 8:00 a.m. on other days.

No license holder shall sell, give away or otherwise dispense malt or vinous beverages between the hours of 11:00 p.m. Saturday and 6:00 a.m. Monday, between the hours of 11:00 p.m. and 6:00 a.m. on other days. License holders shall not permit their places of business to be opened for the sale of malt, vinous beverages and liquors on Sundays, Christmas and any other day prohibited by state law.

Hours of operation was amended on June 12, 2003 (see attached amendment)

town and county election days, and any other day prohibited by state law.

ARTICLE NINE

EMPLOYEES

No license shall employ in any premises used for the sale of malt, vinous beverages, and liquors any person under the age of 18 years or who has been convicted in this or any state or by the United States or any other country of soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses, or any charge relating to the unlawful manufacture or sale of intoxicating liquors or any other crime involving moral turpitude within 10 years immediately prior to the date of employment, and employment of such a person subjects the licensee to suspension or revocation of the license by the Town of Newington.

-B-

Minors under 21 years of age may not be employed in or about places where liquors are sold or assist in the delivery off premises, or take orders for liquors.

In places of business where only malt and/or vinous beverages are sold, no employee under that age of 18 shall be allowed to dispense, sell, take orders or handle alcoholic beverages.

This paragraph was amended on May 11, 2006. (see attached amendment)

ARTICLE TEN

CERTAIN ADVERTISING PROHIBITED

No licensee hereunder shall advertise by display, pamphlet, news media, billboard, or sign the fact that malt, vinous beverages, or liquors by the package may be purchased at the establishment.

ARTICLE ELEVEN

CONDITION OF PREMISES

All retail package stores shall be kept clean and in proper sanitary condition at all times.

It shall be unlawful to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices on the premises.

ARTICLE TWELVE

UNLAWFUL ACTS

It shall be unlawful for any person, his agent or employee to commit any of the following acts:

-A-

Sale or offer for sale any malt, vinous beverage, or liquors, or store any malt or vinous beverage, other alcoholic beverages, or liquors, including fortified wine, for which he or she holds no license.

-B-

To permit on the licensed premises any slot machines,

pinball machines or any other machine of any character operated for amusement purposes. Loud or otherwise abusive sounds are specifically prohibited.

-C-

It shall be unlawful for any retail sale to be made outside of the building or place of business licensed for sales under this ordinance.

-D-

Sale of beer, wine, or liquor to any person in an intoxicated condition.

-E-

Sale of malt beverages, wine or liquors to any person under the legal drinking age as provided by laws of the State of Georgia.

-F-

To sell beer, wine, or liquors to any person unless the purchaser exhibits proper identification. Proper identification shall consist of any document issued by a governmental agency containing a description of the person, his or her photograph, or both, and disclosing the person's date of birth. A driver's license, military identification card, or passport shall be deemed the only proper I.D. for this purpose. This provision shall apply to all persons regardless of age and regardless of whether such person appears to be of lawful age to purchase wine, malt

beverages, or liquors.

The holder of a license to sell liquor, beer, or wine shall post in the most conspicuous place in his establishment a sign printed in letters at least four (4) inches high reading as follows: "SALE OF LIQUOR TO MINORS IS STRICTLY PROHIBITED"

-G-

To sell or offer for sale or display or keep in stock, at his place of business where liquor is offered for sale, any other product or commodity except the following: (1) wines, when properly licensed, and (b) beverages containing no alcohol commonly used to dilute distilled spirits. No beverage of any kind may be opened or consumed in said place of business.

-H-

To sell or offer for sale any broken package or to sell a package containing less than one-half pint, unless the same is packaged by the maker in smaller containers.

-I-

For any retailer to sell or deliver any liquor to any person except in said retailer's place of business.

-J-

It shall be the duty of the licensee hereunder to maintain a copy of this ordinance on the premises and to instruct each and every employee of the terms thereof. A violation of the article by an employee or agent of the licensee shall be deemed a violation of the licensee.

ARTICLE THIRTEEN
CONFLICTING ORDINANCES

-A-

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

-B-

If any portion or portions of this ordinance are held by any court of competent jurisdiction to be unconstitutional or unlawful, the remaining portions of this ordinance shall remain in full force and effect.

THIS ORDINANCE read and adopted by the Town of Newington at a regular meeting held at the Newington Town Council Room on the 10th day of December, 1992, by a vote of 4 FOR and 0 AGAINST.

TOWN OF NEWINGTON

ATTEST: Donette S. Perkins
Clerk

BY: [Signature]
Mayor

[Signature]
Council Person

[Signature]
Council Person

[Signature]
Council Person

[Signature]
Council Person

Council Person

AMENDMENT TO ORDINANCE TO REGULATE AND TAX BEER, WINE AND LIQUORS
IN THE TOWN OF NEWINGTON

An Ordinance to regulate and tax beer, wine, and liquors in the Town of Newington was passed at a regularly scheduled meeting of the Mayor and City Council Members on December 9, 1993.

It is hereby ordained by the Mayor and City Council Members that said Ordinance be amended in the following manner:

ARTICLE SEVEN

EXCISE TAX

SECTION -C-

There is also imposed upon each licensed wholesale dealer an excise tax, in addition to the excise taxes levied by the State, on all wine sold in the Town of Newington at the rate of \$.22 per liter which shall be paid to the Town of Newington, on all wine sold in the Town of Newington. The \$.22 per liter on wine shall be pro rated so that all containers of wine shall be taxed on the bases of \$.22 per liter.

SECTION -D-

There is also imposed upon each licensed wholesale dealer an excise tax, in addition to the excise taxes levied by the State and the County, on all liquor and/or distilled spirits sold in the Town of Newington at the rate of \$.22 per liter which shall be paid to the Town of Newington on all liquor sold in the Town of Newington. The \$.22 per liter shall be pro rated so that all containers of liquor shall be taxed on the bases of \$.22 per liter.

All other provisions of the original Ordinance to Regulate and Tax Beer, Wine, and Liquors not herein amended shall remain in full force and effect.

Said Amendment to Ordinance to Regulate and Tax Beer, Wine, and Liquors shall not be retroactive in application and no taxes collected pursuant to this Ordinance prior to its amendment shall

be due to be refunded by the Town of Newington to any parties.

Amendment so adopted by unanimous vote of Mayor and Council of Town of Newington at a regular meeting held on the 9th day of December, 1993.

TOWN OF NEWINGTON

ATTEST: Donette Lane Perkins
Clerk

BY: Allyn Frank Sr.
Mayor

Tom Perkins
Council Person

Robert J. Graham
Council Person

Jay Evans
Council Person

A. J. Mock Jr.
Council Person

Jeanette Clay
Council Person

TOWN OF NEWINGTON

AMENDMENTS TO AN ORDINANCE TO REGULATE AND TAX
BEER, WINE, AND LIQUORS
IN THE TOWN OF NEWINGTON

WHEREAS, on the 10th day of December, 1992, the Town of Newington duly adopted an Ordinance regulating the sale and distribution of alcoholic beverages at a regular meeting of the Town Council; and

WHEREAS, it has become necessary and expedient for certain amendments to be made to that ordinance;

NOW THEREFORE, be it ordained that the following provisions shall be amended as follows:

ARTICLE FOUR

LICENSE APPLICATIONS

-D-

The following shall be deleted from page 9:

All applications for renewal of licenses to sell alcoholic beverages and liquors shall be filed with the town clerk no later than 5:00 p.m. on December 31, of the year preceding the year for which the application renewal is made.

Said provision of Article Four, Section D shall be amended to read as follows:

All applications for renewal of licenses to sell alcoholic beverages and liquors shall be filed with the town clerk no later than 12:00 o'clock noon on the last business day of the year preceding the year for which the application renewal is made. The town clerk shall cause to be posted in her office a list of days for which the town hall will be closed for Christmas and New Years holidays. Said list shall be posted on or before the first business day in December of each year.

ARTICLE NINE

EMPLOYRES

-B-

The following shall be deleted from page 21:

Minors under 18 years old may not be employed in or about places of business where malt or vinous beverages and liquors are sold or assist in delivery off premises, or take orders for such beverages or liquors.

Said provision of Article Nine, section B shall be amended to read as follows:

Minors under 21 years of age may not be employed in or about places of business where malt or vinous beverages and liquors are sold or assist in delivery off premises, or take orders for such beverages or liquors.

All other provisions of the original Ordinance to Regulate and Tax Beer, Wine and Liquors not herein amended shall remain in full force and effect. Neither amendment shall be retroactive in application but shall become effective upon adoption by the Town Council.

These amendments to An Ordinance To Regulate and Tax Beer, Wine, and Liquors were read and adopted by the Town of Newington at a regular meeting held at the Newington Town Council Room on the 10th day of January, 2002, by a vote of 4 FOR and 0

AGAINST.

TOWN OF NEWINGTON

Attest:

Donette Lane, Liberto
Clerk

By:

Ronald Scott
Mayor

Signatures continued on next page

TOWN OF NEWINGTON

AMENDMENT TO ORDINANCES REGULATING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE TOWN OF NEWINGTON

WHEREAS, on the 10th day of December 1992, the Town of Newington duly adopted an Ordinance regulating the sale and distribution of alcoholic beverages at a regular meeting of the Town Council; and

WHEREAS, it has become necessary and expedient for certain amendments to be made to that ordinance;

NOW THEREFORE, be it ordained that Article Eight, Hours of Operation shall be amended to read as follows:

HOURS OF OPERATION

No license holder shall sell, give away or otherwise dispense liquors between the hours of 11:00 p.m. Saturday and 8:00 a.m. Monday, between the hours of 11:00 p.m. and 8:00 a.m. on other days. No license holder shall sell, give away or otherwise dispense malt or vinous beverages between the hours of 11:00 p.m. Saturday and 6:00 a.m. Monday, between the hours of 11:00 p.m. and 6:00 a.m. on other days. License holders shall not permit their places of business to be opened for the sale of malt, vinous beverages and liquors on Sundays, Christmas Day and any other day prohibited by state law.

All other provisions of the original Ordinance to Regulate and Tax Beer, Wine and Liquors not herein amended shall remain in full force and effect. This amendment shall not be retroactive in application but shall become effective upon adoption by the Town Council.

These amendments to An Ordinance To Regulate and Tax Beer, Wine and Liquors were read and adopted by the Town of Newington at a regular meeting held at the Newington Town Hall on the 12th day of June, 2003, by a vote of 4 FOR and 1 AGAINST.

Amendment to Ordinances Regulating the Sale and
Distribution of Alcoholic Beverages in the
Town of Newington - 6/12/03

TOWN OF NEWINGTON

ATTEST: Donette Lane Perkins, Clerk
Town Clerk

BY: Donald Scott
Mayor

Edward J. [Signature]
Council Person

A. J. [Signature]
Council Person

Nela Jeannette H. [Signature]
Council Person

[Signature]
Council Person

Council Person

TOWN OF NEWINGTON

**AMENDMENT TO ORDINANCES REGULATING
THE SALE AND DISTRIBUTION OF ALCOHOLIC
BEVERAGES IN THE TOWN OF NEWINGTON**

WHEREAS, on the 10th day of December 1992, the Town of Newington duly adopted an Ordinance regulating the sale and distribution of alcoholic beverages at a regular meeting of the Town Council; and

WHEREAS, it has become necessary and expedient for certain amendments to be made to that ordinance;

NOW THEREFORE, be it ordained that Article Nine, Employees, shall be amended to read as follows:

Minors under 21 years of age may not be employed in or about places of business where liquors are sold or assist in delivery off premises, or take orders for liquors.

In places of businesses where only malt and/or vinous beverages are sold, no employee under the age of 18 shall be allowed to dispense, sell, take orders or handle alcoholic beverages.

All other provisions of the original Ordinance to Regulate and Tax Beer, Wine and Liquors not herein amended shall remain in full force and effect. This amendment shall not be retroactive in application but shall become effective upon adoption by the Town Council.

These amendments to An Ordinance To Regulate and Tax Beer, Wine and Liquors were read and adopted by the Town of Newington at a regular meeting held at the Newington Town Hall on the 11th day of May, 2006, by a vote of 4 FOR and 1 AGAINST.

TOWN OF NEWINGTON

ATTEST: Donette Perkins, Clerk
Town Clerk

BY: Donald Scott, Mayor
Mayor

[Signature]
Council Person

[Signature]
Council Person

Joannette H. Clay
Council Person

[Signature]
Council Person

Tom Perkins
Council Person