

CHAPTER 3.

ALCOHOLIC BEVERAGES.

As to driving under influence of alcohol controlled substances or drugs, see § 11-35 of this Code. As to implied consent for chemical test for intoxication, see §§ 11-37 to 11-43. As to public intoxication generally, see § 14-11.

Article I. In General.

- § 3-1. Tax imposed on purchase prices of intoxicating liquors sold at state stores.

Article II. Nonintoxicating Beer.

- § 3-2. License--Required.
 § 3-3. Same--License tax imposed; classification of retail dealers; amounts of annual fees.
 § 3-4. Same--Application.
 § 3-5. Same--Nontransferable.

Article III. Private Clubs Licensed by State.

- § 3-6. Tax--Imposed.
 § 3-7. Same--Rates.
 § 3-8. Same--Assignment of fee.
 § 3-9. Same--Refund of fees.
 § 3-10. Penalty for nonpayment of fee.

Article I. In General.Sec. 3-1. Tax imposed on purchase prices of intoxicating liquors sold at state stores.

Pursuant to section 8-13-7 of the Code of West Virginia, there is hereby imposed a tax of five percent of the retail purchase price of any and all intoxicating liquors purchased from the alcohol beverage control commission or from any person licensed to sell wine at retail to the public under the provisions of chapter 60, article 8 of the Code of West Virginia, within the corporate boundaries of the city. Such tax shall be levied upon the purchaser of such intoxi-

For state law as to authority of city to tax the purchase of intoxicating liquors, see W. Va. Code, § 8-13-7.

In the case of a class B retailer, there shall be two types of a class B license, each type to be colored differently so as to be easily distinguished. The fee for a class B license authorizing the sale of unchilled beer only shall be fifteen dollars. The fee for a class B license authorizing the sale of both chilled and unchilled beer shall be one hundred dollars. 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 purposes of this section, the term "grocery store" means and includes any retail establishment commonly known as a grocery store or delicatessen, where food or food products are sold for consumption off the premises.

(b) In the case of a distributor, the license fee shall be two hundred fifty dollars for each place of business.

(c) In the case of a brewer with its principal place of business located in the city, the license fee shall be five hundred dollars for each place of manufacture.

Sec. 3-4. Same--Application.

License under this chapter shall be issued only upon the order of the city council and at its discretion. Every applicant for such license shall make out and deliver to the city council an application upon a blank to be furnished by the council for that purpose, similar in form to that prescribed by the state tax commissioner for making applications for state licenses for like purposes. Such applications shall be addressed to the city council and shall be signed and sworn to before a notary public or other officer authorized to administer oaths. (5-6-37, § 3.)

Sec. 3-5. Same--Nontransferable.

No license issued under the provisions of this chapter shall be transferred to another person, nor shall the location of the premises to which the license relates be changed without the written consent of the city council, which consent may be refused, in its discretion. (5-6-37, § 4.)

Article III. Private Clubs Licensed by State.

For state law as to authority of city to levy and collect fee from certain private clubs licensed by state, see W. Va. Code, §§ 8-13-7, 60-7-7. As to licensing of private clubs by state for sale of intoxicating liquors, see W. Va. Code, § 60-7-1 et seq.

Sec. 3-6. Tax--Imposed.

There is hereby levied and shall be collected an annual fee, for revenue purposes only, from every person or any group or combination acting as a unit, who shall at any time become licensees, as herein defined, of and under the provisions of chapter 60, article 7, of the Code of West Virginia, as amended.

shall be presumed to be in violation of this article, and the city police shall, upon orders from the mayor, close or stop any business, activity or trade for which the fee is herein required, and such closure shall continue until such fee is properly paid. (6-1-67, § 7.)

*As to general penalty for violations of Code, see
§ 1-7 of this Code.*