

ORDINANCE NO. 1187

AN ORDINANCE LEVYING AN ADDITIONAL TAX
ON BREWED OR MALT LIQUOR

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

SECTION 1: This Ordinance shall not have the effect of altering or repealing in any wise any ordinance of the City of Prichard now in effect, but shall be in addition to and cumulative of all such ordinances.

SECTION 2: When used in this ordinance the term "person" means and includes every natural person, firm, association, corporation, club, partnership, company, trustee, agency, and any other agent, servant, employee or officer thereof, singular or plural; the term "distributor" and "seller" shall mean and include any person, as the term "person" is herein defined who is regularly engaged in the business of selling, distributing, delivering, storing or taking out of storage, malt or brewed beverages, as the words "brewed malt beverages" are herein defined, within the County of Mobile; "malt or brewed beverages" means and includes any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume, by whatever name the same may be called; "licensed retailer" shall mean and include every person, as the term "person" is defined herein, who has purchased and retains a retail license to sell brewed or malt beverages, as the term "brewed or malt beverages" is defined herein, from the City of Prichard.

SECTION 3: In addition to all other license and taxes now levied, collected or assessed by the City of Prichard, there is hereby levied and assessed against every person having in his possession (or control or upon premises in his possession or under his control) in the City of Prichard, Alabama, more than 288 fluid ounces of brewed or malt beverages a license tax in the amount equal to two cents (\$00.02) on each twelve (12) fluid ounces or fractional part thereof.

SECTION 4: Every person who has in his possession or control or has upon premises in his possession or under his control more than 288 fluid ounces of brewed or malt beverages shall, immediately upon entering the City of Prichard with same, or immediately upon its delivery to him in the City of Prichard, or immediately upon his discovery of the same in his possession or under his control or upon premises in his possession or under his control, declare the same before the City Clerk of the City of Prichard and pay the tax due hereunder to her, and her absence, declare the same with the Police Department of the City of Prichard and obtain from said Department a statement in writing acknowledging such declaration, after which the tax due hereunder shall be paid during the first day upon which the City Clerk's office shall be open for business.

SECTION 5: This Ordinance shall not apply to acts or transactions which constitute interstate commerce, nor shall any provision hereof apply to the United States of America or to its agencies or instrumentalities.

SECTION 6: Possession by any person of legible, itemized, properly dated invoices from a distributor or seller of brewed or malt beverages, which such invoices reflect the address and name clearly of such distributor or seller, the address and name of the person, the quantity of brewed or malt beverages sold or delivered, the brand thereof, the quantity of each brand, the size and kind

of container of each brand, the date of purchase, the price, the brewery case number and the fact that such distributor or seller has added to the sale price thereof and paid to the City of Prichard or is liable to the City of Prichard in an amount equal to two (\$00.02) cents on each twelve (12) fluid ounces or fraction thereof, shall be prima facie evidence of the fact that such person is not guilty of a violation of this Ordinance, it being the intent of this Ordinance that a license tax of two (\$00.02) cents on each twelve (12) fluid ounces of brewed or malt beverages in the possession or under the control of any person in the City of Prichard shall be paid or shall have been paid to the City of Prichard, and no more.

SECTION 7: Any person convicted of violating any of the provisions of this Ordinance shall be guilty of an offense against the City of Prichard, and shall be fined not more than One Hundred Dollars (\$100.00) and may, in the discretion of the Recorder of the City of Prichard or Judge trying the cause, in addition be sentenced to jail or hard labor for the City of Prichard for a term of not to exceed six (6) months.

SECTION 8: This ordinance shall become effective upon its adoption by the City Council.

ADOPTED this the 7th day of April, 1969.

APPROVED:

BY:

W. O. Capps
MAYOR

ATTEST:

BY:

James H. Cantelero
CITY CLERK