

AN ORDINANCE REQUIRING THE AFFIXING OF DECALS
OR STAMPS TO MALT OR BREWED BEVERAGE CONTAINERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA,
AS FOLLOWS:

Section 1. It shall be unlawful and an offense against the City of Prichard for any person, firm, club, association, or corporation to have in his, her or its possession any can, bottle, or other container of malt or brewed beverage not having firmly attached or affixed thereto on the cap, crown, top, or other suitable place a decal, stamp or other evidence of the fact that the proper tax or license for such malt or brewed beverage now or hereafter levied by the City of Prichard has been paid.

Section 2. It shall be the duty and responsibility of the Tax Officer of the City of Prichard, or the person performing the duties of such Tax Officer to design, prepare or cause to be designed, prepared or otherwise made ready and purchase in proper quantities the decals, stamps or other evidence of payment of the license tax upon malt or brewed beverage now or hereafter imposed by the City of Prichard; provided that such action of the Tax Officer shall be approved by the City Council of the City of Prichard. It shall also be the duty of the Tax Officer to keep on hand sufficient quantities of such decals, stamps or other evidence of payment and to sell the same to those applying therefor, to keep complete and accurate records of all transactions with relation thereto, and to make periodic reports to the Council concerning the same.

Section 3. It shall be the duty and responsibility of each jobber, wholesaler and distributor of malt or brewed beverages to Alabama Beverage Control Board licensees within the City of Prichard or within the police jurisdiction thereof to acquire, prior to such sale or delivery the appropriate quantity of such decals, stamps or other evidence of the fact that the proper tax or license for such malt or brewed beverages now or hereafter levied by the City of Prichard shall have been paid, and such jobber, distributor or wholesaler shall affix the same to the bottles, cans or other containers of such malt or brewed beverages prior to delivery to such licensee in the City of Prichard or within the police jurisdiction thereof.

Section 4. For the cost, labor and expense of affixing firmly on containers the decals or other devices contemplated by this Act and attention to the details connected therewith each such jobber, wholesaler or distributor shall, at the time of the purchase by him of such decals or other devices, be allowed a twelve (12%) percent discount on the gross amount of license tax represented by the said decals or other devices.

Section 5. (a) Any person, firm, association or corporation engaged in the retail sale of malt or brewed beverages within the City of Prichard or within the police jurisdiction thereof, shall and must obtain the proper quantity of decals, stamps or other evidence of the fact that the proper tax or license for malt or brewed beverages now or hereafter levied by the City of Prichard shall have been paid, solely from the jobber, wholesaler or distributor of such malt or brewed beverages.

(b) Any person, club, association or corporation not engaged in the retail sale of malt or brewed beverages within the City of

Prichard or within the police jurisdiction thereof, having or intending to have in his, her or its possession, any malt or brewed beverages within the City of Prichard or within the police jurisdiction thereof shall purchase from the Tax Officer of the City of Prichard, or the person performing the duties of such Tax Officer the proper quantity of decals, stamps, or other evidence of the fact that the proper tax or license for such malt or brewed beverages now or hereafter levied by the City of Prichard shall have been paid, and shall forthwith affix the same to the bottles, cans or other containers of malt or brewed beverages.

Section 6. It shall be the duty and responsibility of each Alabama Beverage Control Board Licensee within the City of Prichard or its police jurisdiction to file with the Tax Officer of the City of Prichard within fifteen (15) days from the effective date of this Ordinance a statement under oath setting forth the inventory of all malt or brewed beverages then in the possession of or under the control of such licensee. The Tax Officer shall furnish each such licensee sufficient stamps or decals to affix to the containers of malt or brewed beverages in the existing inventory of such licensee on which the City of Prichard tax shall have been paid, and it shall be the duty and responsibility of each such licensee to affix such stamps or decals within three (3) days after receiving same from the Tax Officer. The Tax Officer, or his duly authorized agent, shall have the power to inspect the premises of any such licensee and to verify the inventory on hand at the time such stamps or decals are furnished, and to examine the records of such licensee to verify the payment of the City of Prichard tax thereon.

Section 7. It shall be the duty of the Tax Officer and the Police Department, of the City of Prichard, to enforce the provisions of this Ordinance. To that end the Tax Officer and his authorized agents and the members of the Police Department are authorized to enter, lawfully any premises of any Alabama Beverage Control Board Licensees within the City of Prichard or its police jurisdiction at any time during the hours in which such licensee is engaged in the business of selling or serving malt or brewed beverages, or at any other times that the premises of such licensee are occupied by or open to the customers or members of such licensee, and to inspect the containers of malt or brewed beverages in the licensee's possession for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this Ordinance.

Section 8. Any person, firm, club, association or corporation found with more than six (6) cans, bottles or other containers of malt or brewed beverages in his, her or its possession in the City of Prichard or within the police jurisdiction thereof without the proper decal, stamp or other evidence of payment of the tax due the City of Prichard shall, upon conviction, be fined not more than \$100.00 and may, in addition, in the discretion of the Judge or Recorder trying the same, be sentenced to jail or hard labor for the City of Prichard for a period not to exceed six (6) months, one or both.

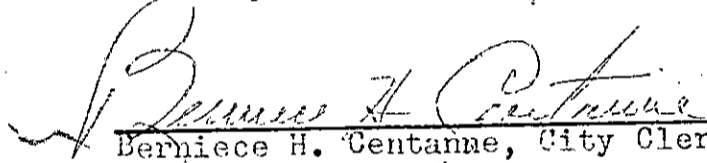
Section 9. All Ordinances or parts of Ordinances in conflict with this Ordinance be and the same are hereby repealed to the extent of any such conflict.

Section 10. This Ordinance shall become effective on the 1st day

of November, 1970.

Adopted this 19th day of October, 1970.

CLERKS CERTIFICATE: This Ordinance having been passed by the City Council on October 19, 1970, and not having been returned to me, as City Clerk, by the Mayor with his approval or veto within the ten days after its passage by the Council, in compliance with Title 37, Section 458, Code of Alabama, 1940, recompiled in 1958, the same has been published as herein provided.


Berniece H. Centanne, City Clerk