

400-03
Minutes

AN ORDINANCE AMENDING AND RE-ADOPTING THE ORDINANCE TO IMPOSE A TAX ON ANY AND ALL INTOXICATING LIQUORS OR WINE PURCHASE FROM THE ALCOHOL BEVERAGE CONTROL COMMISSION OR FROM ANY LICENSED PERSON OR STORE OR COMPANY; SETTING THE RATE OF TAX ON THE PURCHASE OF INTOXICATING LIQUORS WITHIN THE CORPORATE BOUNDARIES OF SAID MUNICIPALITY AT FIVE PER CENT; REPEALING ALL OTHER INCONSISTENT OR CONFLICTING ORDINANCES.

Whereas, it is deemed necessary by the Common Council of the City of Glenville to impose a tax on the retail purchase price of any and all intoxicating liquors or wine purchased from the Alcohol Beverage Control Commission or from any licensed person or store or company located within the corporate boundaries of this municipality at five per cent; repealing all other inconsistent or conflicting ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GLENVILLE, STATE OF WEST VIRGINIA, THAT;

The Common Council of the City of Glenville at 7:30 PM, on October 3, 1983, in the Glenville City Council Chambers, 20 North Court Street, Glenville, WV, will consider for final vote, and adoption “an ordinance amending and re-adopting the ordinance to impose a tax on any and all intoxicating liquors or wine purchased from the Alcohol Beverage Control Commission or from any licensed person or store or company; setting the rate of tax on the purchase of intoxicating liquors within the corporate boundaries of said municipality at five per cent; repealing all other inconsistent or conflicting ordinances.”

Interested parties may appear at this time and place cited above and be heard with respect thereto. This ordinance shall become effective upon final passage and will be enforced on or after October 3, 1983 and shall be continued and maintained in said city on a fiscal year basis each year thereafter.

Copies of this ordinance can be inspected by the public at the Glenville City Hall Building, 20 North Court Street, Glenville, WV anytime Monday thru Saturday from 8:00 AM to 5:00 PM.

Be it ordained by the governing body of the City of Glenville, West Virginia, that after the effective date of this Ordinance, pursuant to Chapter 8, Article 13, Section 7 of the Official Code of West Virginia, of 1931, as last amended, there is hereby imposed a tax of five per cent 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 provision of Chapter 60, Article 8, of the aforesaid Code of West Virginia, within the corporate boundaries of the municipality. Such tax shall be levied upon the purchaser of said intoxicating liquor or wine, and shall be added to any collected with the retail purchase price of such intoxicating liquor or wine. Such tax shall be received by the municipality from the State Treasury pursuant to the rules and

regulations adopted by the said Alcohol Beverage Control Commissioner. Provided, however, that such tax shall not be collected on intoxicating liquors, other than wine sold by or purchased from holders of a license issued under the provisions of Chapter 60, Article 7 of said West Virginia Code. Provided further, such tax shall be collected upon all sales of wine to holders of a license issued under the provisions of Chapter 60, Article 7 of said West Virginia Code from a wine distributor licensed pursuant to the provisions of Chapter 60 Article 3 et seq. Of said West Virginia Code.

This ordinance shall be effective from the date of its final adoption.

PENALTIES. Any person violating any provision of this ordinance shall upon conviction be fined not less than Ten Dollars (\$10.00), or more than Three Hundred Dollars (\$300.00), or imprisoned in the city jail or the Gilmer County jail for a term, not exceeding thirty (30) days, or both, and each day or part thereof that any violation shall continue shall be deemed to constitute a distinct and separate offense and be punishable upon conviction accordingly.

It is the intent of the Common Council of the City of Glenville that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Common Council of the City of Glenville that if any provisions of this ordinance be declared to be invalid, all other provisions therein shall remain valid and in full force and effect, and enforceable.

All ordinances or parts of ordinances, in conflict herewith, or inconsistent herewith, are hereby repealed to that extent and no further.

This ordinance shall be in effect immediately upon final passage by the Common Council of the City of Glenville.

CERTIFICATE OF ENACTMENT

I, David M. Gillespie, Mayor do hereby certify that the foregoing ordinance was lawfully ordained with the first reading held on September 6, 1983, and the final reading and adoption was held at the regular council session assembled on October 3, 1983, and said ordinance was enacted and adopted by the Common Council of the City of Glenville and said ordinance shall be in force and effect as of October 3, 1983.