

004787808

HOUSE BILL NO. 1418

Offered January 24, 2000

A BILL to amend and reenact §§ 4.1-128 and 4.1-205 of the Code of Virginia, relating to alcoholic beverage control; local control.

Patrons—Katzen, Landes and Ruff

Referred to Committee on General Laws**Be it enacted by the General Assembly of Virginia:****1. That §§ 4.1-128 and 4.1-205 of the Code of Virginia are amended and reenacted as follows:**

§ 4.1-128. Local ordinances or resolutions regulating alcoholic beverages.

A. No county, city, or town shall, except as provided in § 4.1-205 or § 4.1-129, adopt any ordinance or resolution which regulates or prohibits the manufacture, bottling, possession, sale, distribution, handling, transportation, drinking, use, advertising, *promotion or marketing*, or dispensing of alcoholic beverages in the Commonwealth.

B. However, the governing body of any county, city, or town may adopt an ordinance which (i) prohibits the acts described in subsection A of § 4.1-308 subject to the provisions of subsection B of § 4.1-308, or the acts described in § 4.1-309 and may provide a penalty for violation thereof and (ii) subject to subsection C of § 4.1-308, regulates or prohibits the possession of opened alcoholic beverage containers in its local public parks, playgrounds, and public streets.

C. Except as provided in this section, all local acts, including charter provisions and ordinances of cities and towns, inconsistent with any of the provisions of this title, are repealed to the extent of such inconsistency.

§ 4.1-205. Local licenses.

A. In addition to the state licenses provided for in this chapter, the governing body of each county, city or town in the Commonwealth may provide by ordinance for the issuance of county, city or town licenses and to charge and collect license taxes therefor, to persons licensed by the Board to manufacture, bottle or sell alcoholic beverages within such county, city or town, except for temporary licenses authorized by § 4.1-211. *No such ordinance shall conflict with the restrictions set forth in § 4.1-128.* Subject to § 4.1-233, the governing body of a county, city or town may classify licenses and graduate the license taxes therefor in the manner it deems proper.

B. No county, city or town shall issue a local license to any person who does not hold or secure simultaneously the proper state license. If any person holds any local license without at the same time holding the proper state license, the local license, during the period when such person does not hold the proper state license, shall confer no privileges under the provisions of this title.

INTRODUCED

HB1418