

2000 SESSION

INTRODUCED

008159904

HOUSE BILL NO. 416

Offered January 13, 2000

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

Patrons—Reid, Albo, Bryant, Callahan, Cantor, Cranwell, DeBoer, Diamonstein, Drake, Griffith, Harris, Howell, Rust, Wagner, Wardrup and Woodrum; Senators: Barry, Hanger, Hawkins, Howell, Potts, Saslaw, Trumbo, Wampler, Watkins and Williams

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-128 of the Code of Virginia is 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 or dispensing of alcoholic beverages in the Commonwealth.

Notwithstanding any contrary provision of law, general or special, no county, city or town shall, except as provided in §§ 58.1-605, 58.1-3833 or 58.1-3840, adopt any ordinance or resolution which imposes any tax on the sale of alcoholic beverages.

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charter provisions and ordinances of cities and towns, inconsistent with any of the provisions of this title, are repealed to the extent of such inconsistency.

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