

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 646

An Act to amend and reenact § 4.1-126 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage licenses for certain properties.

[H 2582]

Approved March 23, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-126 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-126. Licenses for establishments in national forests, certain adjoining lands, on the Blue Ridge Parkway, and certain other properties.

A. Notwithstanding the provisions of § 4.1-124, mixed beverage licenses may be granted to establishments located (i) on property owned by the federal government in Jefferson National Forest, George Washington National Forest or the Blue Ridge Parkway; (ii) at altitudes of 3,800 feet or more above sea level on property adjoining the Jefferson National Forest; (iii) at an altitude of 2,800 feet or more above sea level on property adjoining the Blue Ridge Parkway at Mile Marker No. 189; (iv) on property within one-quarter mile of Mile Marker No. 174 on the Blue Ridge Parkway; (v) on property developed by a nonprofit economic development company or an existing industrial development authority; (vi) on old Jonesboro Road between Routes 823 and 654, located approximately 5,500 feet from a city having a population between 17,500 and 18,500; ~~and~~; (vii) on property developed as a motor sports road racing club, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River in a county having a population between 28,700 and 29,200, according to the 1990 United States Census which county surrounds a town which, at the time of the 1990 United States Census, was a city having a population between 6,995 and 7,200, with such license applying to any area of the property deemed appropriate by the Board; ~~and~~; (viii) at an altitude of 2,645 feet or more above sea level on land containing at least 750 acres used for recreational purposes and located within two and one-half miles of the Blue Ridge Parkway; (ix) *on property fronting U.S. Route 11, with portions fronting Route 659, adjoining a city with a population between 17,000 and 18,000 and located approximately 2,700 feet north of mile marker 7.7 on Interstate 81; and* (x) *on property bounded on the north by U.S. Route 11 and to the south by Interstate 81, and located between mile markers 8.1 and 8.5 of Interstate 81.*

B. In granting any license under clauses (iii) and (iv) of subsection A, the Board shall consider whether the (i) voters of the jurisdiction in which the establishment is located have voted by referendum under the provisions of § 4.1-124 to prohibit the sale of mixed beverages and (ii) granting of a license will give that establishment an unfair business advantage over other establishments in the same jurisdiction. If an unfair business advantage will result, then no license shall be granted.