



CITY OF ARAB, ALABAMA
ALCOHOLIC BEVERAGE
LICENSE APPLICATION

CITY OF ARAB
ALCOHOLIC BEVERAGES LICENSE APPLICATION
APPLICATION PROCESS OVERVIEW

To obtain an Alcohol Beverage License for the City of Arab, your business must be located inside the Arab city limits and properly zoned for business.

Application for a license to sell alcoholic beverages is different than the application for a general license for a retail, wholesale, or service related business. Due to the regulatory nature of this type of business, there are additional requirements for the issuance of a license to sell alcoholic beverages.

The typical amount of time required for the application process is a minimum of 45 days. Primarily this is due to the fact that there is a significant amount of documentation required in order to provide the City Council with an accurate insight into the financial, management, and personal background of the applicant and those involved with the business. There are also several inspections that must be scheduled and approved as a part of the process.

You will need to meet with the City Clerk to review the application for completeness and/or to answer any questions you might have regarding the application. This is very important to the process so that there will be as little misunderstanding of expectations as possible. There are specific deadlines for several aspects of the application process and if these are not complied with, the result is delay in approval and, more importantly to you, the opening of your business!

The following steps, along with a brief description, are listed in the order of completion for a typical application, approval, and issuance of an alcoholic beverage license. There are only two (2) methods for making application; as a new licensee, or as a transfer of an existing license. If you are going to transfer an existing license by change of ownership, **DO NOT PURCHASE, BEGIN OPERATING, OR MANAGING THE BUSINESS UNTIL AFTER THE CITY HAS BEEN CONTACTED!**

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- Step 1. Verification of Zoning** - Applicant must schedule a meeting with the Building/Zoning Department, (256) 586-5968, to review Verification of Zoning Form. This Form is to be completed by applicant and returned to the Arab Building/Zoning Department to confirm that current zoning ordinance supports the use. A copy of the legal description and most recent survey or plot plan for the address of the proposed business is required for this step.
 - Step 2. ABC Application** – Prior to making application with the City of Arab, you must apply with the State Alcoholic Beverage Control (ABC) Board. You may call the Huntsville ABC Office at (256) 726-0401, to schedule an appointment with the local ABC Agent to begin their application process.
 - Step 3. City Application Overview & Release** – Upon the verification of zoning, and ABC Application Process, an application package for Arab Alcohol Beverage License is released for completion. Forms are available in the City Clerk's office, or you may download forms from the city's website, www.arabcity.org, however, a meeting must be scheduled with the City Clerk, (256) 586-3544, to go over the application and any specific requirements for your business.

- Step 4. Departmental Approvals** – It is the responsibility of the applicant to contact the Building, Fire, and Health (if applicable) Departments to schedule the necessary inspections. All approvals by the council are contingent upon satisfactory department approvals. **(Form 2 and Form 3)**
- Step 5. Background Investigation** – All persons with any financial, operational, or management interest in the proposed business will be listed on the application. As part of the application process, a criminal background search is performed by the Alabama Bureau of Investigation (ABI) with the history provided for review by the Arab Police Department. (You will be fingerprinted at the Arab Police Department.) Form ABI-46 is included in the application package, or is available on-line at: <http://dps.alabama.gov/ABI/forms/ABI-46.pdf>. The ABI review will generally will require at least fourteen (14) days.
- Step 6. Return Completed Application to City Clerk** – The completed application, including ABI Form 46, is returned and submitted for consideration. At this time, the applicant pays an application fee and any costs associated with the public notice.
- Step 7. Alcohol License Review Committee Consideration** – Once the City Clerk receives the completed application, and criminal history information from ABI, a meeting of the Alcohol License Review Committee will be scheduled.
- Step 8. Public Hearing** – After the Alcohol License Review Committee has met and reviewed the application, the City Clerk will notify the applicant to schedule a time and date for the required Public Hearing.
- Step 9. Notification to Surrounding Property Owners** – **Form 4, Notice Provided to Surrounding Property Owners Concerning Application for Alcoholic Beverage License** must be provided to all residents, real property owners and businesses within five hundred (500) feet of the property sought to be licensed. After this has been completed, *Verification of Notice* **Form 5** must be completed and submitted to the City Clerk no later than Friday prior to the City Council Meeting and Public Hearing. The City Council will not consider any application without **Form 5**.
- Step 10. Public Hearing and City Council Consideration** –The Council meets on the first and third Monday of each month. The City Council will conduct the Public Hearing, as scheduled, and then consider the application for their vote. Any approval given is contingent upon satisfactory departmental approvals by Building, Fire, and Health (if applicable). There are several critical deadlines associated with this step, and these will be discussed with you at the time of releasing the application.
- Step 11. Release of Approval** – Upon receiving all approvals, the City Clerk will review the file and authorize the release of the City’s approval to the local representative of the State of Alabama Alcoholic Beverage Control (ABC) Board.
- Step 12. Presentation of ABC License and Issuance of City License** – Upon releasing the City’s approval of your business for sales of alcoholic beverages, the State ABC Board will issue their License. (The ABC Board has an entirely separate application process that should be simultaneous with this application.) The ABC License must be presented to the City Clerk’s Office, along with an Alcohol License Tax Bond OR a Letter of Credit from your bank. Upon doing so, a temporary City of Arab License can be issued for your business. The City will also issue separate licenses for other business activities dependent upon the exact nature of your business (e.g., restaurant, grocery, etc.).

COSTS ASSOCIATED WITH ALCOHOLIC BEVERAGE LICENSING APPLICATION:

CITY OF ARAB APPLICATION FEE: **\$300.00** (Non-refundable)
ADVERTISING FEE: **\$ 35.00** (Non-refundable)

IF YOU SHOULD HAVE ANY QUESTIONS, PLEASE CONTACT THE CITY CLERK AT (256) 586-3544.



GENERAL INFORMATION



IMPORTANT PHONE NUMBERS AND CONTACTS:

City Clerk	(256) 586-3544	Tony Willis
Fire Department	(256) 586-8819	Chief Ricky Phillips
Zoning and Building Department	(256) 586-5968	Sammy Waldrop
Police Department	(256) 586-7525	Chief Mike Blackwood
Marshall County Health Department	(256) 582-3174	

IT IS THE APPLICANT'S RESPONSIBILITY TO CONTACT THE HEALTH DEPARTMENT (if applicable) FOR THE NECESSARY INSPECTIONS REQUIRED FOR THE ALCOHOL LICENSE.



CITY OF ARAB, ALABAMA
ALCOHOLIC BEVERAGE
LICENSE APPLICATION

*** **CONFIDENTIAL** ***

Please type or print legibly.

Application No. _____

Date of Application: _____ New Transfer

Check the following Licenses for which you are applying:

- | | |
|---|---|
| <input type="checkbox"/> Beer Wholesale | <input type="checkbox"/> Retail Table Wine (On-premises & Off-premises) |
| <input type="checkbox"/> Wine Wholesale | <input type="checkbox"/> Retail Beer (On-premises & Off-premises) |
| <input type="checkbox"/> Beer & Wine Wholesale | <input type="checkbox"/> Retail Beer (Off-premises) |
| <input type="checkbox"/> Warehouse | <input type="checkbox"/> Special Retail (On-premise) |
| <input type="checkbox"/> Club Retail Liquor (Class I or II) | <input type="checkbox"/> Special Events Retail (On-premise) |
| <input type="checkbox"/> Lounge Retail Liquor | <input type="checkbox"/> Manufacturer |
| <input type="checkbox"/> Retail Liquor (Off-premises) | <input type="checkbox"/> Importer |
| <input type="checkbox"/> Restaurant Retail Liquor (Class I or II) | <input type="checkbox"/> Liquor Wholesale |
| <input type="checkbox"/> Retail Table Wine (Off-premises) | |

SECTION I. APPLICANT INFORMATION.

1. Name of Applicant: _____ Date of Birth: _____
 Mailing Address: _____ Phone No.: _____
 Social Security No.: _____ Driver's License No.: _____

2. Type of Ownership: Individual Partnership LLC
 Corporation Association

3. Corporation or LLC Name: _____

4. Names and Addresses of Partners, Members, Officers, or Directors: *(Attach a separate sheet if necessary.)*

NAME	TITLE	DATE OF BIRTH	ADDRESS	SSN

5. Complete the following questions regarding the applicant(s).

a.) Do any of the APPLICANTS, whether individual, member of partnership or association, or officer and directors of corporation or the corporation itself, in ANY manner have a financial interest either directly or indirectly in any other class of business regulated under any alcoholic beverage law?..... YES NO
If so, please describe completely. _____

b.) Does the APPLICANT own or control, either directly or indirectly, or hold any lien against any real or personal property which is rented, leased, or used in the operation of business by the holder of a permit or license issued under the authority of any alcoholic beverage law?..... YES NO
If so, please describe completely. _____

c.) Is the APPLICANT receiving, either directly or indirectly, ANY loan, credit, cash or equivalent from any other alcoholic beverage licensee or from or through any subsidiary or affiliate of another alcoholic beverage licensee, or from any individual, firm, association, or corporation operating under or regulated by the authority of any alcoholic beverage law? YES NO
If so, please describe completely. _____

d.) Has APPLICANT ever applied for and been refused a State or City permit or license, or had a permit or license suspended or revoked by any State or City authority?..... YES NO
If so, please describe completely. _____

e.) Has an alcoholic beverage license ever been suspended, revoked, or denied to anyone at the location for which this application is submitted?..... YES NO
If so, please describe completely. _____

f.) Does the APPLICANT currently possess any other permit or license issued by the State of Alabama or the City of Arab for the sale of alcoholic beverages?..... YES NO
If so, please list the license number, date of issuance, license type, name under which the license is issued, and the physical address of the licensed business. (Attach additional sheet if necessary). _____

SECTION II. LOCATION INFORMATION.

1. Physical Address of Business: *(Copy of the legal description MUST be included.)* _____

2. Mailing address and phone number for the business: _____

3. Indicate the name under which the business is to be operated: _____

4. Are you currently operating a business at this location?..... YES NO

If so, please indicate the name of the business, type of business, and the length of time you have been operating: _____

6. If you are purchasing an existing business, please indicate the name and City of Arab license number for that business: _____

7. Will any building renovations, remodeling, or repairs be completed prior to opening your business at this address?..... YES NO

If so, please describe the nature and extent of this work. _____

8. Provide a description of the building interior (e.g., square feet, number of rooms, type rooms, etc.)

Attach a sketch of the building showing entrances, exits, rooms, etc., with approximate dimensions. (A free-hand sketch is acceptable if legible.)

9. List the complete name, residence address, and phone number for the owner(s) of the property for which this license is being requested: _____

10. List all leesees or sub-leesees of the property for which this license is being requested: _____

SECTION III. GENERAL INFORMATION. *(All applicants MUST complete this section.)*

1. If application is for retail off-premise sales, indicate the total number of square feet of floor space in the retail sales area: _____
2. If application is for wholesale sales, indicate the total number of square feet of floor space in the warehouse area: _____
3. If the applicant is a corporate entity, indicate the date and place of incorporation along with the book and page number where officially recorded. If a corporate entity not incorporated under the laws of the State of Alabama, provide a copy of the certificate of authority to engage in business within the State of Alabama.

Date of Incorporation: _____ Place: _____

Book: _____ Page: _____

SECTION IV. CRIMINAL HISTORY. *(All applicants MUST complete this section.)*

1. Include an Alabama Bureau of Investigation (ABI) Criminal History Information Release Form (Form ABI-46, available on-line at: <http://dps.alabama.gov/ABI/forms/ABI-46.pdf>) for the applicant, each partner, officer, or landlord. Each form must be completed entirely and must be legible. **Additionally, each release form must be accompanied by a bank or postal money order, cashier's check, or some type of certified funds made payable to Alabama Bureau of Investigation in the amount of \$25.00 for each individual. You can submit one combined payment for the total number of forms, if you choose.**
2. The applicant and all other parties listed hereby authorize the Arab Police Department and the Alabama Department of Public Safety to furnish the governing body of the City of Arab with any and all information concerning them as relates to their criminal history and general reputation and character. Information of a confidential and privileged nature may be included in this investigation and report as determined through a search of City, State, and Federal law enforcement records. This information will be used by the City of Arab to determine qualifications for obtaining an alcoholic beverage license by the applicant.

I / we understand our rights under Title 5, United States Code, Section 552A, including the Privacy Act of 1974, and willingly waive those rights with the understanding that any information collected will be used by the City of Arab in conjunction with alcoholic beverage licensing procedures. I / we hereby release the City of Arab, its agents, employees, and governing body from any liability or damage which may result from the investigation into my/our criminal history. The applicant acknowledges that each party named has been informed of the contents of this application and has authorized the applicant to sign and execute such waiver on their behalf. The applicant agrees to hold the City of Arab, its agents, employees, and governing body harmless from any damages arising out of any disclosures of any information arising from investigation of criminal history or of any part of this application relating to the applicant or any other persons named herein.

Signed: _____ Date: _____

Title/Position: _____
(Must be signed by a principle applicant or authorized officer, if corporate entity.)

SECTION V. AFFIRMATION. (This Section MUST be completed and notarized.)

THE FOLLOWING INFORMATION MUST BE TYPED OR PRINTED LEGIBLY TO BE ACCEPTED.

The APPLICANT for the license requested herein, hereby swears or affirms, that he/she and all parties interested in said application have read all questions, and the answers thereto, all in connection with application of said APPLICANT for a City of Arab Alcoholic Beverage License as indicated in said application; that he/she and all parties interested in said application for license fully acknowledge that this attachment is a part of said application and all statements and facts herein are true and correct to the best of my knowledge; that he/she and all parties interested in said application understand, acknowledge, and affirm that the applicant is the only person in any manner with a pecuniary interest in the business so asked to be licensed, except as stated, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license, and that any finding or non-conformance with this affirmation can result in denial of license approval or revocation proceedings subsequent to license approval.

Signature of Applicant

Print Name and Title of Person Signing as Applicant

Sworn / Affirmed to and subscribed before me this the _____ day of _____, 20__.

Notary Public

Date Commission Expires

**CITY OF ARAB
ALCOHOLIC BEVERAGES LICENSE APPLICATION
APPLICANT CHECKLIST**

THE FOLLOWING LISTED ITEMS ARE TO BE INCLUDED BY ALL APPLICANTS AS ATTACHMENTS TO THE ALCOHOLIC BEVERAGE LICENSE APPLICATION:

1. ZONING VERIFICATION FORM from Building/Zoning Department.
2. ACKNOWLEDGEMENT of receipt of Application and payment of application fees. **(Form 1)**
3. COPIES OF THE LEASE OR SUBLEASE FOR THE BUSINESS LOCATION. This can be a proposed lease, with an executed lease to be submitted at a later date.
4. ARTICLES OF INCORPORATION / PARTNERSHIP AGREEMENT.
5. CERTIFICATION FROM BUILDING INSPECTOR **(Form 2)**
6. CERTIFICATION FROM FIRE DEPARTMENT **(Form 3)**
7. HEALTH DEPARTMENT CERTIFICATION, if applicable.
8. CRIMINAL BACKGROUND INVESTIGATION FORM(S) FOR ABI. (Must include separate cashier's check, money order, or business check made payable to ABI) **(Form ABI-46,** available at: <http://dps.alabama.gov/ABI/forms/ABI-46.pdf>)
9. ALCOHOL LICENSE TAX BOND from an Insurance Company OR a Letter of Credit from your bank. **(Form 4)**
10. NOTICE PROVIDED TO SURROUNDING PROPERTY OWNERS CONCERNING APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE **(Form 5)**
11. CERTIFICATION OF NOTICE TO SURROUNDING PROPERTY OWNERS. **(Form 6)**
12. Request for Transfer for Alcoholic Beverage License. Applicable only for transfer of ownership. **(Form 7)**

CITY OF ARAB, ALCOHOL BEVERAGE LICENSING

ACKNOWLEDGEMENT

By signing below, I certify that I have had the requirements of Ordinance No. 2006-8, as amended, explained to me with reference to the \$300.00 filing fee.

I understand that if my application is denied, said application fees will not be refunded.

Proposed Licensee

Trade Name

City Clerk

Date: _____

CITY OF ARAB, ALCOHOL BEVERAGE LICENSING

Certification by City of Arab Building Inspector

NOTE: No inspections will be performed until classification of liquor sales type has been verified by the Alcohol Beverage Control (ABC) Board.

Date: _____

I hereby certify that _____

doing business as _____

does meet all requirements of the International Building Code, current adopted edition, as prescribed

by the City of Arab, to operate _____

in the City of Arab.

Building Inspector

Notes: _____

CITY OF ARAB, ALCOHOL BEVERAGE LICENSING

Certification by City of Arab Fire Department

NOTE: No inspections will be performed until classification of liquor sales type has been verified by the Alcohol Beverage Control (ABC) Board.

Date: _____

I hereby certify that _____

doing business as _____

does meet all requirements of the International Fire Code, current adopted edition, as prescribed by

the City of Arab, to operate _____ in

the City of Arab.

Fire Marshall

Notes: _____

ALCOHOL LICENSE TAX BOND

It shall be the duty of each person subject to a license fee, privilege tax, or excise tax imposed by this ordinance to deliver to the City of Arab, Alabama a bond conditioned to promptly pay to said City all such amounts as are required to be paid to said city under the terms of this ordinance, or any amendment hereto, and any other amount which may become due to the City of Arab, Alabama for any licensee fee, privilege tax, or excise tax becoming due after the date of the bond. The amount of the bond shall be Ten Thousand Dollars (\$10,000.00) for each location of the person's business that is engaging in activity with respect to which a license or excise tax under this ordinance is imposed. Such a bond must remain in place continuously during the entire period that the person is subject to a license fee, privilege tax, or excise tax imposed by this ordinance.

With respect to those instances where the consent and approval of the City Council is required with respect to the issuance of an alcoholic beverage license, such consent and approval will not be granted where the bond described in this section has not been delivered to the City Clerk, or the clerk's designated representative. Moreover, where such a bond is required by this section, no privilege license shall be granted, renewed, maintained, or allowed to be transferred where the City clerk, or his authorized representative, has not received or does not hold a valid and binding bond as required by this section.

Said bond shall be posted in substantially the same manner and form as shown below:

CITY OF ARAB
ALCOHOL ORDINANCE TAX OR FEE BOND

That _____, hereinafter called Principal, and _____, as Surety, are held and firmly bound unto the City of Arab, Alabama, a municipal corporation, in the sum of \$10,000.00, for the payment of which well and truly to be made we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of the foregoing is such, however, that WHEREAS, as one of the conditions precedent to the consent and approval of the City Council with respect to the issuance of an alcoholic beverage license, or to the granting, renewal, maintenance, transfer or allowance of a privilege license, the Principal is required to deliver to the City of Arab, Alabama, a bond conditioned to promptly pay to said City all such amounts as are required to be paid to said City under the terms of Ordinance No. 06-08, or any amendment thereto, and any other amount which may become due to the City of Arab, Alabama for any license fee, privilege tax, or excise tax imposed by said ordinance and becoming due after the date of the bond.

NOW, THEREFORE, the condition of this obligation is such, that if the Principal shall faithfully comply with all the laws and ordinances of the City of Arab now in force, or that may hereafter be adopted, and will promptly pay to said City of Arab, Alabama all such amounts as may become due as required under the terms of the above license, then this obligation is to become null and void; otherwise to remain in full force and effect.

If the Surety shall so elect, this bond may be cancelled by providing notice through certified mail to the City clerk-treasurer of the City of Arab, or his designated representative. This notice shall provide for 30 days' notice to the City of Arab and this bond shall be deemed cancelled at the expiration of said 30 days; the Surety remaining liable, however, subject to all the terms, conditions, and provisions of this bond, for any acts covered by this bond which may have been committed by the Principal up to the date of such cancellation.

IN WITNESS WHEREOF, the said Principal and the said Surety have hereunto set their hands and seals at Arab, Alabama on this the _____ day of _____, 20 _____.

_____(Seal)
Principal
BY: _____ (Seal)
Title

_____(Seal)
Surety
BY: _____
Title

Notice Provided to Surrounding Property Owners Concerning Application for Alcoholic Beverage License

Applicant: _____

Address: _____

License Type: _____

Date of City Council Consideration: _____

Time of Meeting: _____

The applicant named above has applied to the City of Arab for an alcoholic beverage license at the address indicated. This applicant is required to provide notice to the property owners, residents, and businesses located within 500 feet of this address of when this application will be considered by the Arab City Council. You have received this notice from the applicant in fulfillment of this requirement.

At the date and time shown above, this application will be considered by the Arab City Council in the Arab City Hall Court Room, located at 740 North Main Street. This is a public hearing and you are free to attend this meeting to voice your support or opposition to this application as you determine appropriate.

The City completes a comprehensive investigation of the application prior to submitting it to the City Council to insure that the applicant meets the appropriate zoning and building code standards, as well as performing a thorough criminal background investigation.

CERTIFICATION OF NOTICE TO SURROUNDING RESIDENTS, PROPERTY OWNERS AND BUSINESSES WITHIN 500 FEET

I hereby certify that I have circulated, or caused to be circulated, a notice of this application and the date it is to be considered by the Arab City Council to all residents, real property owners and businesses within a five hundred (500) foot radius of the property for which license is being requested by leaving a copy of said notice with each resident or business or with some person over eighteen (18) years of age at each location at least one week prior to the date said application is to be heard by the Arab City Council.

Signature: _____ Date: _____

Printed name of person signing: _____

Date of Meeting: _____ Time: _____

Do not complete this page until after the alcohol application is completed and returned to Arab City Clerk.

FORM 7

**City of Arab
Request of Transfer
Alcoholic Beverage License**

Seller Information:

City License #: _____

ABC License #: _____

Name of Business: _____

Address: _____

Buyer Information:

Name of Person/Entity: _____

Date of Sale/Assumption of Control: _____

As the current licensee for the above referenced business, I am requesting that the City of Arab grant their consent to the above named buyer to operate the business during the period while making application with the city. Further, I understand and accept the responsibility and the liability for the payment of any taxes that become due during this period should the above referenced buyer fail to file or report them to the City of Arab. I also understand that I will be required to maintain an alcohol license tax bond with the city until such time as the requested transfer is completed and the transferee has posted a similar bond with the city. Both parties listed above fully realize that a completed application must be filed with the city within thirty (30) days of the date of the sale or assumption of control of the business, whichever date is earlier. Both parties also understand that an application must be approved by the City Council and by the Alcoholic Beverage Control (ABC) Board of the State of Alabama prior to the transfer process being complete; such approval is not in any manner guaranteed or assured by completion of this request or compliance with the terms listed herein.

Signature of Seller: _____

Title of Seller: _____

Date: _____

Signature of Buyer: _____

Title of Buyer: _____

Date: _____

Date Request Received: _____