

No: 1856

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1856

(By Mr. Del. Whitlow + Del. Bailey)



Passed March 6, 1984

In Effect April 1, 1984 Passage



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COMMITTEE SUBSTITUTE

FOR

H. B. 1856

(By DELEGATE WHITLOW and DELEGATE BAILEY)

(Originating in the House Committee on the Judiciary)

[Passed March 6, 1984; in effect April 1, 1984.]

AN ACT to amend article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four-a, relating generally to the licensure of private clubs by the West Virginia alcohol beverage control commissioner; applications for such licensure and the content thereof; requiring notice of such application for clubs which are to be located within municipalities be given to the clerk or recorder of such municipalities and the duties of such clerk or recorder with respect thereto; report to the governing body of such municipality required and the contents thereof; comments by such municipality to such commissioner with respect to such licensure and the authority of the commissioner with respect thereto; and certain findings required to be made by the commissioner if licensure is denied.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four-a, to read as follows:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-4a. Notice of application for license to be given to municipal clerk or recorder; duties of clerk or recorder; consistency with zoning and community development programs; authority of commissioner.

1 A person intending to apply for a license to operate a
2 private club under the provisions of this article at any location
3 within a municipality shall file a notice of such intention with
4 the clerk or recorder of such municipality at least ten days
5 prior to filing an application for such a license with the
6 commissioner. Such notice shall include the address and a
7 general description of the premises to be licensed, the food
8 services to be offered and the patron capacity of the club. The
9 clerk or recorder of the municipality shall report such notice
10 to the governing body of such municipality at its next regular
11 meeting or special meeting to be held not sooner than two days
12 thereafter, together with a report of the zoning administrator
13 for such municipality, if any there be, as to whether:

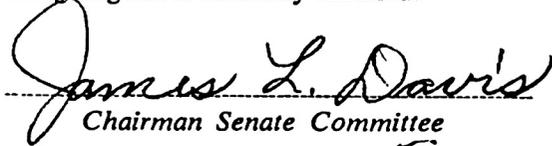
14 (1) The proposed location of said private club is con-
15 sistent with the zoning ordinances as either a permitted use
16 or a conditional use of such premises; and

17 (2) The premises are situate in an area designated for
18 the use of community development block grant funds in the
19 municipality, and, if so situate, whether the planned use of the
20 premises is consistent with any plan adopted by the governing
21 body for revitalization or rehabilitation of such area.

22 Within ten days of such report, the governing body may
23 submit written comment upon such intended use to the com-
24 missioner, who shall deny the license upon a finding that
25 the use of the premises is neither a permitted nor a con-
26 ditional use under the zoning ordinances of such municipality
27 and that the municipality provides within its business zones
28 suitable alternative locations. The commissioner may deny
29 the license upon a finding that such use is incompatible with
30 any plan adopted by the governing body for revitalization or
31 rehabilitation of the area wherein such premises are situate.
32 The municipality shall not unreasonably exclude a use of the
33 premises which is compatible with such plan or zoning or-

34 dinance solely because the use includes premises licensed under
35 this article.

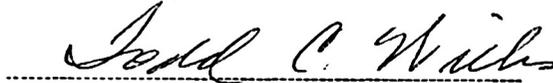
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

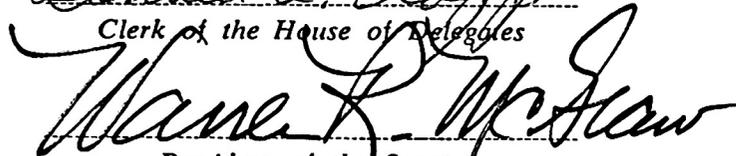

Chairman House Committee

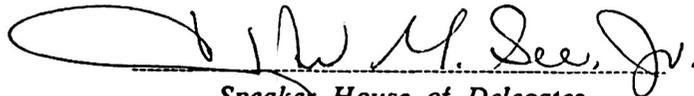
Originating in the House.

Takes effect April 1, 1984.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 30
day of March, 1984.


Governor

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