WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

Com. Sub. for
HOUSE BILL No. 1856

(By Mr. Whitlow & Mr. Bailey)

Passed March 6, 1984

In Effect April 1, 1984
ENROLLED

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.

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

(1) The proposed location of said private club is consistent with the zoning ordinances as either a permitted use or a conditional use of such premises; and

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

Within ten days of such report, the governing body may submit written comment upon such intended use to the commissioner, who shall deny the license upon a finding that the use of the premises is neither a permitted nor a conditional use under the zoning ordinances of such municipality and that the municipality provides within its business zones suitable alternative locations. The commissioner may deny the license upon a finding that such use is incompatible with any plan adopted by the governing body for revitalization or rehabilitation of the area wherein such premises are situate. The municipality shall not unreasonably exclude a use of the premises which is compatible with such plan or zoning or-
dance solely because the use includes premises licensed under this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Arnold Fikes
Chairman House Committee

Originating in the House.

Takes effect April 1, 1984.

J. Wade With
Clerk of the Senate

Donald L. Nepp
Clerk of the House of Delegates

Walter P. Miller
President of the Senate

W. L. Seay, Jr.
Speaker House of Delegates

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

John R. Dugger
Governor