

**Article 749**  
**Nonintoxicating Beer**

<b>749.01 Defined.</b>	<b>749.05 Revocation of license.</b>
<b>749.02 Sales restricted.</b>	<b>749.06 License fees.</b>
<b>749.03 License required.</b>	<b>749.99 Penalty.</b>
<b>749.04 Transfer of license prohibited.</b>	

**CROSS REFERENCE**

Nonintoxicating beer - see WV Code Art. 11-6

Municipal license tax - see WV Code Art. 11-16-17

Liquor control - see GEN. OFF. Art. 521

**749.01 DEFINED.**

For the purpose of this article, “Nonintoxicating beer” shall mean all cereal or malt beverages or products of the brewing industry commonly referred to as beer or ale, containing not more than three and two-tenths percent of alcohol by weight.

(1978 Code Sec. 3-15)

**749.02 SALES RESTRICTED.**

No person shall sell, distribute or otherwise dispose of any cereal or malt beverages which do not comply with the definition of Nonintoxicating beer contained in the preceding section.

(1978 Code Sec. 3-16)

**749.03 LICENSE REQUIRED.**

No person shall sell, distribute or dispose of any Nonintoxicating beer within the Town/City before securing both a State and City license. No Town/City license shall be granted any beer manufacturer; wholesaler, distributor or retailer, unless prior to that time such person has already secured a State license.

(1978 Code Sec. 3-17)

**749.04 TRANSFER OF LICENSE PROHIBITED.**

No license issued under the provisions of this article shall be transferred to any other person, nor shall the location of the premises to which the license relates be changed without the written consent of the licensing authorities of the Town/City, which consent may be refused at their discretion. (1978 Code Sec. 3-18)

**749.05 REVOCATION OF LICENSE.**

Any license granted by the Town/City under this article may be revoked at any time for a violation by the licensee of any provision of this article or any provision of any State law governing the productions, distribution, sale and consumption of Nonintoxicating beer, and the Town/City licenses granted under this article shall be automatically revoked if the State license held by such license is revoked for any cause whatsoever.

(1978 Code Sec. 3-19)

**749.06 LICENSE FEES.**

(a) For every license to operate as a retail dealer in and of Nonintoxicating beer, where such beer may be consumed on the premises thereof, the annual license fee shall be one hundred fifty dollars (\$150.00). For social, fraternal, or public groups operating for profit, the annual license fee shall be one hundred fifty dollars (\$150.00).

(b) For every license to operate as a retail dealer in and of Nonintoxicating beer, where such beer is not consumed on the premises, the annual license fee shall be one hundred fifty dollars (\$150.00) for each place of business.

(c) For every license to act or operate as a wholesaler and distributor of Nonintoxicating beer, the annual license fee shall be one thousand dollars (\$1,000.00) for each place of business within the Town/City.

(d) For the license to act or operate a brewer, the annual license fee shall be **one thousand five hundred dollars (\$1,500.00)** for each place of manufacture within the Town/City.

(e) For a failure to pay the license fees imposed by this article, the person owing such fee shall be required to pay a penalty in addition to the license fees above provided. The amount of the penalty shall equal ten percent (10%) of the annual fees imposed on persons operating in such capacities for each month or fractional part thereof during which the license fee remained unpaid.

(1978 Code Section. 3-20 to 3-24) (Passed 5-23-00)

**749.99 PENALTY.**

Any person convicted of violating the preceding section of this article shall, upon conviction, be fined in an amount not to exceed five hundred dollars (\$500.00), or imprisoned for a period not to exceed thirty days, or both.

(1978 Code Sec. 3-25)