

ORDINANCE NO. 5

An Ordinance entitled " AN ORDINANCE DEFINING, REGULATING AND CONTROLLING THE SALE OF INTOXICATING LIQUORS, INCLUDING MALT BEVERAGES, PROVIDING FOR THE SALE OF MALT BEVERAGES, AS DEFINED, BY THE DRINK, AND FOR THE SALE OF OTHER INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE, PROVIDING FOR THE OBTAINING OF LICENSES AND FEES TO BE PAID THEREFOR, SETTING UP QUALIFICATIONS NECESSARY TO THE OBTAINING OF LICENSE, PROVIDING FOR A BOND, PROHIBITING THE SALE OF INTOXICATING LIQUOR ON SUNDAY, ON ELECTION DAYS, BETWEEN CERTAIN HOURS, TO HABITUAL DRUNKARDS, TO ONE UNDER 21 YEARS OF AGE, WITHIN A CERTAIN DISTANCE OF A CHURCH OR SCHOOL, AND SETTING UP OTHER REGULATIONS" was, upon motion, duly seconded that said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth:

AN ORDINANCE DEFINING, REGULATING AND CONTROLLING THE SALE OF INTOXICATING LIQUORS, INCLUDING MALT BEVERAGES, PROVIDING FOR THE SALE OF MALT BEVERAGES, AS DEFINED, BY THE DRINK, AND FOR THE SALE OF OTHER INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE, PROVIDING FOR THE OBTAINING OF LICENSES AND FEES TO BE PAID THEREFOR, SETTING UP QUALIFICATIONS NECESSARY TO THE OBTAINING OF LICENSE, PROVIDING FOR A BOND, PROHIBITING THE SALE OF INTOXICATING LIQUOR ON SUNDAY, ON ELECTION DAYS, BETWEEN CERTAIN HOURS, TO HABITUAL DRUNKARDS, TO ONE UNDER 21 YEARS OF AGE, WITHIN A CERTAIN DISTANCE OF A CHURCH OR SCHOOL, AND SETTING UP OTHER REGULATIONS.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO. 5

SECTION I

Intoxicating liquor is defined as any liquor or beverage containing alcohol in excess of 3.2% by weight.

SECTION II

Sale of intoxicating liquor in the original package is

defined to be the sale at retail of any liquor containing alcohol in excess of 5% by weight in the original package, whether said original package be composed of glass, tin, wood, pottery, or any other substance, said package to contain one-half pint of liquor or more by volume, The sale of liquor in the original package containing less than one-half pint by volume shall be held to be the sale of intoxicating liquor by the drink.

SECTION III

Malt liquor is defined to be any beverage containing alcohol in excess of three and two-tenths per cent (3.2%) by weight and not in excess of five per cent (5%) by weight, manufactured from pure hops and/or pure extract of hops and/or pure barley, malt and/or wholesome grains or cereals and wholesome yeast and pure water.

SECTION IV

The term person as used in this Ordinance shall be taken to mean and include any individual, firm, association, partnership, corporation or other form of business organization.

SECTION V

The sale of intoxicating liquor other than malt liquor as herein defined, by the drink, shall be and is hereby prohibited.

SECTION VI

The sale of malt liquor as defined herein by the drink shall be permitted, subject to the changes herein and additions hereto that may be made from time to time, and subject to the payment of the license fees, provided herein and subject to the furnishing of a bond, as provided herein.

SECTION VII

The sale of intoxicating liquor at retail in the original

package as defined herein shall be permitted, but said intoxicating liquor so sold shall not be consumed upon the premises where sold, nor the original package opened on the premises where sold. And said sale shall be subject to the rules and regulations contained herein and to the changes herein and additions hereto that may be made from time to time, and subject to the payment of a license fee provided herein, and subject to the furnishing of a bond, as provided herein.

SECTION VIII

No person holding a license issued under the provisions of this Ordinance authorizing him to sell intoxicating liquor in the original package shall be permitted to hold or obtain a license for the sale of malt liquor by the drink for consumption on the premises where sold, nor shall such a person be permitted to hold or obtain a license for the sale of non-intoxicating beer.

SECTION IX

The various license fees required and imposed under this Ordinance for the licenses authorized to be issued by the Ordinance shall be as follows: (a) For the sale of malt liquor containing alcohol not in excess of 5% by weight, both by drink and in the original package, the sum of \$20.00 per year. The holder of a license to sell malt liquor containing alcohol not in excess of 5% by weight shall also be allowed to sell non-intoxicating beer without obtaining any further license. (b) For the sale of all intoxicating liquors in the original package at retail \$50.00 (c) For the sale of non-intoxicating beer by the drink and in the original package the sum of \$20.00.

SECTION X

No persons shall be granted a license under this Ordinance unless such person is an American citizen, over the age of 21 years, of good reputation, free from conviction of any crime punishable by sentence of over a year in jail.

SECTION XI

Before engaging in any of the businesses authorized by this Ordinance, one must be the holder of a license authorizing him to engage in the exact business he is engaging in. The procedure in obtaining such a license shall be as set out in Section XII.

SECTION XII

All applications for licenses under the provisions of this act shall be made in writing signed and verified by the applicant to the Board of Aldermen. Said application shall state the name, age, sex and moral qualifications of the applicant, shall further state the type of business the applicant desires to enter into, the place where he will conduct such business and other things deemed pertinent by the Board of Aldermen. Application for a license to sell intoxicating liquor in the original package shall be accompanied by the sworn inventory and appraised valuation of the stock of goods, wares and merchandise, at the place of business from which applicant proposes and desires to carry on the sale of intoxicating liquor in the original package, and no such license shall be issued to any person who does not have and keep in his place of business a stock of goods having the value of at least \$1,000.00. The appraisalment of articles shown in the inventory shall be based on the list price at which said articles were sold to the applicant. No application shall

be granted by the Board of Aldermen at the same meeting of the Board of Aldermen at which the application is presented unless by the unanimous vote of the Board of Aldermen.

SECTION XIII

Upon approval of the application by the Board of Aldermen and payment of the license fee herein provided for, and posting of the properly approved bond herein provided for, the City Clerk shall grant applicant a license to conduct the business as applied for and approved in the City of Portage Des Sioux from the date of issuance of said license until the 30th day of June of the year following its issuance, provided further that the City Clerk shall not deliver to any person a license under the provisions of this Ordinance until such person shall produce the receipt of the City Collector showing that the taxes, real and personal, levied and due on the place covered by the license and the contents therein have been paid. All licenses issued under this Section shall be from the period commencing July 1st of the current year until the 30th day of June of the following year.

SECTION XIV

Every applicant under the provisions of this Ordinance shall, together with his application, present a bond in the sum of Two Hundred Fifty Dollars (\$250.00) with sufficient surety, to be approved by the Board of Aldermen. Said bond is to be given for the faithful performance of all duties imposed upon the licensee, and for the faithful performance of all the requirements of this Ordinance, and any violation of such conditions, duties or requirements, shall be a breach of said bond and shall automatically cancel and forfeit the license granted hereunder. Said breach of said bond shall be in addition to all other penalties

imposed by this Ordinance and not to the exclusion of said additional penalties, provided further, that no person financially interested in the sale of any intoxicating liquor, including malt liquor, at wholesale shall be accepted as surety.

SECTION XV

No license shall be transferable or assignable, nor shall it be used on premises other than the premises for which it was issued, and the premises at which the liquor may be sold thereunder shall be described therein with particularity.

SECTION XVI

Each license issued in compliance with the provisions of this Ordinance shall be for a period from the date of the approval by the Board of Aldermen of the application for the license from the period commencing July 1st of the current year until the 30th day of June of the following year, thereafter renewable annually unless revoked for cause, as herein provided. The rules and regulations governing the renewal of a license shall be the same as those governing the issuance of the original license. If a license be issued for less than a year, the cost of said license shall be in the same proportion to the total license fee for a full year as the period for which it is to run bears to a full year.

SECTION XVII

No person having a license under the provisions of this Ordinance shall sell, give away or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity between the hours of 12:30 A.M. and 6:00 A.M.

SECTION XVIII

No person having a license under the provisions of this

Ordinance shall sell, give away or otherwise dispose of, or suffer the same to be done, upon or about his premises, any intoxicating liquor in any quantity on the first day of the week, commonly called Sunday, or upon the day of any general, special or primary election in this state, or upon any County or Town election day, provided the sale of such intoxicating liquor may be resumed on any such election day after the expiration of the 30 minutes next following the hour or time fixed by law for the closing of the polls at any such election.

SECTION XIX

No person having a license under the provisions of this Ordinance shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity to a habitual drunkard or to any person who is under, or apparently under, the influence of liquor.

SECTION XX

Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of 21 years, but this shall not apply to the supplying of intoxicating liquor to persons of said age for medicinal purposes only. No person under the age of 21 years shall sell or assist in the sale or dispensing of intoxicating liquor.

SECTION XXI

No person having a license under this Ordinance to sell malt liquor as defined herein shall be permitted to sell non-intoxicating beer at the place of business for which he is licensed to sell malt liquor at any time or in any manner or to any person that it would be unlawful for him to sell malt liquor under the provisions of this Ordinance.

SECTION XXII

No license shall be granted for the sale of intoxicating liquor within 300 feet of any school or church, provided, however, that if an applicant for a license to sell intoxicating liquor shall have first obtained the consent in writing of the majority of the Board of Directors or managing board of such school or church, then the said applicant may, if his license be approved, sell intoxicating liquor within 300 feet but not nearer than 100 feet of any school or church.

SECTION XXIII

It shall be a penal offense to violate any of the provisions of this Ordinance, and anyone so doing shall, upon conviction thereof, be punished by a fine not exceeding \$100.00, and every judgment assessing a fine shall contain a provision that defendant stand committed to jail until the judgment is complied with, or by sentence to be put to work to perform labor on the public streets, highways and alleys of the City of Portage Des Sioux, or other public works or buildings of the said City, for such purposes as the Board of Aldermen may deem necessary for a period of days not to exceed thirty, and anyone so sentenced, upon refusal to work when commanded to do so, may be punished in such manner as the Board of Aldermen may prescribe provided that such punishment shall not be cruel or excessive, or by both fine and sentence of labor.

SECTION XXIV

It is made the duty of the Marshal of the City of Portage Des Sioux, whose duty it is or shall be to make arrests, to diligently suppress any violation of this Ordinance, and to this end, the said Marshal is hereby authorized and directed to arrest

with or without a warrant any person or persons found violating any provision of this Ordinance, and if an arrest be made without a warrant, then the officer making same shall immediately report to the Board of Aldermān .

SECTION XXV

The Board of Aldermen shall have jurisdiction to try all violations of this Ordinance. Upon a written verified complaint submitted by any found by the Board of Aldermen to be a responsible and trustworthy person, competent to testify in the case, the Mayor, as Police Judge, may issue a warrant for the arrest of anyone accused of violating the provisions of this Ordinance, said warrant to be directed to the Marshal of the City of Portage Des Sioux or to any other proper person.

SECTION XXVI

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

Enacted_____.

MAYOR
ATTEST:

CLERK

ALDERMEN