

ORDINANCE NO. 14.

An Ordinance in Relation to Licenses.

Be it Ordained by the Board of Aldermen of the City of St. Mary, as follows:

SEC. 1. Merchants to Have License.—Every person or co-partnership of persons or corporation who shall deal as a merchant, within the limits of the city, without first obtaining a license therefor, signed by the city clerk and countersigned by the collector, and every person offending shall forfeit to the city not less than ten nor more than one hundred dollars for every offense, to be recovered as other fines and penalties.

SEC. 2. Merchants Defined.—Every person or co-partnership of persons who shall deal in the selling of goods wares and merchandise, at any store, stand or place occupied for that purpose, is declared to be a merchant.

SEC. 3. Statement.—On the first Monday in June, in each year, it shall be the duty, of every person or co-partnership of persons, having obtained a license as provided by this ordinance to file with the collector a statement of the greatest amount of goods, wares and merchandise which he or they may have had on hand at any time between the first Monday in March and the first Monday in June next preceding; said statement shall include goods, wares and merchandise owned by such merchants and such as may be consigned to him or them for sale by other parties. The city clerk shall, on or before the first day of August next, after the filing of such statements, enter an abstract of such statements in a book to be known as the "Merchant's Tax-book," which shall contain the names of the merchants alphabetically arranged, the amount of each statement, and the amount of taxes levied thereon, which shall be the same rate as taxes assessed for the time being on real estate, and he shall on or before the first day of August make out and deliver to the collector a copy of such abstract for the year ending, and take his receipt therefor, which receipt shall specify the aggregate amount of taxes due thereon, which amount shall be charged to the collector.

SEC. 4. Collector to Make Lists, etc.—The collector shall enter in lists, arranged alphabetically, every statement made to him, as aforesaid, showing the names, and amounts of goods, wares and merchandise, kept for sale, stated by each merchant; which lists shall be made out and delivered to the city clerk on or before the first Monday in July in each year.

SEC. 5. Clerk to Make out License, etc.—It shall be the duty of the city clerk, immediately after receiving the lists from the collector, to make out licenses and deliver them to the collector, take his receipt therefor and charge him with the aggregate amount thereof, which license shall be substantially in the following form;

The City of St. Mary, To all who shall see these Presents—

Greeting:

Know YE, That A. B., having, on the day of
A. D. 18., paid to C. D., collector for the City of St. Mary, the
sum of dollars, being the tax imposed on him as a merchant,
therefore the said A. B. is hereby authorized to sell any goods, wares
or merchandise of any description at any one store or place of busi-

ness within the city for the period of one year, ending on the first Monday in June, 18....

In Testimony Whereof, I, E. F., City Clerk of the City of St. Mary, have hereunto set my hand and seal this....day of....18...

No.....

(Signed) E. F., City Clerk.

\$.

(Signed) C. D., City Collector.

Delivered this.....day of.....18....

SEC. 6. Statements for Fraction of Year.—Any person or co partnership of persons, who may establish themselves as merchants within the city, after the first Monday of June, in any year, and shall furnish the collector with a statement of the amount of goods, wares and merchandise then on hand, or whose license, obtained under previously existing ordinances, may expire during the fiscal year commencing on the first Monday of June, 1892, shall pay the remainder of said fiscal year such part of the tax levied under this ordinance as shall be in proportion to the unexpired year.

SEC. 7. Penalty for Failure to Pay Tax.—Every person who shall fail, neglect or refuse to pay the tax levied under this ordinance, within the time above specified, shall forfeit and pay, in addition to the tax due, a fine of one half of the amount of said tax, to be recovered as other fines are.

SEC. 8. For Failure to Make Statement.—If any person, or co-partnership of persons, shall fail, neglect, or refuse to deliver the statement required by this ordinance, within the time specified, he shall be deemed guilty of a violation of this ordinance; and the collector shall assess the goods, wares and merchandise at double their actual cash value, to be ascertained according to the best information he can obtain.

SEC. 9. Sale of Liquor.—No such license shall authorize any merchant to sell vinous, fermented or spirituous liquors in any quantities to be drank at his store, stand or warehouse, or other place of business, nor in any quantities less than five gallons, for any purpose whatever; but a dealer in drugs and medicines may sell such liquors in any quantities and under such conditions and restrictions as may be provided by the laws of the State of Missouri in relation to the sale of liquors by druggists and pharmacists.

SEC. 10. To Take Out License.—No person shall, in this city, or within one mile thereof, directly or indirectly, sell intoxicating liquors in any quantity less than one gallon, without taking out a license as a dramshop keeper.

SEC. 11. License Not Assignable, etc.—No dramshop keeper shall keep such dramshop at more than one place at the same time; nor shall the license of a dramshop keeper be assignable or transferable.

SEC. 12. Application for Dramshop License.—Application for a license as a dramshop keeper shall be made in writing to the Board of Aldermen, if in session, and if not in session to the city clerk, and shall state specifically where the dramshop is to be kept, accompanied by a petition signed by the majority of the resident tax paying citizens of the city of St. Mary, then the Board of Aldermen, if in session, and if not in session the city clerk, shall grant such license; provided, however, that the Board of Aldermen, if in session, and if not in session, the city clerk, shall be of opinion that the applicant is a person of good character.

SEC. 13. Time for Which Licenses are Granted.—Every dramshop license issued under this ordinance shall date from, and expire on, the 3rd days of February and August of each year, and shall be issued for a term of six months and no longer; provided, however, that any person who shall commence such dramshop after the 3rd days of February and August in each year, shall only be required to pay the proportionate part of such license money, to be ascertained by the proportionate part of the time unexpired to the next regular day for issuing dramshop licenses, but each fractional part of a month shall be counted as a whole month.

SEC. 14. Statement of Goods on Hand.—Every applicant for such license shall, at the time of presenting his application, deliver to the board or clerk a statement in writing, verified by affidavit, of the full amount of all intoxicating liquors received at his stand or shop within six months next preceding the date of such statement, on which amount there shall be levied and collected for city purposes, an *ad valorem* tax of the same amount as that paid by merchants upon merchandise.

SEC. 15. Bond, Conditions, etc.—Before such licenses shall be granted, the board of aldermen shall require of the person applying for it a bond, to be given to the city of St. Mary, in the sum of one thousand dollars, with two or more sureties, to be approved by the board of aldermen, conditioned that the person obtaining such license shall keep at all times an orderly house, and that he will not sell, give away or otherwise dispose of, or suffer the same to be done about his premises, any intoxicating liquors in any quantity, to any minor, without the consent of the parent, master or

guardian or such minor, and conditioned that he will not violate any of the provisions of this article, and that he will pay all fines, penalties and forfeitures which may be adjudged against him under the provisions of this article.

SEC. 16. License Tax.—Upon every such dram shop license there shall be levied a tax of seventy-five dollars for every period of six months.

SEC. 17. Clerk to Deliver Lists of Licenses, etc.—The clerk shall deliver to the city collector of the city, without delay, a statement of the licenses granted by the Board of Aldermen, the amount of tax levied upon each license, including the *ad valorem* tax, and charge the collector with the amount contained in every such statement (for which he shall receive a fee of one dollar).

SEC. 18. Clerk's Fees for Issuing License.—The clerk shall make out all licenses mentioned in this ordinance, and his fee for issuing each license shall be fifty cents—to be paid by the applicant.

SEC. 19. Duties of City Clerk and Collector.—Upon the presentation of the proper application for a dramshop license, as provided in the preceding sections of this ordinance, the clerk shall issue such license, and shall deliver the same to the city collector, and charge him with the amount of each license issued.

SEC. 20. Sale to Minors, etc., Unlawful.—Any sale, gift or other disposition of intoxicating liquors made to any minor without the permission or consent herein required, or to any habitual drunkard, by any clerk, agent or other person acting for any dramshop keeper, druggist, merchant or other person, shall be deemed and taken to be, for all the purposes of this article, as the act of such dramshop keeper, druggist, merchant or other person.

SEC. 21. Sale on Sunday Forbidden.—Any person having a license as a dramshop keeper, who shall keep open such dramshop, or shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises, any intoxicating liquors in any quantity, on the first day of the week, commonly called Sunday, or upon the day of any election in this state, shall, upon conviction thereof, be punished by fine not less than \$5 or more than \$100.

SEC. 22. License May be Revoked.—Whenever it shall be shown to the board of aldermen, upon the application of any person, that any dramshop keeper of this city has not

kept at all times an orderly house, the board of aldermen may order the license of such dramshop keeper to be revoked, and from the date of such order the dramshop keeper shall be deemed to have no license, and to be without the authority of law to act as a dramshop keeper; but the dramshop keeper shall be notified, in writing, of such application five days before the order shall be made, and costs shall be awarded against the losing party. Any dramshop keeper, being licensed according to this ordinance, who shall permit any person or persons, on his or her premises within the corporate limits of the town of St. Mary, to quarrel, fight, or otherwise disturb the peace and quiet of the citizens of the town of St. Mary, or any part thereof, without using due diligence, and, if necessary, call in the authorities of the town to prevent the same, shall be considered as keeping a disorderly house, and be deemed guilty of a violation of this ordinance.

SEC. 23. Intoxicating Liquor Defined.—The term "Intoxicating Liquor," as used in this chapter, shall be construed to mean fermented, vinous and spirituous liquors, or any composition of which fermented, vinous or spirituous liquors is a part, and all the foregoing provisions shall be liberally construed as remedial in their character.

SEC. 24. Sundry Licenses.—It shall not be lawful for any person to exercise, within the city, the business of a peddler, or to keep a billiard table, nine or ten pin alley, shuffle board, bagatelle table, pigeon hole tables, or Jenny Lind tables or any table upon which balls and cues are used; or to conduct or manage within the city, or within one mile of the city limits thereof, for gain, a circus, exhibition, show, rotary swing or riding gallery, or amusement of any kind without a license therefor.

SEC. 25. Peddlers Defined.—Whoever is declared by the laws of the State of Missouri to be a peddler, shall be so considered under this ordinance.

SEC. 26. Who Keeper of Ten Pin Alley.—A keeper of a ten pin alley is one who owns, possesses or keeps such an (alley without regard to the number of pins used) on which persons are permitted to play.

SEC. 27. Who Keeper of a Shuffle Board, etc.—A keeper of a shuffle board or bagatella table is one who owns, possesses or keeps such a board or table, at which persons are permitted to play.

SEC. 28. Who Keeper of Billiard Table.—A keeper of a billiard table, pool table or any table on which ball and cue are used, is one who possesses or keeps a billiard table whereon others are permitted to play, and for the use of which, or privilege of playing thereon, or for the time thereof, any money or its equivalent, or any check or counter in lieu of money shall be paid or received therefor.

SEC. 29. Licenses Required, etc.—There shall be levied and collected on every license granted for any business or object hereinbefore specified, as follow: First: Peddler's Licenses —Peddlers who shall offer for sale any wares or merchandise, within the corporate limits of the city, shall pay a sum not less than one dollar nor more than five dollars for each day; the amount of such license to be determined by the mayor. Second: Upon a license to keep a billiard or pool table, five dollars per year for each table. Third: Upon a license to keep a nine or ten pin alley, five dollars per year for each alley. Fourth: Upon a license to keep a shuffle board or bagatelle table, ten dollars per year. Fifth: Upon a license for exhibition of a circus, equestrian exhibition, concert, exhibition of rope or wire dancing puppets, wax figures, paintings, statuary, tricks of legerdemain, pugilism, menagerie, or any other exhibition, show or amusement, within the meaning of this ordinance, not less than one nor more than twenty-five dollars for each day; the amount of such licence to be determined by the mayor. Provided, that for musical parties or concerts, and exhibitions of painting or statuary given or made by citizens of this city, and Thespian performance, no license shall be required.

SEC. 30. Licenses Not Assignable.—No license granted by this city shall be assignable or transferable; nor shall any such license authorize any person to do business or act under it but the person named therein, nor at more than one place at the same time.

SEC. 31. Penalties.—Whoever shall violate, or neglect or refuse to conform to and observe the provisions of this ordinance shall be liable and subject to pay a fine of not less than one dollar nor more than one hundred dollars, to be sued for and recovered as in other cases of breaches of city ordinances.

SEC. 32. This ordinance to take effect and be in force from and after its passage.

Passed and approved July 15th, 1892.

E. S. LAWBAUGH, Mayor.

Attest: H. G. ROSEMAN, City Clerk.