

Bill No. 176

(Original)

ORDINANCE NO. 176.

AN ORDINANCE RELATING TO THE REGULATION AND CONTROL OF THE SALE OF INTOXICATING LIQUOR BOTH AT WHOLESALE AND RETAIL; DEFINING INTOXICATING LIQUOR AND OTHER TERMS; PROVIDING FOR THE ISSUANCE OF LICENSES FOR THE MANUFACTURE, DISTILLING, BREWING AND SALE, BOTH AT WHOLESALE AND RETAIL OF INTOXICATING LIQUOR; PRESCRIBING THE FORM OF LICENSE, THE AMOUNTS TO BE CHARGED THEREFOR AND THE COLLECTION THEREOF; AND PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF;

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BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

SECTION I. This Ordinance may be cited as the Liquor Control Ordinance.

SECTION II. The term "intoxicating liquor" as used in this ordinance, shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes, containing in excess of three and two tenths per cent (3.2%) of alcohol by weight.

SECTION III. It shall be unlawful for any person, firm, partnership or corporation to manufacture, distill, brew, sell, or expose for sale in this City, intoxicating liquor as herein defined, in any quantity whatever, without first procuring a license therefor.

SECTION IV. Application for a license to manufacture or sell intoxicating liquor under the provisions of this ordinance, shall be made in writing to the Board of Aldermen of this City. The application shall state the name of the applicant, the name of the business he or it conducts, the type of license he or it desired, the specific location of the place of business, the place of residence of the applicant and such other information as will assist the Board of Aldermen in determining whether or not the application should be granted. If upon the presentation of such application, and after due consideration and investi-

gation, the Board of Aldermen shall be of the opinion that the applicant is a law-abiding, assessed, tax paying citizen above the age of twenty one years, or any partnership or corporation so qualified, the Board of Aldermen may grant a license as applied for, for a period of six months, and no license shall be granted for a longer or a shorter period of time than six months.

SECTION V. Every applicant for a license to sell intoxicating liquor containing alcohol in excess of five per cent (5%) by weight, by the drink at retail for consumption on the premises where sold, shall, at the time of presenting his application, deliver to the clerk of this City, a statement in writing, verified by his affidavit, showing the full value and amount of all intoxicating liquor received at his place of business within six months next preceding the date of such statement, on which there shall be levied and collected for City purposes an ad-valorem tax of the same amount as that paid by merchants upon merchandise; provided that such statement shall be subject to increase or decrease by the board of equilization, as any other list of property given in for taxation.

SECTION VI. Before any license shall be granted under the provision of this ordinance the Board of Aldermen shall require of the person, firm, partnership or corporation applying for it, a bond, to be given to this City, in the sum of <sup>ONE</sup> ~~TWO~~ Thousand Dollars, with two or more sureties, residents of the City of St. Mary, of the County of Ste. Genevieve, to be appraised 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 liquor in any quantity to any minor, and that he will not sell, give away or otherwise dispose of any intoxicating liquor in any quantity to any intoxicated person, and conditioned that he will not violate any of the provisions of this ordinance, and that he will pay all taxes and license fees in this ordinance provided for, and all fines, penalties and forfeitures which may be adjudged against him under the provisions of this ordinance.

SECTION VII. Licenses may be granted under the provision of this

ordinance, as follows: For the sale of intoxicating liquor as herein defined, at retail in the original package not to be consumed upon the premises where sold; For the sale of intoxicating liquor, as herein defined, at retail by the drink for consumption on the premises where sold, which shall include the sale of intoxicating liquor in the original package; For the sale of malt liquor, as herein defined, at retail by the drink for consumption on the premises where sold; For manufacturing, distilling and/or blending of intoxicating liquor as herein defined; For the sale, at wholesale to a liquor dealer, of intoxicating liquor, as herein defined, containing not in excess of five percent (5%) of alcohol by weight; For the sale, at wholesale to a liquor dealer of intoxicating liquor containing not in excess of twenty-two per cent (22%) of alcohol by weight; And for the sale at wholesale, to a liquor dealer, all kinds of intoxicating liquor as herein defined. Provided, however, that no license shall be issued for the sale <sup>of</sup> intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person, firm, partnership or corporation engaged in, and to be used in connection with the operation of one or more of the following businesses: A drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionary and/or delicatessen store, nor to any such person, firm, partnership or corporation who does not have and keep in his store a stock of goods having a value according to invoices of at least Fifteen Hundred Dollars (\$1500.00), exclusive of fixtures and intoxicating liquor. And Provided further, that a separate license shall be required for each place of business. And provided further, that every license issued under the provisions of this ordinance shall particularly describe the premises at which intoxicating liquor may be manufactured or sold thereunder, and such license shall not be deemed to authorize or permit the manufacture or sale of intoxicating liquor, at any place other than that described therein.

SECTION VIII. Upon each of such licenses there shall be levied a license tax as follows: Upon a license for the sale of intoxicating liquor at retail in the original package, not to be consumed upon the

premises where sold the sum of Twenty Dollars (\$20.00); Upon the license for the sale of intoxicating liquor, as herein defined, at retail by the drink for consumption on the premises where sold, which shall include the sale of intoxicating liquor in the original package the sum of Seventy Five Dollars (\$75.00); Upon the license for the sale of malt liquor, as herein defined, containing alcohol in excess of three and two-tenths (3.2%) per cent by weight and not in excess of five (5%) per cent by weight, for consumption on the premises where sold, the sum of Twenty Five Dollars (\$25.00); For the manufacturing, distilling and/or blending of intoxicating liquors as herein defined, the sum of One Hundred Dollars (\$100.00); Upon a license for the sale at wholesale to a liquor dealer of intoxicating liquor as herein defined, containing alcohol in excess of three and two-tenths (3.2%) per cent by weight and not in excess of five (5%) per cent by weight, the sum of Twenty Five Dollars (\$25.00); For the sale at wholesale to a liquor dealer of intoxicating liquor, containing not in excess of twenty-two (22%) per cent of alcohol by weight, the sum of Twenty Five Dollars (\$25.00); And for the sale, at wholesale to a liquor dealer, of all kinds of intoxicating liquor the sum of One Hundred Dollars (\$100.00).

SECTION IX. No license issued under the provisions of this ordinance shall be transferable or assignable.

SECTION X. The city clerk shall without delay deliver to the City collector a statement of the licenses granted at each meeting of the Board of Aldermen, the amount of ~~xxx~~ city tax levied upon each license including the advalorem tax and charge the collector with the amount contained in every such statement.

SECTION XI. The collector shall without delay, collect from such person the amount specified in such statement, and give him a receipt for the same.

SECTION XII. The city clerk shall not deliver to any person a license, issued under this ordinance, until such person shall produce the receipt of the collector, showing that all the taxes levied on the same have been paid.

SECTION XIII. All such license shall be signed by the mayor and the clerk, and countersigned by the collector; and the clerk shall affix the seal of the City thereto.

SECTION XIV. No person having a license under the provisions of this act 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 or primary election in this state, or upon any county, city, town or municipal election day.

SECTION XV. No person having a license under the provisions of this act 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 twelve o'clock midnight and six o'clock A.M.

SECTION XVI. Every person possessing a license under this ordinance, or any other person, who 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 to any minor, without the written permission of the parent, master or guardian of such minor first had and obtained, or who shall have in his employ any such minor about his dramshop, or who shall allow or suffer such minor to play therein at cards, dominoes, dice, billiards, pigeon hole, pool or any other game, without such written permission aforesaid, shall be deemed guilty of a misdemeanor, and punished by a fine of not less than Fifty nor more than Two Hundred Dollars.

SECTION XVII. Nothing in this ordinance shall be so construed as to authorize the sale of intoxicating liquor in the original package, or at retail by the drink for consumption on the premises where sold, in a place commonly known as a "saloon," and no license shall be issued by the Board of Aldermen, for the sale of intoxicating liquor at retail by the drink for consumption on the premises where sold, in a place commonly known as a "saloon", nor in any building or room where there are blinds, screens, swinging doors, curtains or any other thing in such building or room that will obstruct or obscure the interior of such room ~~xxxx~~ from public view.

It shall also be unlawful for the holder of any license authorized by ordinance, for the sale of any intoxicating liquor at retail by the drink

for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor, other than the kind of liquor expressly authorized to be sold by such license.

SECTION XVIII. No license shall be granted to any person under this ordinance, who has been convicted of violating the laws of this State in relation to the Liquor Control, nor to any person who has violated any of the provisions of this ordinance prior to the time of his application for license.

SECTION XIX. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, where the punishment is not herein already specifically prescribed shall upon conviction, be punished by a fine of not less than Five Dollars nor more than Two Hundred Dollars, or by imprisonment in the City Jail for the period not exceeding three months, or by both such fine and imprisonment.

SECTION XX. All licenses issued under the provisions of this ordinance shall be issued in conformity with the provisions of sections of ordinance No. 176 of the City of St. Mary, Missouri.

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Passed this 28 day of December, 1934.

Henry Schroeder  
Mayor and Ex-officio President  
of the Board of Aldermen.

Attest: Joseph Layton  
City Clerk.

Approved this 29 day of December, 1934.

Henry Schroeder  
Mayor and Ex-officio President  
of the Board of Aldermen.

Attest: Joseph Layton  
City Clerk.