

ORDINANCE 52

AN ORDINANCE LICENSING AND REGULATING THE SALE OF NON-INTOXICATING MALE LIQUORS, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR THE VIOLATION HEREOF

The Village Council of the Village of Bird Island do hereby ordain:

Section 1. Definition of Terms.

(a) As used in this ordinance, the term “non-intoxicating malt liquor” shall mean any potable malt beverage with an alcoholic content of more than one-half of one per cent by volume and not more than three and two-tenths per cent by weight.

(b) A “bona fide club” as used herein shall be any club organized for social or business purposes, or for intellectual improvement, or for the promotion of sports, where the service of such liquors is incidental to an not the major purpose of the club.

(c) “Original package” as used herein shall mean the bottle or sealed container in which the liquor is placed at the place of manufacture.

(d) “Café” or “restaurant” as used in this ordinance shall mean any place where preparing and serving lunches or meals to the public to be consumed on the premises constitutes the business thereof.

Section 2. License required. No person shall sell, vend, deal in or depose of, by gift, sale or otherwise, or keep or offer for sale, any non-intoxicating male liquor within this Village without first having received a license therefore as hereinafter provided; except that persons may serve non-intoxicating malt liquor to guests in their homes without a license. There shall be two kinds of licenses: “On Sale” and “Off Sale”.

(a) “On Sale” license shall be granted only to drug stores, cafes, restaurants, hotels, and bona fide clubs, and shall permit the sale of such non-intoxicating male liquors for consumption on the premises only; and the license fee therefore shall be twenty-five (\$25.00) dollars per annum.

(b) “Off Sale” license shall be granted to permit the sale at retail and wholesale of such non-intoxicating malt liquors in the original packages for removal from, and consumption off the premises only; and the license fee therefore shall be five (\$5.00) dollars per annum.

Section 3. Application for License. All applications for any license to sell non-intoxicating malt liquor shall be made in writing on forms to be supplied by the Village, setting forth the name of the person asking for such license, whether such application is for an “on sale” or “off sale” license; and such other information as the governing body may require from time to time; provided that no license shall be granted until the village Council has investigated the license application and determined the character and reputation of the applicant.

Section 4. Granting of License. The Village Council shall have the full power and authority to grant or deny licenses to any person or persons.

Section 5. Conditions of License. All licenses grated hereunder shall be granted subject to the following conditions, and all other conditions of this ordinance.

(a) No sale of any non-intoxicating malt liquor shall be made to any person under guardianship, nor to any person under twenty-one (21) years of age.

(b) All premises where any license hereunder is granted shall be open to inspection by any police or health officer or other properly designated officer or employee of the Village at any time during which the place so licensed is open to the public for business.

(c) All licensed premises shall have the license therefore posted in a conspicuous place at all times.

(d) All licenses granted under this ordinance shall be issued to the applicant only and shall be issued for the premises described in the application. Such license shall not be transferred to another place without the approval of the Village Council; and no license shall be transferred to any other person.

(e) No manufacturer or distributor of non-intoxicating liquors shall have any interest, direct or indirect, in whole or in part, in the business, equipment or fixtures, of the licensed premises.

Section 6. Citizenship, Residence, and Character of Licensee. Licenses hereunder shall be granted only to persons who are citizens of the United States and residents of the Village of Bird Island and to persons of good moral character and repute.

Section 7. Giving to, and Purchasing for Certain Persons. It shall be unlawful for any person to give to, procure or purchase non-intoxicating liquors for any person under twenty-one (21) years of age.

Section 8. "Spiking" Prohibited. It shall be unlawful for any licensee to permit or allow "spiking" in, or on, the licensed premises.

Section 9. Closing hours. No sales of any non-intoxicating malt liquors shall be made between the hours of 12 P.M. and 6:00 A.M. of any day, nor on Sunday, nor on any Primary, general or special election day; provided, that "off sales" may be made between the hours of 4:00 A.M. and 12:00 P.M. of any day except Sunday, or on any primary, general or special election day.

Section 10. Not to be Sold or Consumed in Public Gathering. No sale on non-intoxicating malt liquors shall be made, nor shall any such liquors be consumed in any dance hall, fair ground, ball park, or other place of public gathering for amusement; provided, that this section shall not apply to ball parks which are construed as being operated as bona fide clubs, as defined under Section I, subdivision (b).

Section 11. No Bar, Partition, Box or Screen Permitted. In any place licensed for "on sales" the liquor sold shall be served and consumed at tables in the dining or refreshment room of the café, restaurant, hotel or club, and shall not be consumed or served at bars; provided, the same may be served at counters where food is regularly served and consumed. All windows in the front of any such place shall be of clear glass, and the view of the whole interior shall be unobstructed by screens, curtains or partitions. There shall be no partition, box, stall, screen, curtain or other devise which shall obstruct the view of any part of said room from the general observation of persons in said room; provided, however, the partitions, subdivisions or panels not higher than forty-eight inches from the floor shall not be constructed as in conflict with the foregoing; and provided, however, such license shall entitle the holder thereof to serve non-intoxicating malt liquors in a separate room of such restaurant to banquets of dinners at which are present not less than six (6) persons.

Section 12. Congregating, Assembling in Front of Licensed Premises. It shall be unlawful for any persons to collect, gather, assemble or congregate in front of any licensed premises so as to block, hinder or otherwise obstruct the right of ingress and egress to and from such premises, or the street and sidewalk thereof.

Section 13. Expiration of License. All licenses shall expire on the last day of June in each year; provided that if eight months of any licensing year have elapsed when the application is made, the fee shall be reduced to one half of the regular amount thereof.

Section 14. Revocation. Any license hereunder may be revoked by the Village Council without notice to the grantee, or a hearing may first be held by the Council and the revocation made for cause. Any violation of any provision or condition of this ordinance or any falsification of any statement in the application shall be ground for revocation. No portion of the license fee paid into the Village Treasury shall be returned upon revocation.

Section 15. Repeal and Prohibited Sale. All ordinances or provisions thereof of the Village in conflict with any of the provisions hereof are repealed. Nothing hereunder shall permit the manufacture, sale or transportation, or keeping or having in possession for sale or transportation of, or taking or receiving, or soliciting, any order for any liquor of a greater alcoholic content than three and two-tenths (3.2) per cent by weight except for medicinal, pharmaceutical or scientific purposes, and any such act is hereby made unlawful. Any violation of this provision upon the premises licensed hereunder shall also constitute grounds for revocation of the license, and the same shall be automatically revoked upon a conviction of the violation of this provision.

Section 16. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred (\$100.00) dollars, or in default of such payment shall be imprisoned in the County jail for not to exceed ninety (90) days, plus the costs of prosecution in any case.

Section 17. Effect. This ordinance shall take effect and be in force from and after its first publication (but not before April 7, 1933, in any case.).

Passed by the Village Council this 5th day of April, 1933.

Mayor

Clerk

Published in the Bird Island Union on April 6, 1933.