

(Original)

ORDINANCE NO. 100

AN ORDINANCE RELATING TO THE REGULATION AND CONTROL OF THE SALE OF NON-INTOXICATING BEER, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TUSCUMBIA, AS FOLLOWS:

Sec. 1. License Necessary.-- It shall be unlawful for any person to sell any non-intoxicating beer within the limits of the village of Tuscumbia without first having applied for, and secured, a license from the Board of Trustees of said village authorizing the sale thereof.

Sec. 2. License fees.-- Before any license required by this ordinance shall be issued, the license fee required therefor shall be paid to the village treasurer, and the receipt for such payment filed with the board of trustees. Annual fees required for licenses authorized by this ordinance shall be as follows:

(a) For a license authorizing the sale of non-intoxicating beer for consumption on premises where sold, \$10.00.

(b) For a license authorizing the sale of non-intoxicating beer by grocers and other merchants and dealers, for sale in the original package direct to consumers, but not for resale, \$5.00.

Sec. 3. License Year.-- The calendar year shall be the license year, and if a license be issued after January first of a particular year, it shall run from the date of issuance to the thirty-first day of December of the same year. If issued after July first, only one-half the annual rate shall be charged.

Sec. 4. Defining "non-intoxicating beer".-- The phrase "non-intoxicating beer" as used in this ordinance shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one per cent by volume and not exceeding 3.2 per cent by weight.

Sec. 5. How beer shall be sold.-- It shall be unlawful for any person to sell, or offer for sale, within the village of Tuscumbia, any non-intoxicating beer except the same shall be sold or offered for sale in the original bottle, or in the original package containing bottles, bearing the original label and full name of the brewer or manufacturer thereof, both upon the label on the bottle and upon the cap or cork of such bottle, or in the case of the sale of non-intoxicating beer on draught, except the same be drawn from the original keg or barrel having stamped on the ends thereof the full name of the manufacturer or brewer of non-intoxicating beer therein contained.

Sec. 6. Consumption on premises.-- Any license issued under the provisions of this ordinance authorizing the sale of non-intoxicating beer for consumption on the premises described in such license, shall be construed to authorize the sale of such non-intoxicating beer by the bottle, by the glass, on draught, and in the original package.

Sec. 7. Original package shall not be broken.-- It shall be unlawful for any person holding a license authorizing the sale of non-intoxicating beer in the original package, to allow such original package to be broken, or to allow any such non-intoxicating beer to be consumed, in or upon the premises described in such license.

Sec. 8. Defining the term "original package."--- The phrase "original package" as used in this ordinance shall be construed and held to refer to any package containing three, six, twelve, or twenty-four small standard beer bottles, and any package containing three, six or twelve large standard beer bottles, when such bottles contain non-intoxicating beer as defined in this ordinance.

Sec. 9. Definition of "person"--- The word "person" as used in this ordinance shall (as the case may require) be deemed to refer to, include and apply to, any person, firm, company, association, or corporation, to whom or to which any provision of this ordinance applies or may apply.

Sec. 10. Unlawful to keep or secrete intoxicating liquor on premises--- It shall be unlawful for any person holding a license to sell non-intoxicating beer under this ordinance to have or keep or secrete in or about the premises described in and covered by his license any intoxicating liquor of any kind or character.

Sec. 11. Drinking intoxicating liquors prohibited--- No person holding a license under this ordinance shall allow or permit any person in his place of business to drink any whiskey, wine, gin, beer (other than non-intoxicating beer) or other malt, spirituous, or intoxicating liquors of any kind or character.

Sec. 12. No dancing permitted--- No person having or holding a license to sell non-intoxicating beer under this ordinance shall permit or allow any dancing in, upon or about his premises.

Sec. 13. Games not allowed about premises--- It shall be unlawful for any licensee to set up, keep, use or permit to be kept or used in or about his place of business by any other person, or run or to be run in connection with such place of business, in any manner or form whatsoever, any billiard table, pool table or other gaming table, bowling or tenpin alley, cards, dice or any other device for gaming or playing any game of chance; and a licensee hereunder shall not permit any person in or about his place of business to play upon such table or alley, or with cards, dice, or any gaming device of any kind.

Sec. 14. Closing hours--- No person holding a license under this ordinance shall keep his place of business open, nor permit any lounging or loitering of persons or patrons therein, nor sell any non-intoxicating beer in any quantity, between the hours of twelve o'clock midnight and six o'clock A. M.

Sec. 15. License shall not be transferable or assignable--- No license issued under this ordinance shall be transferable or assignable; and a license to sell beer at the place designated in the license shall not authorize any sale of beer at any other place for any period of time whatsoever.

Sec. 16. Revocation of license - hearing--- Whenever it shall be shown to the board of trustees that a dealer licensed under this ordinance has not at all times kept an orderly place or house, or has violated any of the provisions of this ordinance, or has violated any law of the State of Missouri relating to the manufacture and sale of non-intoxicating beer, said board of trustees shall revoke the license of said dealer, but the dealer must have ten (10) days' notice of the application to revoke his license prior to the issuance of the order of revocation, with full right to have counsel, to produce witnesses in his behalf in such hearing and to be advised in writing of the grounds upon which his license is sought to be revoked.

Sec. 17. Penalty for violating preceding sections--- Any person violating the provisions of any of the preceding sections shall, upon conviction thereof, be punished by a fine of not less than Five Dollars nor more than one hundred dollars.

Sec. 18. Conflicting ordinances repealed--- All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

APPROVED: January 6th, 1941.

*L. Leas. M. Abbott*  
Chairman of Board of Trustees

ATTEST:

*Roger W. Stillwell*  
Village Clerk