

ORDINANCE NO. 142

An ordinance relating to the Licensing and regulating of the sale of spirituous liquors within the corporate limits of the Town of Jerome; fixing the amount of license fees and declaring an emergency; by amending Section 11 of Ordinance No. 123.

The Mayor and Common Council of the Town of Jerome, do ordain as follows, that Section 11 of Ordinance No. 123, be amended by adding thereto an Article which shall be known as Article 36 and shall read as follows:

Article 36. The term "spirituous liquor" shall be construed to embrace wine, port, ale, beer; all malt liquors; all malt beverages, and all compounds or mixtures of any of them with any vegetable or other substances; also, all liquid mixtures of preparations ~~which~~ ^{whether} patented or otherwise which shall produce intoxication; fruits preserved in ardent spirits and all beverages containing more than one-half of one per cent of alcohol by volume. The word "beer" means any beverage obtained by the alcoholic fermentation or the infusion or decoction of barley malt and/ or hops, and/ or other ingredients not drinkable.

The word "meal" means the consumption of food of a nature and quantity sufficient for the maintenance of the consumer. The word "sell" includes, to solicit, or receive an order for, to keep or expose for sale; to deliver for value; to peddle; to keep with the intent to sell; to traffic in. The word "person" may extend to and include a partnership, association, company or corporation as well as a natural person. The word "traveller" means a person who in consideration of a given price per day, or fraction of a day, on the American or European plan, or per meal, is furnished by another person with food or lodging, or both or is in transit on a public conveyance. The word "restaurant" means any establishment provided with special space and accommodations for not less than 10 guests at one time, where in consideration of payment food, or lodging are habitually furnished to travellers.

The word "retailer" means any person maintaining and operating a grocery store or drug store or pharmacy, engaged in the sale of beverages in regular packages to consumers with intent that such beverages in regular packages to consumers with intent that such packages shall be taken away from the premises of such retailer in unbroken condition; such beverages to be consumed off the premises of such retailer. Where the same person operates more than one store, hotel or restaurant, each of such stores, hotels or restaurants shall be considered separate and distinct from the other and required to have a separate license.

Paragraph 2. It shall be unlawful for any person to sell spirituous liquors, within the Corporate limits of the Town of Jerome, without first having procured a license as herein provided.

Paragraph 3. Any person desiring a license to sell spirituous liquors within the corporate limits of the Town of Jerome, shall make application therefor to the Town License Collector, upon a form to be

provided by said license collector. A license may be issued with the approval of the mayor and common council of the Town of Jerome when a proper showing has been made as to the capability and reliability of the applicant; provided, however, that the number of licenses issued in each class provided for in Paragraph 11 of this ordinance, may be regulated by the Mayor and Common Council. Licenses shall be divided into the following classes:

- (a) For the sale of beer and wines; and
- (b) For the sale of spirituous liquors other than beer and wines; and
- (c) For the sale of all classes of spirituous liquors in wholesale quantities.

Every license shall be issued for the calendar year and will give to the person named therein the right to sell beer and wines and/ or spirituous liquors other than beer and wines in the place and in the manner provided in said license. No license shall issue to any person, who within one year prior to the application therefor or issuance thereof, shall have violated the terms or provisions of any license therefore issued by the Town of Jerome or any of the terms or provisions of this ordinance. All licenses shall be revocable for any violation thereof or of the provisions of this ordinance upon due notice to the licensee and a hearing before the mayor and common council of the Town of Jerome. No license shall be valid in the hands of any person who secured the same under an assumed name or by any other false representation.

Paragraph 4. Licenses to sell beer and wines and/ or spirituous liquors other than beer and wines at retail for consumption elsewhere than on the premises shall be issued only to persons operating bona fide grocery or drug stores. Retailers shall sell spirituous liquors only in the original container, and shall not permit such liquors so sold to be consumed on the premises.

Paragraph 5. Any person owning or operating a bona fide restaurant and desiring to sell and serve spirituous liquors to his patrons, shall first apply to the license collector for a license so to do. Before issuing a license the Town License Collector shall satisfy himself that such applicant is maintaining and operating a bona fide restaurant, is of a good moral character, a law abiding person, and not liable to violate the provisions of this ordinance. It shall be lawful for any licensee holding a restaurant license to sell or serve beer and wines and/ or spirituous liquors other than beer and wines to patrons of such restaurant to be served and consumed only with meals furnished in good faith to such patrons. It shall be unlawful for any restaurant owner or operator to serve, sell or furnish spirituous liquors except as herein provided, or to serve, sell or furnish liquors to any intoxicated or disorderly person, or to allow or permit any such intoxicated or disorderly person to come into or to remain in or about such premises.

Paragraph 6. Any person owning, conducting or operating a hotel and desiring to sell or dispense spirituous liquors shall

apply to the Town License Collector for a license so to do. Before issuing such license the Town License Collector shall ascertain whether such person is operating a bona fide hotel, is of good moral character, is a law abiding person and not liable to violate the provisions of this Ordinance. It shall be lawful for the licensee holding a hotel license to serve, sell or furnish spirituous liquors to any bona fide guests in their rooms in said hotel or to any of the guests or patrons of any dining room operated by such hotel and which may be a part thereof, and to be consumed only with meals served in good faith to patrons of such dining room.

It shall be unlawful for any licensee holding a hotel license to sell or dispose of any spirituous liquors to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any such person to come into or remain in or about such hotel or dining room.

Paragraph 7. No licensee under this Ordinance shall sell or serve or permit to be consumed on his or its premises any spirituous liquors, between the hours of 12 o'clock midnight and 8 o'clock A.M.

Paragraph 8. It shall be unlawful for any licensee under this Ordinance, or any other person, to sell any spirituous liquors to any person under the age of twenty-one years.

Paragraph 9. It shall be unlawful for any licensee under this ordinance to sell spirituous liquors, including beer and wines, upon which the federal tax has not been paid.

Paragraph 10. Every licensee shall pay an annual license fee as follows:

(a.) For beer and wines:

Hotels	\$5.00 per quarter	\$20.00 per year;
Restaurants	\$5.00 per quarter	\$20.00 per year;
Grocery stores	\$5.00 per quarter	\$20.00 per year;
Drug stores	\$5.00 per quarter	\$20.00 per year;

(b.) For spirituous liquors other than beer and wines:

Hotels	\$10.00 per quarter	\$40.00 per year;
Restaurants	\$10.00 per quarter	\$40.00 per year;
Grocery stores	\$5.00 per quarter;	\$20.00 per year;
Drug stores	\$5.00 per quarter;	\$20.00 per year;

(c.) For wholesalers of beer, wine and/or spirituous liquors other than beer and wine:

\$10.00 per quarter \$40.00 per year.

Provided that any establishment operating a ^{Wholesale} business in Jerome on which it pays a license to the Town of Jerome on a gross sales basis, may include its liquor sales as a part of its gross

sales and pay the license therefor in lieu of the license provided for herein.

License fees shall be paid quarterly, semi-annually or annually at the option of the licensee, in advance. At least one quarter of the annual fee must be paid at the time of the application for the license.

Paragraph 11. The Town License Collector may, with the approval of the mayor and common council, make such regulations as are necessary and feasible for the carrying out of the provisions of this ordinance and for the conduct of the business carried on by each specific licensee, and such regulations when made shall have the full force and effect of law.

Paragraph 12. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$10.00 nor more than Three Hundred (\$300.00) Dollars, or sentenced to imprisonment in the Town Jail for a period of not less than ten days nor more than three months or by both such fine and imprisonment.

Whereas, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety, and emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the common council, approval by the mayor and publication as required by law.

Passed by the Mayor and Common Council of the Town of Jerome, this 13th day of February, 1934, by the following vote:

Ayes: 4

Noes: 0

Thos A Miller
Thos A. Miller,
MAYOR.

Attest: R. E. Moore
R. E. Moore,
CLERK.

Published 3/23 & 3/30, 1934