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SOFT DRINK ORDINANCE

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AN ORDINANCE PROVIDING FOR THE ISSUANCE OF LICENSES FOR THE SALE OF BEVERAGES PRODUCED BY THE PROCESS BY WHICH BEER, ALE, PORTER OR WINE IS PRODUCED AND CONTAINING FOUR PERCENT OR LESS OF ALCOHOL BY VOLUME; PRESCRIBING THE FEES TO BE PAID FOR SUCH LICENSES, DESIGNATING WHO MAY OBTAIN LICENSES AND THE PLACES WHERE SUCH BEVERAGES MAY BE SOLD; REGULATING THE SALE OF SUCH BEVERAGES; AND PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

THE COUNCIL OF THE TOWN OF MILLS DOES HEREBY ORDAIN:

Section 1. It shall be unlawful for any person to keep for sale or sell wine or any beverage or liquor produced by the process by which beer, ale, porter or wine is produced, containing four percent or less of alcohol by volume, upon compliance with the provisions of this ordinance.

Section 2. Any person who is the bona fide owner and keeper of a hotel or restaurant within the corporate limits of the town of Mills and has been such for a period of not less than one year prior to the date of application for a license under the provisions of this ordinance may be licensed to sell the beverages mentioned in Section 1 hereof, subject to the restriction that no sale of more than five gallons of any of the beverages shall be made to one purchaser at one time. If any person is the owner and keeper as aforesaid of more than one hotel or restaurant within the corporate limits of the Town of Mills, a license shall be secured for each hotel or restaurant at which such beverages, or any of them, are sold.

Section 3. Any person who is the bona fide owner and keeper of a grocery store within the corporate limits of the Town of Mills and has been such for a period of not less than one year prior to the date of application for a license under the provisions of this ordinance may be licensed to sell the beverages mentioned in Section 1 hereof, subject to the following restrictions: no sale of more than five gallons of any of said beverages shall be made to one purchaser at one time. If any person is the owner and keeper as aforesaid of more than one grocery store in the corporate limits of the Town of Mills a license shall be secured pursuant to this ordinance for each store at which the aforesaid beverages, or any of them, are sold.

Section 4. Any person who may desire to sell any of the beverages mentioned in Section 1 hereof in quantities of five gallons or more at any one time may be licensed to sell such beverages, or any of them, subject to the following restrictions: None of said beverages shall be sold in quantities of less than five gallons to any one purchaser at one time; none of said beverages shall be sold to any person for use within the

corporate limits of the Town of Mills who is not a lawful owner of a license under Section 2 or Section 3 hereof; none of such beverages shall be sold under the provisions of this section for consumption upon the premises covered by any license issued under this section. The restrictions of this section shall not prohibit the sale of such beverages in quantities of five gallons or more for resale outside of the corporate limits of the Town of Mills.

Section 5. No license shall be issued for the sale of any of the beverages mentioned in Section 1 hereof unless the Council of the Town of Mills authorizes the issuance thereof. All applications for licenses under this ordinance shall be in writing and addressed to the Council of the Town of Mills. Any person securing a license issued under Section 2 hereof shall pay a fee of \$250.00; any person securing a license under Section 3 hereof shall pay a fee of \$250.00; and any person securing a license under Section 4 hereof shall pay a fee of \$300.00. Any license when issued under this ordinance shall be in full force and effect from its date until the 18th day of May, following its issuance, upon which date it shall expire. No license hereunder shall be assigned or transferred.

Section 6. It shall be unlawful for a person to vend, sell, barter, or dispose of for any pecuniary advantage, any of the beverages mentioned in section 1 hereof, without first having obtained a license as hereinbefore provided, and any person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$100.00; each sale in violation hereof shall constitute a separate offense.

Section 7. It shall be unlawful for any person selling any of the beverages mentioned in Section 1 hereof under a license issued under Section 2 or Section 3, to sell any such beverage in quantities of more than five gallons and any person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$50.00; each sale in violation hereof shall constitute a separate offense.

Section 8. It shall be unlawful for any person selling any of the beverages mentioned in Section 1 hereof, under a license issued under Section 4 hereof to sell any such beverage to any person who is not the lawful owner of a license issued under

Section 2 or Section 3, or who is not purchasing for resale outside of the Town of Mills, and any person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$50.00; each sale in violation hereof shall constitute a separate offense.

Section 9. The Council of the Town of Mills shall have the power and be authorized to cancel the license of any person, whether wholesaler or retailer, who has been convicted of violating this ordinance, or who has been convicted of a felony or misdemeanor while holding a license under this ordinance.

Section 10. The word "Person" as used in this ordinance shall be construed to include corporations or partnerships or two or more persons having a joint or common interest.

Section 11. This ordinance shall take effect and be in force on and after the 18th day of May, 1933.

Passed on first reading. Hugh Brower (Signature)

Passed on second reading. Hugh Brower (Signature)

Hugh Brower (Signature)
Mayor

Attest: (Signature)
Carrie Thomas
City Clerk