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LIQUOR LICENSE ORDINANCE

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AN ORDINANCE PROVIDING FOR THE REGULATION, PROHIBITION AND LICENSES OF THE SALE OF ALCOHOLIC AND MALT LIQUOR; PROVIDING FOR CLASSES OF LICENSES AND FEES THEREON; PROVIDING THE MANNER IN WHICH SAID LICENSES BE GRANTED AND TO WHOM; PROVIDING FOR PUBLICATION OF NOTICE OF HEARING ON APPLICATION FOR SUCH LICENSES AND PAYMENT OF FEES IN CONNECTION THEREWITH; PROVIDING FOR REVOCATION OF LICENSES; FIXING THE PENALTY FOR THE VIOLATION HEREOF AND REPEALING ORDINANCE NUMBER _____ AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR THE CANCELLATION OF EXISTING BEVERAGE LICENSES .

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MILLS WYOMING :

License Required

Section 1. It shall be unlawful for any person to possess for sale, sell or dispense for any pecuniary advantage or give to the public as an inducement to the public to patronize any business, place or person, within the corporate limits and boundaries of the Town of Mills, Wyoming, any alcoholic or malt liquor as hereinafter defined without first obtaining a license so to do and paying the license fees therefor herein provided.

Definitions

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Section 2. In the interpretation of this ordinance : (a) the word "alcoholic liquor" mean any spirituous and or fermented fluid intended for beverage purposes containing more than four per centum of alcohol by volume, including alcohol, brandy, whiskey, rum, gin and wine, liquors and compounds.

(b) the "word malt beverage" mean any fluid of any name or description manufactured from malts, or in part, or from any substitute therefor containing more than one per centum of alcohol volume.

(c) The words "retail liquor license" shall mean the authority under which a retailer shall be permitted to sell alcoholic and /or malt beverages for use or consumption but not for resale .

(d) The word "drug store" mean a suitable space in a building kept, used, maintained, advertised and held out to the public to be a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.

(e) The word "hotel" means a suitable building kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations ~~being in the same~~ ^{are offered for pay to} transient guests, such sleeping accommodations being in the same building.

and such sleeping accommodations being so equipped and serviced that the licensing body shall be satisfied that the chief source of revenue to be derived from the operation of the hotel shall be from sleeping accommodations and not from the sale of alcoholic or malt beverages. No cottage, tourist, camp, or rooming house shall be considered a hotel.

(f) The word "original package" mean any bottle, flask, jug, cask, barrel, keg, hoghead, or other receptacle or container used, corked or capped, sealed or labeled by the manufacturer of alcoholic beverages, containing any alcoholic beverage.

(g) The word "person" includes an individual person, partnership corporation or association.

(h) The word "restaurant" means a suitable space in a building kept, used, maintained, advertised and held out to the public to be a place where meals are prepared and served, such space being provided with such adequate kitchen and dining room equipment and capacity and having employed therein such number and kinds of employees for preparing, cooking and serving meals for guests as shall satisfy the governing body that such space is intended for use primarily as a place for preparing, cooking and serving meals and that the chief source of revenue to be derived from the operation of such place shall be from the preparation, cooking and serving of meals and not from the sale of alcoholic or malt beverages.

(i) The word "retailer" means a person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale; providing not more than eight gallons of malt beverages nor more than three gallons of intoxicating liquor be sold to any one person any one day.

(j) The word "sell" or "sale" shall include offering for sale, trafficking in, bartering, delivering for value, exchange for goods, or in any way other than purely gratuitously, and every delivery of any alcoholic and /or malt beverage made otherwise than by gift shall constitute a sale.

APPLICATION FOR LICENSE:

SECTION 5. Any person desiring a license to sell alcoholic and

malt liquor under the provisions of this ordinance shall file application in writing for such a license with the Town Clerk , addressed to the Mayor and the Town Council , praying for the issuance of such license for application, and shall be accompanied by the sum of \$10.00 ten dollars to cover the expense of publishing said applications: a description in details of the place within which alcoholic and malt beverages will be sold , showing its location ; A sworn statement that the applicant has the following qualifications ; that he is over twenty one "21" years of age , a citizen of the United States and a resident of the state of Wyoming for more than (1) year immediately prior to the date of the application, that he is of good character and reputation in the community in which he resides and financially responsible . a sworn financial statement shall be part of each application , and also a complete itemized inventory, sworn to, of any and all liquors on hand and in the business place of the applicant within such liquors will be sold . Said inventory shall show the name of container and kind of liquor and no application for license shall be considered if said inventory be not filed ; that he has not been convicted of a felony ; that he has never been within five 5 years prior to the passage of this ordinance , convicted of a violation of any Federal or state law prohibiting the manufacture or sale of intoxicating liquor and has not been convicted of a violation of this ordinance ; that he either owns the building in which such liquor is to be sold , or has a written lease thereon for the full period of such license ; in the case of a lease a ^{Certified copy} ~~written statement~~ thereof ; showing that it has been recorded, and a written statement of the owner of such building consenting to the granting of such retail license shall accompany the application and be considered a part thereof ; that he is not a member of the Town Council or Board of the County Commissioners, or a person in the employe of the City or Town within this State , and that he is not interested in any way in the manufacture or wholesale sale of alcoholic malt beverages ; that he is not keeping an ~~house~~ ~~has been~~ convicted of keeping a house of ill fame

Where the application is made by a partnership each member thereof shall sign and verify the separate elements of the same . where made by a corporation , the application must state that it is incorporated within the state of Wyoming and each stockholder must possess the qualifications

Herein required of individuals. No license under this ordinance shall be granted to any one not possessing the foregoing qualifications.

PUBLICATION OF NOTICE ;

SECTION 4. Before the Town Council and Mayor shall grant any license to any such applicant for same under this ordinance the Town Clerk shall cause to be published a notice of hearing on said application for license, and that protests against the issuance of a license to the applicant will be heard at a time stated in the notice, which shall be a special or regular meeting of the Council. That said notice shall be published once a week for 4 consecutive weeks, in a newspaper of general circulation in the Town of Mills and also a copy of said published notice shall be displayed conspicuously on the premises in which the applicant desires to use as the place of sale. No license shall be issued until after the date set in the notice for hearing protests.

LICENSE ISSUED

SECTION 5. The issuance of any license pursuant to this ordinance shall be within the sound discretion of the Mayor and Town Council. No appeal shall lie from the decision of the Mayor and Town Council denying an applicant a license nor shall any person have an action against the Mayor and Town Council or its members by reason of the denial of a license. No license shall be issued for a fractional part of ^{any} the year and said license shall not be transferable and no rebate be allowed for any unexpired term of the said license and said license shall be for a period of One (1) year only commencing from date of issuance of the same.

Section 6 each licensee shall display his license in a conspicuous place in the licensed room. upon the expiration of a license the owner thereof shall have the preference right to a new license if such license may be granted under ~~the ordinance~~ under this ordinance.

Retail Liquor

SECTION 7 Every person licensed as a retail liquor dealer by the provisions of this ordinance shall pay annually in advance for a license hereunder the sum of \$_____ said license fee shall be paid in full to the Town Clerk before said license is issued.

Closing Time

SECTION 8. All persons licensed under this ordinance shall close the dispensing room and cease the sale of both alcoholic and malt

Liquors promptly at the hour of 1:00 o'clock A.M. each day and keep the same closed until 6:00 o'clock A.M. the same day, except that such places shall close the dispensing room all day Sunday.

DEFINITION OF PLACE WHERE LIQUOR MAY BE DISPENSED:

Section 9. All places within the Town holding a retail liquor license under this ordinance shall be located in one room on the ground floor of the building where located, and the entrance door of the room shall open upon a main street or highway. There shall be no entrance way from such room so licensed to any room or rooms, except where such license is in the name of or conducted by the owner or keeper of a hotel or restaurant. There may also be permitted one rear entrance which shall open upon a court or alleyway. There shall be no display of any alcoholic or malt liquor of ^{any} kind or character in any window or door of a room licensed under a retail liquor license and no female shall be employed in a room holding a retail liquor license, which provision does not include service from such room by females to connecting room where food is served in hotels or restaurants holding the proper license. No booths or screened device of any kind or character, that will permit any patron to be seated, shall be permitted in such room holding a retail liquor license and no place holding a retail liquor license shall permit any gambling device of any kind or character, or any gambling or any game of chance for money, tokens, checks payable in merchandise in such place shall be permitted. No business shall be engaged in or permit entertaining or dancing in any room where liquor is being sold under a retail liquor license except the sale of non-alcoholic drinks, alcoholic and malt liquors and tobacco. No lunches, meals or food of any kind or character shall be served or sold in such room. provided however, that the restrictions of this section shall not apply to drug stores holding retail liquor licenses.

Sale TO MINORS AND HABITUAL DRUNKARDS PROHIBITED.

SECTION 10. License issued under the provision of this ordinance shall not authorize the sale, gift or delivery of alcoholic and or malt beverages to any person under age of Twenty one (21) years, or to any Habitual drunkard, and any such sale, gift or delivery shall be a violation of this ordinance.

Cancellation of Beer License

Section II : All licenses for the sale of Beer heretofore granted in this Town shall expire on the 10th day of April , 1935 .

Revocation and Denial of Licenses :

SECTION 12: The Mayor and TOWN Council of the Town shall have the right to revoke any license issued pursuant to this ordinance for violation of any of the provisions contained herein or for the making of any statement or statements in connection with application for said license . The Mayor and Town Council shall have the right to deny any and all applications for licenses hereunder if, in the opinion of said Mayor and Town Council , by so doing , the public morals, public safety or general welfare will be best served thereby .

Penalty :

Section 13. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than \$100.00 for each offense.

Repealed :

Section 14. Ordinance Number 46 heretofore passed adopted and approved by the Town on June 19 , 1934 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section . Whereas , an emergency now exists and such is hereby declared to be the case , this ordinance shall take effect and be in force from and after its passage .

Passed , Approved and adopted This 7th day of March 1935.

J. C. Simpson
Mayor.

Attested: Garnie Thomas
Clerk .