

No. 31

Repealed
June 14, 1947
W.P.

An Ordinance to regulate and license the sale of beer, including the issuance of permits and fees, the conduct of places selling beer and prescribing penalties for violation.

Be it Ordained by the Council of the Town of Buffalo, Iowa:

Section 1. Definitions. For the purpose of this Ordinance, the definitions are adopted as set out in the state law controlling the sale of beer. (1921-f97).

Section 2. Permits Required. It shall be unlawful to manufacture for sale or sell beer unless a permit is first obtained as provided by state law. (1921-f96).

Section 3. Business District. The business district, within which all places of business of all Class "B" permittees shall be located is established as follows: All of Block One (1) and Block Two (2) in Heckle and Kautz Addition to the Town of Buffalo Iowa, Also Block One (1), Block Two (2), Block Three (3), Block Four (4), and the South Half of Block Six (6) in the Original Town of Buffalo, Iowa. (1921-f103).

Section 4. Annual Fees. The annual permit fee for a class "B" permit, except permits issued to Hotels, Clubs, and Golf or Country Clubs, shall be Two Hundred Dollars (\$200.00). The permit fee for Hotels, Clubs, Golf and Country Clubs and all other permits shall be as fixed by state law.

Section 5. Fees Payable. All permit fees are payable in advance at the time of making the application for a permit, and no refunds of any part of said fees shall be made unless said application is denied. (1921-f117).

Section 6. Fees to General Fund. All permit fees collected under the provisions of this Ordinance shall be allocated to the General Fund. (1921-f126).

Section 7. Notification to State Board. Upon the issuance or revoking of a Permit by the Council, the Clerk shall forthwith certify to the State Board the action so taken. (1921-f99).

Section 8. Expiration. All permits shall expire at the end of one (1) year from the date of issuance and may be renewed for a like period upon application being made therefore to the proper authorities. (1921-f100).

Section 9. Bonds. No Permit shall be granted by the council until the applicant furnishes a Bond in the form prescribed and to be furnished by the Treasurer of State, with good and sufficient securities to be approved by the Council, conditioned upon the faithful observance of the state laws and this ordinance, in the sum of One Thousand Dollars or in such other sum as shall be fixed by state law. (1921-f103--1921-f104.)

No. 2.

Section 10. Fitness of Applicant. Before any Permit is granted, the Council shall make, or cause to be made, a thorough investigation to determine the fitness of the applicant and the truth of the statements made in and accompanying the application and shall render a decision on the application within thirty days after the application is received. (1921-f116).

Section 11. Conform to Law. No Permit shall be granted, until the applicant establishes that he is a person of good moral character and that the place or building where he intends to operate conforms to all Laws, health and fire regulations applicable thereto and is a safe and proper place or building. (1921- f103 and 1921 - f104).

Section 12. Must be Citizen. Permits shall be issued only to persons who are citizens of the State of Iowa and who are of good moral character and repute provided that in the case of a corporation the word "citizen" in this section shall be construed to mean a "corporation" organized and existing or permitted and authorized to do business under the Laws of this State. (1921-f103 and f104).

Section 13. Separate Permits. Every person holding a permit having more than one (1) place of business, wherein beer is sold, shall obtain and have a separate License for each separate place of business. (1921-f22).

Section 14. Not Interested. It shall be unlawful for any person or persons to be interested directly or indirectly in more than one (1) class of permit. (1921-f101).

Section 15. Persons Not Interested. It shall be unlawful for any person engaged in the manufacture, bottling or wholesaling beer, or any jobber, or any agent of such person, to directly or indirectly supply, furnish, give or pay for any furnishings, fixtures or equipment used in the storage, handling, serving or dispensing of beer or food within the place of business of another permit holder, nor shall such person directly or indirectly pay for any such permit or be interested in the ownership, conduct or operation of the business of another permit holder authorized to sell beer at retail (1921-f115).

Section 16. Transfer of Permits. No permits for selling beer shall be transferred from one Permittee to another, and no refund shall be made to any Permittee in case of revocation of permit, or otherwise discontinuance of the business. (1921-f126).

Section 17. Transfer of Location. The Council may authorize the transfer of the business of a Permittee from one location to another, upon proper showing that the new location meets all the requirements of the Ordinance, and state laws, and on condition the Permittee files with such application for change in location the written consent of the surety on his bond, and upon the payment in advance of a fee of Ten (\$10.00) Dollars to cover the cost of inspection of the new location (1921-f126).

Section 18. Revocation Compulsory. The Council shall revoke the permit of any permit holder who is convicted of a felony, or is convicted of the sale of beer contrary to the provisions of the Law of the State, or is convicted of bootlegging, or who is guilty of the sale of dispensing of wines or spirits in violation of the law, or who shall allow the mixing or adding of alcohol to beer or any other beverage on the premises of a Class "B" Permittee or who shall be guilty of the violation of the state beer law or any Ordinance enacted in accordance with the state beer law, and such Permittee shall not again be allowed to secure a permit nor shall he be in the employ of any person engaged in the manufacture, distribution or sale of beer. (1921-f123).

Section 19. Hours, Class "B". It shall be unlawful to sell, deliver or consume beer in the place of Class "B" Permittees from one (1) o'clock A. M. and six (6) o'clock A. M. the next morning on week days or between the hours of 12 o'clock midnight on Saturday and seven (7) o'clock A. M. the next Monday morning. (1921-f114 and 1921-f126).

Section 20. Class "C". It shall be unlawful for a Class "C" Permittee to sell or deliver any beer between the hours of one (1) o'clock A. M. and six (6) o'clock A. M. the next morning on week days, or between the hours of twelve (12) o'clock midnight on Saturday and Seven (7) o'clock the next Monday morning. (1921-f107 and f126).

Section 21. Booths. It shall be unlawful to allow or maintain any Booth without the same having an opening or entrance less than two (2) feet eight (8) inches in width, said entrance shall not be supplied with a dorr, screen or other device so as to obstruct the view of the interior of the Booth from the position of the counter. (1921-f126).

Section 22. It shall be unlawful to sell beer for consumption on the premises unless all parts of the room in which such sale is made are lighted so that all objects are plainly visible at all times. (1921-f126).

Section 23. It shall be unlawful to keep or allow, on the premises of any class "B" Permittee, any machine, slot machine or device whereby any person, by inserting coins or tokens in said devices, receives or is liable to receive a reward of money or anything of value, or to possess any punch board or any device involving a game of chance. (1921-f126).

Section 24. Seating Capacity. It shall be unlawful to sell beer for consumption on the premises, unless the place where such service is made is equipped with tables and seats to accommodate twenty-five (25) persons at one time. (1921-f103).

Section 25. Gift of Beer or Lunch Prohibited. It shall be unlawful for any Permittee, his agent or servant, to give away beer or to promote the sale of beer by the gift of any lunch, meal or articles of food, except pretzels, cheese or crackers. (1921-f106).

Section 26. Original Containers. It shall be unlawful for any person holding a Class "C" permit to sell beer for consumption off the premises unless such sale when made, shall be in the original containers only. (1921-f107).

Section 27. Posters Prohibited. It shall be unlawful for any Permit holder to exhibit or display or permit to be exhibited or displayed on the premises any signs or posters containing the words "bar", "barrooms", "saloon", or words of like import. (1921-f114).

Section 28. Beer Labeled. It shall be unlawful to sell beer unless the bottle, keg, or other original container in which the beer is sold shall bear a label on the outside stating as follows: "This beer does not contain more than four per centum (4%) of alcohol by weight." (1921-fl28).

Section 29. Minors. It shall be unlawful for any minor to serve beer in the place of business of any permit holder in which the business of selling beer constitutes more than fifty per cent of the gross business transacted therein. (1921-g3).

~~Section 30. Minors. It shall be unlawful for any person, except parent or guardian, to furnish any minor under the age of twenty-one (21) years by gift, sale or otherwise any beer. (1921-fl14).~~

Section 31. Consumption upon the Streets Prohibited. It shall be unlawful for any person to use or consume beer upon the public streets or highways, or in automobiles or other vehicles on said streets or highways. (1921-fl27).

Section 32. Penalties. Anyone violating any of the provisions of this ordinance, shall upon conviction, be subject to imprisonment not exceeding thirty days, or to a fine not exceeding One Hundred (\$100.00) Dollars. Whenever the fine and costs imposed for the violation of this ordinance are not paid, the person convicted may be committed to jail until the fine and costs are paid, not exceeding thirty days. (5714).

Section 33. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 34. This Ordinance shall be in force and effect from and after its passage and publication as provided by law.

Passed by the Town Council of the Town of Buffalo, Scott County, Iowa, on the 12th day of June, 1935.

Approved by me this 18 day of June, 1935.

John A. Pignotti
Mayor.

I, Christian Zogg, Clerk of the Town of Buffalo, Iowa, do hereby certify that I have posted and published the above Ordinance by posting a copy thereof at the Mayor's Office, one copy at the Post Office and one copy at the Clerk's Office on the 18 day of June, 1935.

Christian Zogg
Town Clerk.