

ORDINANCE NUMBER 55

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 One (1). Definitions. For the purpose of this ordinance, the definitions are adopted as set out in the State law controlling the sale of beer.

Section Two (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.

Section Three (3). Business district. The business district, within which all places of business of all Class "B" and Class "C" 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 One Half of Block Six (6) in the Original Town of Buffalo, Iowa.

Section Four (4). Annual Fees. The annual permit fee for a Class "B" permit except permits issued to Hotels and Golf or Country Clubs, shall be Three Hundred Dollars (\$300.00). The permit fees for Hotels and Golf or Country Clubs and all other permits, except Class "B" Club permits, shall be fixed by State law. The annual fee for a Class "B" Club permit shall be fixed by resolution of the Town Council upon application for such a permit, but the fee for such permit shall not be less than One Hundred (\$100.00) or more than Three Hundred Dollars (\$300.00). The annual permit fee for a Class "C" permit shall be Fifty Dollars (\$50.00).

Section Five (5). Fees Payable. All permit fees are payable in advance at the time of making the application for a permit, and all refunds of said fees shall be made only in accordance with State law.

Section Six (6). Fees to General fund. All permit fees collected under the provisions of this Ordinance shall be allocated to the General fund.

Section Seven (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.

Section Eight (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.

Section Nine (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 Five Hundred Dollars (\$500.00) or in such other sum as shall be fixed by State law.

Section Ten (10). Fitness of applicant. Before any permits 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 (30) days after the application is received.

Section Eleven (11). Conform to law. No permit shall be granted, until the applicant establishes that he or she is a person of good moral character and that the place or building where he or she intends to operate conforms to all laws, health and fire regulations applicable thereto and is safe and proper place or building.

Section Twelve (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.

Section Thirteen (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 permit for each separate place of business.

Section Fourteen (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.

Section Fifteen (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, fixture or equipment used in the storage, hauling, serving or dispensing 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

Section Sixteen (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 any permit.

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

Section Eighteen (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 is guilty of the 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 a any Ordinance enacted in accordance with the State beer law.

Section Eighteen (18) Continued. 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.

Section Nineteen (19). Hours- Class "B". It shall be unlawful to sell, deliver or consume beer in the place of a Class "B" permittee 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 A. M. the next Monday morning.

Section Twenty (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.

Section Twenty One (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 door, screen or other device so as to obstruct the view of the interior of the booth from the position of the counter.

Section Twenty Two (22). Lights. It shall be unlawful to sell beer for consumption on the premises of a Class "B" permittee unless all parts of the room in which such sale is made are lighted so that all objects are plainly visible at all times.

Section Twenty Three (23). Gambling prohibited. It shall be unlawful to keep or allow, on the premises of any Class "B" permittee, any machines, slot machine or device whereby any person, by inserting coins or tokens in said devices, receive 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.

Section Twenty Four (24). Seating capacity. It shall be unlawful to sell beer for consumption on the premises, of a Class "B" permittee unless the place where such service is made is equipped with tables and seats to accommodate twenty five (25) persons at one time.

Section Twenty Five (25). Gifts 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.

Section Twenty Six (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.

Section Twenty Seven (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", "saloon", or words of like import.

Section Twenty Eight (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 (4) per centum of alcohol by weight."

Section Twenty Nine (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 (50) per cent of the gross business transacted therein.

Section Thirty (30). Minors. It shall be unlawful for any person to sell, give or make available to any minor or to permit any minor to purchase or consume any beer on the premises of a Class "B" or Class "C" permit holder or for any minor to buy or attempt to buy or to secure or attempt to secure beer from any person, and it shall further be unlawful for any person to offer beer with or without consideration to any minor except within a private home and with knowledge and consent of the parent or guardian of said minor. A violation of the provisions of this paragraph by any holder of a Class "B" or Class "C" permit or any of his agents or employees in connection with the operation of a beer business under said Class "B" or Class "C" permit shall be mandatory grounds for revocation of said permit in addition to other mandatory grounds provided in this chapter.

Section Thirty One (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.

Section Thirty Two (32). Penalties. Anyone violating any of the provisions of this Ordinance, shall upon conviction, be subject to imprisonment not exceeding thirty (30) days, or to a fine not exceeding One Hundred Dollars (\$100.00). 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 (30) days.

Section Thirty Three (33). All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

Passed by the Council of the Town of Buffalo, Iowa on the 2<sup>nd</sup> day of June, 1951.

Approved by the Mayor of the Town of Buffalo, Iowa on the 5<sup>th</sup> day of July, 1951.

Attest: Lelia M. Pagel, Clerk.

Lewis M. Adams, Mayor

Town of Buffalo, Iowa

Town of Buffalo, Iowa

I, Lelia M. Pagel, Clerk of the Town of Buffalo, Scott County, Iowa, do hereby certify that I published the foregoing Ordinance by posting in three (3) public places.

Lelia M. Pagel, Clerk  
Town of Buffalo, Iowa