

AN ORDINANCE

AN ORDINANCE PROVIDING FOR THE LICENSING OF THE SALE OF LIGHT BEER AT
RETAIL IN BOTTLES AND ON DRAFT, FIXING THE FEES THEREFOR AND REGULATING SAME.

Be it ordained by the Board of Trustees of Wendover Town.

SEC. 1. LICENSE TO SELL LIGHT BEER AT RETAIL. It shall be unlawful for any person to engage in the business of the sale of light beer at retail, in bottles or draft within the corporate limits of the town of Wendover without first having procured a license therefor from the Town Board of said town as hereinafter provided. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licenses shall comply with the Liquor Control Act of Utah and the regulations of the Liquor Control Commission.

SEC. 2. DEFINITIONS. The following words and phrases used in this ordinance shall have the following meaning unless a different meaning clearly appears from the context.

"BEER", means any beverage containing not less than one-half of the percentage of alcohol by weight and obtained by the alcoholic fermentation of an infusion, or decoction, or of any malted grain, or of similar products, and which contains not more than 5.2 percentage of alcohol by weight and may or may not contain hops or other vegetable products and includes ale, stout, or porter.

"RETAILER", means any person engaged in the sale or distribution of beer to the consumer.

"SELL" or "TO SELL" when used in this act in any prohibition shall be construed to include, to solicit, or to receive an order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in. For any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow, to be procured for any other person, and "sale" when so used shall include every act of selling as above defined.

"WHOLESALE", means any person other than a brewer or retailer engaged in the importation for sale or in the sale of beer in wholesale or jobbing quantities.

SEC. 5. LICENSE PRIVILEGES. Retail licenses issued hereunder shall be of the following kinds and shall carry the following privileges and be numbered numerically commencing from the number one.

CLASS "A", retail license shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Liquor Control Act of Utah.

CLASS "B", retail license shall entitle the licensee to sell beer in the original containers on the premises for consumption on the premises and to all of the privileges granted to the holder of a Class "A" retail license and in accordance with the Liquor Control Act of Utah.

CLASS "C", retail license shall entitle the licensee to sell beer on draft for consumption on or off the premises and to all the privileges granted the holders of Class "A" and "B" retail licenses in accordance with the Liquor Control Act of Utah.

SEC. 4. APPLICATION. All applications for licenses authorized by this Chapter shall be verified and filed with the Board of Trustees of Wendover Town and shall state the applicant's name in full, that he has complied with the requirements and possesses the qualifications specified in the Liquor Control Act, and if the applicant is a co-partnership, the names and address of all partners, and if a corporation, the names and addresses of all officers and directors, and ^{be} must be subscribed by the applicant who must state under oath that the facts stated therein are true. Applicants must furnish such other information, including a certificate of at least five resident free holders of Wendover Town to the effect that the licensee bears a good moral character and is ^a fair and proper person to be granted a license, as and when the Town Board shall require.

SEC. 5. QUALIFICATIONS OF LICENSEE. No person shall be granted a retail license unless he shall be qualified as provided in the Liquor Control Act and under the privileges of Section 86 thereof.

SEC. 6. TRANSFER OF LICENSE. Licenses issued under this ordinance shall not be transferrable, and upon revocation thereof by the Board of Trustees of said

to Wendover Town.

SEC. 7. FEES. Applications provided for in this chapter shall be accompanied by the fees hereinafter provided, which fee shall be deposited in the town treasury if the license is granted, and returned to the applicant if denied.

For Class "A" retail license per annum \$250.00 or \$150. for $\frac{1}{2}$ year license.

For Class "B" retail license per annum \$250.00 or \$150.00 for $\frac{1}{2}$ year license.

For Class "C" retail license per annum \$250.00 or \$150.00 for $\frac{1}{2}$ year license.

All licenses issued hereunder shall expire on the 31st. day of December. of each year, unless sooner cancelled, and shall be issued for one year only.

SEC. 8. RESTRICTIONS. No person shall sell beer at any public dance or to any person intoxicated, or under the influence of an intoxicating beverage. No license shall be granted to sell beer in any dance hall, theater, or in the proximity of any church or school. No person shall sell beer to any person under the age of twenty-one years, and it shall be unlawful to sell beer between the hours of 2 a.m. and 8 a.m. It shall be unlawful to advertise the sale of light beer except under such regulation as is made by the Liquor Control Commission of Utah and provides that a simple designation of the fact that beer is sold under town license may be placed in or upon the window or front of the licensed premises.

No licensee shall violate the terms of the license issued, nor unless he shall be so licensed shall he sell bottled or draft beer for consumption on the premises, or permit any beer to be consumed on the premises.

SEC. 9. LICENSES REVOCABLE. The Board of Trustees of Wendover Town may with a hearing, at its discretion, refuse to grant any license applied for, and may revoke any license at any time, and in no such case need any cause be stated. No license shall be issued, and any license issued, shall be revoked if the applicant or licensee shall not possess, or shall cease to possess, all of the qualifications required by the Liquor Control Act, or fails to comply with the ordinances of the town of Wendover, or rules, regulations and orders of said town.

SEC. 10. INSPECTION. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of said town, or the Liquor Control Commission, or the State Board of Health, and every licensee shall at the request of the Board of Health of said town furnish to it samples of beer which he shall have for sale.

SEC. 11. PENALTY. It shall be unlawful for any person to violate any ordinance in this chapter, and any person convicted of violating any provision of any ordinance contained herein, shall be punished by a fine not exceeding \$99.00 or by imprisonment

SEC. 12. In the opinion of the Board of Trustees it is necessary to the peace, health and safety of the inhabitants of the Wendover Town that this ordinance shall take effect upon its first publication.

Passed by the Board of Trustees of Wendover Town this _____
day of July 26, A.D., 1951.

TOWN CLERK

PRESIDENT TOWN BOARD