CHAPTER VI
INTOXICATING LIQUOR

Sec. 6-1. 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 Wendover without first having procured a license therefor from the Town Board as hereinafter provided. A separate license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the Liquor Control Act of Utah and the regulations of the Liquor Control Commission.

Sec. 6-2. 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 containg not less than one-half of one percent of alcohol by weight and obtained by the alcolholic fermentation of an infusion, or decoction, or of any malted grain, or of any similar products, and which contains not more than 3.2 percent 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.

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

Sec. 6-3. License Fees Set for wholesaler. It shall be unlawful for any person to engage in the business of selling beer at wholesale within the limits of Wendover without first obtaining a license therefor from the Liquor Control Commission of Utah and paying a fee therefor to the town of Wendover in the sum of $ 250.00 .

Sec. 6-4. 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 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 license in accordance with Liquor Control Act of Utah.

"Seasonal License", shall carry the privileges of Class "C" retail license and shall be for a period for less than one year.

It shall be unlawful for any licensee to purchase or aquire or to have or possess for the purpose of sale or distribution, any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the privileges of the Liquor Control Act of Utah.

Sec. 6-5. Application. All applications for licenses authorized by this chapter shall be verified and filed with the Town Board and shall state the applicant's name in full, and that he has complied with the requirements and possesses the full qualifications specified in the Liquor Control Act, and if the applicant is a copartnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, and must be subscribed by the applicant who must state under oath that the facts stated therein are true. Applicants must furnish such other infomation, including a certificate of at least five resident free holders of the city to the effect that the licensee bears a good moral character and is a fit and proper person to be granted a license, as and when the Town Board shall require. (32-4-3)

Sec. 6-6. Qualifications of License. No person shall be granted a retail license unless he shall be qualified as provided in the Liquor Control Act. (32-4-14)

Sec. 6-7. Bond Required. No license shall be granted by The Town Board until the applicant shall have filed with the said Board a bond as provided by Utah Code Annotated, 1953, (32-4-4), and which bond shall be made in favor of said town and the Liquor Control Commission of Utah.

Sec. 6-8. Board of Health. No license shall be issued until the applicant therefor shall have first produced from the board of health a permit therefor, which permit shall show that the premises to be licensed are in a sanitary condition and that the equiptment used in the storage or distribution or sale of such beer, complies with all health regulations of the city and of the State of Utah.

Sec. 6-9. Transfer of License. Licenses issued under this ordinance shall not be transferable, and upon revocation thereof by the Town Board the fee paid by the licensee to the Town for said license shall be forfeited to said town.

Sec. 6-10. Fees. Applications provided for in this chapter shall be accompanied by the fees required for each class of license which fees shall be fixed by resolution of the Town Board.

All licenses issued hereunder shall expire on the 31st day of Dec. each year, unless sooner cancelled and shall be issued for one year, except seasonal licenses which shall be issued for any number of days determined by the Town Board.

Sec. 6-11. 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 twentyone years and it shall be unlawful to sell beer between the hours of 2 a.m. and 7 a.m. It shall by unlawful to advertise the sale of light beer except under such regulation as is made by the Liquor Control Commission of Utah; Providing that a simple designation of the fact that beer is sold under lincese may be placed in or upon the window or front of the licensed premises.

No licensee shall violate the terms of the license issued 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. 6-12. License Revokable. The Town Board of Wendover may with or without 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 the Board of Health, relating to health matters.

Sec. 6-13. Inspection. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the town of Wendover or the Liquor Control Commission, or the State Board of Health, and every licensee shall at the request of the Board of Health of Wendover furnish to it samples of beer which he shall have for sale.

Sec. 6-14. Penalty. It shall be unlawful for any person to violate any provision in the Ordinance, and any person convicted of violating any provisions of any ordinance contained herein, shall be deemed guilty of a misdemeanor. (Power to license sale of beer. 32-4-17; 32-4-18).