

ORDINANCE NO. 98.

An Ordinance to license, tax, regulate and restrain barrooms, roomhouses, drinking shops or other places where spirituous, vinous or malt liquors are sold, or kept for sale, or in any manner disposed of, and to regulate the disposal of the same; to define the duties and responsibilities of saloon-keepers, bartenders and al dealers in spirituous, malt or vinous liquors, and for the repeal of Ordinance No. 69, and providing a punishment for the violation of the provisions of this ordinance.

MILWAUKIE DOES ORDEAIN AS FOLLOWS:

Section 1. No person shall in the town of Milwaukie directly or indirectly by himself or by another or otherwise open, maintain or carry on any saloon, bar-room, drinking shop or any place where spirituous, vinous or malt liquors are kept for sale or in any manner disposed of or sell or barter, deliver or in any manner of, for or on his or their or any other person's account or behalf, spirituous, vinous or malt liquors in any such place to any person or persons, or sell, or barter to any person or persons any spirituous, vinous or malt liquors in any place without first obtaining a license therefor and in manner hereinafter provided for.

Section 2. No license shall be assignable or transferable when granted under this ordinance until the owner thereof shall have first in writing made application for the transfer accompanied by the letters showing the character of the transferee and the payment of a fee of \$5.00.

Section 3. Application for licenses under this ordinance shall be made in writing, addressed to the Mayor and Council and filed with the Recorder. Such application or petition shall state definitely the particular place at which or in which the said license is to operate, and the liquors to be sold under and by virtue of the same, whether by or at retail or wholesale, and no application shall be considered until a fee of \$5.00 shall accompany the same, and no license shall be issued unless the said application shall receive the affirmative vote of a majority of the Council of said town, revocable at the will of the Council.

Section 4. Every person to whom a license is granted and before the same shall be issued, shall pay into the treasury of the Town of Milwaukee at the date when the said license is granted, and on the first of each and every quarter thereafter, the sum of Two Hundred and Fifty (\$250.00) Dollars per quarter, and every license for which the said quarterly payment shall not be made within three days of the first day of the said quarter for which the said payment is due and payable, shall be considered null and void, and revoked without further action on the part of the council, and every act of the holder of said license to operate thereunder after the expiration of the said third day shall be, and is hereby declared to be a misdemeanor and punishable as provided herein for other violations hereof. The first quarter shall begin on the first day of January, and end with the 31st day of March. The second quarter shall begin on the first day of April and end on the 30th day of June. The third quarter shall begin on the first day of July and end on the 30th day of September, and the last or fourth quarter shall begin on the first day of October and end on the 31st day of December. The fee for licenses granted any time between the first and last day of any quarter shall be pro rata and payable as aforesaid.

Section 5. It shall be unlawful for any person or persons within the Town of Milwaukee to directly or indirectly, either by himself or by another or otherwise, give, sell, barter or dispose of any spirituous, vinous or malt liquors, or other intoxicating liquors, to any minor, intoxicated person, or habitual drunkard, or to permit them to be about his said place of business, or to permit any loud or boisterous noises in his place of business. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and punished as is hereinafter provided.

Section 6. Any minor, who by misrepresenting his age, obtains intoxicating liquors, or any other person who by misrepresentation procures or induces a licensed saloonkeeper to violate any of the provisions of this ordinance, shall be guilty of a misdemeanor and

shall be punished by a fine of not less than Fifty Dollars or by imprisonment in the City jail for not less than ten days, or by both such fine and imprisonment.

Section 7. Before the said license shall be given to any applicant, the said applicant shall execute a good and sufficient undertaking, in the sum of One Thousand Dollars to be approved by the Mayor and Council, conditioned that said applicant shall comply with all the provisions of this ordinance and conduct an orderly place, and shall sell no liquor of any kind to any minor, intoxicated person or habitual drunkard, or permit them to be about his said place of business.

Section 8. Any holder of any license granted under this ordinance, whether by himself or by another, who shall move his or their bar-room from or apart ^{from} ~~at~~ wherein the same shall be located or situated at the time the said license is granted, shall before moving the same make application to do so, in like manner and under the same provisions as for a new and separate license.

Section 9. Every holder of a license under this ordinance and all persons operating under the same shall close their places of business at 12 o'clock each evening, and shall not be open to do business until 5 o'clock A. M. on the following morning, and each Saturday night, said places of business shall be closed at 12 o'clock and shall ^{not} be opened thereafter until 5 o'clock A. M. of the following Monday morning, for the purpose of traffic or business, and shall remain closed from 6 o'clock A. M. until the closing of the polls on the days of any State, County or Municipal election.

Section 10. Any person holding a license granted under this ordinance shall not ~~be~~ allow or keep any slot machine or other machine of chance, or permit the same to be operated about his said place of business, for drinks, cigars, money or otherwise.

Section 11. Any person, whether he be the holder of a license granted under this ordinance or the person operating at the said holders request, or at his suffrance, violating any of the provisions of this ordinance, or attempting to violate any of the said

provisions, and any person taking part in said violations, either as waiters, bartenders or patrons of the said saloon or drinking shops, shall be fined upon conviction for the first offense in any sum not exceeding One Hundred Dollars, or by imprisonment in the City jail or at labor on the streets not exceeding fifty days, or by both such fine and imprisonment, in the discretion of the Court, provided that any person convicted of the second offense may be fined in the sum not exceeding Two Hundred Dollars or imprisonment in the City jail for 300 days, or at work, or both such fine and imprisonment, and provided further that in ^{no} case shall the fine be less than Ten Dollars or ten days in jail or at labor. Upon the third conviction of the violation of any of the provisions hereof he shall be fined not less than Two Hundred Dollars and his license shall be irrevocably cancelled and annulled.

Section. 12. Ordinance No. 69 and all other ordinances and parts of Ordinances in conflict with the provisions of this ordinance are hereby repealed.

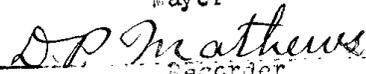
Section 13. Inasmuch as it is necessary for the immediate preservation of the public safety of the Town of Milwaukie and the inhabitants thereof that this ordinance go into effect immediately upon its approval by the Mayor, as it is necessary to the immediate preservation of the public safety that the liquor license fee be increased from \$800.00 to \$1000.00 per annum. Therefore an emergency is hereby declared and this ordinance shall go into force and effect from and after its approval by the Mayor.

Passed this 10th day of December, 1912.

Passed by the Council this 26th day of December 1913.

Signed and approved by the Mayor this 29 day of December, 1913.


Mayor

Attest: 
Recorder