

ORDINANCE NO. 704

AN ORDINANCE PROVIDING FOR THE LICENSING OF PERSONS FOR RETAIL SALE OF MALT OR BREWED BEVERAGES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:

Section 1. DEFINITIONS. The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Person" shall mean every natural person, firm, partnership, corporation or association.

(b) "Malt" or "Brewed Beverages" shall mean any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percentum or more of alcohol by volume, by whatever name the same may be called.

(c) "Participant" shall mean: (1) In the case of a sole proprietorship, the individual owner (2) In the case of a partnership, each of the partners (3) In the case of a corporation, each of the officers (4) In the case of an association or any other business entity, each of the officers.

Section 2. APPLICATION. Applicants for a license for the retail sale of malt or brewed beverages must file with the City Clerk a sworn application in writing (in duplicate) which shall give the following information:

- (a) Name of applicant
- (b) Location of place or establishment for which a license is applied for.
- (c) Whether the application is for the retail sale of malt or brewed beverages for ON PREMISE CONSUMPTION or OFF PREMISE CONSUMPTION.
- (d) The full physical description of each participant.
- (e) A photograph of each participant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the participant in a clear and distinguishing manner.
- (f) The fingerprints of each participant.
- (g) Affidavits from at least three reliable property owners in the City of Prichard, Alabama, certifying as to each participant's good character and reputation.
- (h) A statement concerning each participant as to whether or not he has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- (i) A statement by a reputable physician of the City of Prichard, Alabama, dated not more than ten (10) days prior to submission of the application, certifying each participant to be free of infectious, contagious or communicable disease.
- (j) Full information as to compliance by the applicant with each restriction of this Ordinance applicable to the type of license he is applying for.
- (k) At the time of filing the application, a fee of \$25.00 shall be paid to the City Clerk to cover the cost of investigation.

Section 3. RESTRICTIONS FOR ON PREMISE CONSUMPTION. In addition to all restrictions required by the laws of the State of Alabama, the following restrictions must be fully complied with by all applicants for a license for the retail sale of malt or brewed beverages for on premise consumption:

(a) The place or establishment for which a license is applied for must be more than five hundred (500) feet from any other place or establishment where malt or brewed beverages are sold for on premise consumption.

(b) The place or establishment for which a license is applied for must not be located in a zone which is declared residential or where the sale of malt or brewed beverages is otherwise forbidden, under any zoning ordinance of the City of Prichard, now or hereafter enacted.

(c) The place or establishment for which a license is applied for must have an area within a building of not less than one thousand (1000) square feet exclusive of any kitchen on one floor in one room equipped with tables and chairs, accommodating at least fifty persons at one time, in which no other business is conducted other than sale of food for consumption on the premises.

PARK OR
PUBLIC
PLAYGROUND,

(d) The place or establishment for which a license is applied for must be not less than one thousand (1000) feet from any church building or church grounds or school building or school grounds, ~~or public~~ but this provision shall not apply to renewals of licenses or to licenses now in existence.

(e) The place or establishment for which a license is applied for must provide and maintain separate sanitary rest rooms for each sex.

(f) The place or establishment for which a license is applied for must have facilities only for and must serve only persons of either the white or of the Negro race, and shall not at any time serve, sell or offer for sale any malt or brewed beverages to persons of the Negro race if such establishment is licensed for sales to white persons, and must not at any time serve, sell or offer for sale any malt or brewed beverages to members of the white race if such place or establishment is licensed for sales to Negroes.

(g) Each participant must be of good character and reputation.

Section 4. RESTRICTIONS FOR OFF PREMISE CONSUMPTION. In addition to all restrictions required by the laws of the State of Alabama, the following restrictions must be fully complied with by all applicants for a license for the retail sale of malt or brewed beverages for off premise consumption:

(a) The place or establishment for which a license is applied for must not be located in a zone which is declared residential or where the sale of malt or brewed beverages is otherwise forbidden, under any zoning ordinance of the City of Prichard, now or hereafter enacted.

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(b) The place or establishment for which a license is applied for must be not less than one thousand (1000) feet from any church building or church grounds or school building or school grounds, ~~or public~~ but this provision shall not apply to renewals of licenses or to licenses now in existence.

(c) Each participant must be of good character and reputation.

Section 5. INVESTIGATION AND ISSUANCE.

(a) Upon receipt by the City Clerk of an application hereunder, the original shall be referred to the City Council of the City of Prichard, Alabama, at its next regular meeting, and the City Council shall cause an investigation to be made to determine if the restrictions required by this ordinance have been fully complied with by the applicant.

(b) The investigation caused to be made by the City Council shall be completed in not more than sixty (60) days, and upon the filing of a report of the findings of such investigation with the

City Council, the City Council shall set a date for a hearing to determine whether or not the applicant has fully complied with the restrictions required by this ordinance, which hearing shall be not less than two (2) weeks nor more than six (6) weeks from the date that the report is received by the City Council. The applicant shall be given at least seven (7) days' written notice of the time and place of the hearing.

(c) At the hearing, the City Council shall hear any witnesses that the applicant may desire to present in support of his application and may hear any other persons having knowledge of the matter under consideration.

(d) Upon the conclusion of such hearing, the City Council shall make a determination, and if it determines that the applicant has fully complied with the provisions of this ordinance and the laws of the State of Alabama, shall direct the City Clerk to issue the applicant a license upon the payment of the license fee for same; and if the City Council determines that the applicant has not fully complied with the provisions of this ordinance or the laws of the State of Alabama, shall deny the application.

Section 6. ¹CLERK NOT TO ISSUE. The City Clerk shall issue no licenses for the retail sale of malt or brewed beverages except in accordance with the provisions of this ordinance.

Section 7. REVOCATION. Licenses issued under the provisions of this ordinance may be revoked by the City Council of the City of Prichard, Alabama, after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or false statement contained in the application for license.

(b) Any violation of this ordinance.

(c) Any violation of the laws of the State of Alabama or ordinances of the City of Prichard regulating the sale of intoxicating beverages.

(d) Conviction of any crime or misdemeanor involving moral turpitude.

Section 8. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

Section 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Section 10. PENALTY. Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than One Hundred (\$100.00) Dollars, and may in addition, be sentenced to jail or hard labor for the City of Prichard for a period not to exceed six (6) months.

Section 11. EFFECTIVE DATE. This ordinance shall take effect from and after its passage and publication as provided by law.

Adopted this 10th day of June, 1957.

APPROVED: /S/ G. V. Dismukes

Mayor

ATTEST: /S/ Berniece H. Centanne
City Clerk