

LEGAL NOTICE

Ordinance No. 551

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

SECTION 1. This Ordinance shall not have the effect of altering or repealing in anywise any Ordinance of the City of Prichard now in effect, but shall be in addition to and cumulative of all such Ordinances.

SECTION 2. When used in this Ordinance the term "person" means and includes every natural person, firm, association, corporation, club, partnership, company, trustee, agency, and any agent, servant, employee or officer thereof, singular or plural; the term "distributor" and "seller" shall mean and include any person as the term "retailer" is herein defined who is regularly engaged in the business of selling, distributing, delivering, storing or taking out of storage, malt or brewed beverages, as the words "brewed or malt beverages" are herein defined, within the County of Mobile; "malt or brewed beverages" means and includes 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; "licensed retailer" shall mean and include every person as the term "person" is defined herein, who has purchased and retains a retail license to sell brewed or malt beverages, as the term "brewed or malt beverages" is defined herein, from the City of Prichard, and who is not delinquent in the license tax payments due to the City of Prichard by reason of Ordinance No. 492 of the City of Prichard.

SECTION 3. In addition to all other licenses and taxes now levied, collected or assessed by the City of Prichard, there is hereby levied and assessed against each person having in his possession or control or upon premises in his possession or under his control within the police jurisdiction of the City of Prichard, Alabama, but without the City limits thereof, more than 288 fluid ounces of brewed or malt beverages or one (1) gallon of malt liquor, a license tax in amount equal to one (\$00.01) cent on each twelve (12) fluid ounces of brewed or malt beverages.

SECTION 4. Every person who has in his possession or control or has upon premises in his possession or under his control more than 288 fluid ounces of brewed or malt beverages shall, immediately upon entering the police jurisdiction of the City of Prichard with same, or immediately upon its delivery to him in the police jurisdiction of the City of Prichard, or immediately upon his discovery of the same in his possession or under his control or upon premises in his possession or under his control, declare the

same before the City Clerk of the City of Prichard and pay the tax due hereunder to her, and in her absence, declare the same with the Police Department of the City of Prichard and obtain from said Department a statement in writing acknowledging such declaration, after which the tax due hereunder shall be paid during the first day upon which the City Clerk's Office shall be open for business.

SECTION 5. This Ordinance shall not apply to persons or institutions which conduct business in state commerce, nor shall any provision hereof apply to the United States of America or to its agencies or instrumentalities.

SECTION 6. This Ordinance shall not apply to any person licensed by the City of Prichard to sell brewed or malt beverages at retail, and whose name has not been revoked and who is not delinquent in its license tax payments due to the City of Prichard and by reason of Ordinance No. 492 of the City of Prichard.

SECTION 7. Possession by any person of legible, itemized, properly dated invoices from a distributor or seller of brewed or malt beverages, which such invoices clearly reflect the address and name of such distributor or seller, the address and name of the person, the quantity of brewed or malt beverages sold or delivered, the brand thereof, the quantity of each brand, the size and kind of containers of each brand, the date of purchase, the price, the brewery case number, and the fact that such distributor or seller has added to the sale price thereof and paid to the City of Prichard or is liable to the City of Prichard in an amount equal to one (\$00.01) cent on each twelve (12) fluid ounces of brewed or malt beverages, shall be prima facie evidence of the fact that such person is not guilty of a violation of this Ordinance, it being the intent of this Ordinance that a license tax of one (\$00.01) cent on each twelve (12) fluid ounces of brewed or malt beverages in the possession or under the control of any person in the police jurisdiction of the City of Prichard, shall be paid or shall have been paid to the City of Prichard.

SECTION 8. Any person convicted of violating any of the provisions of this Ordinance shall be guilty of an offense against the City of Prichard, and shall be fined not more than One Hundred (\$100.00) Dollars and may, in the discretion of the Recorder or Judge trying the cause, in addition be sentenced to jail or hard labor for the City of Prichard for a term of not to exceed six (6) months.

Adopted this the 22nd day of October, 1951.

BERNICE E. CENTANNE
City Clerk
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