

Beverage control

ORDINANCE NO. 946

Be it ordained by the City Council of the City of Prichard, Alabama, as follows:

SECTION ONE

The City Council of the City of Prichard, Alabama, after having conducted a proper study of the matter, concludes as a matter of fact that the unlawful possession, either constructively or actively of more than 24 bottles, cans or other containers of any malt ^{or brewed} beverage not bearing upon the said container a decal comania or other suitable evidence showing that the tax due the City of Prichard thereupon has been paid, is not to the best interest of the public health, welfare or morals of the City of Prichard, and adopts this Ordinance under and by reason of the Police power existing in said City to promote the public health, welfare and/or morals of the people of the City of Prichard.

SECTION TWO

It shall be unlawful and an offense against the City of Prichard for any person to have in his or her possession within the City Limits of the City of Prichard, Alabama, whether constructively or actively, more than 24 bottles, cans or other containers having a content of 12 fluid ounces each, or a similar number of such bottles, cans or containers holding more than 288 ounces, in the aggregate, of any malt or brewed beverage if each of such bottles, cans or other containers does not bear thereupon in a prominent place a decal comania or other suitable evidence evidencing the fact that all taxes due the

City of Prichard, Alabama, by reason thereof have been paid in full.

SECTION THREE

In the event of the violation and conviction of any person under the provisions of SECTION TWO hereof, if such malt or brewed beverage in such quantity referred to in SECTION TWO shall be in the active or constructive control of the driver or operator of any automotive vehicle by whatever name called, such automotive vehicle shall be confiscated by the Police Department of the City of Prichard and shall be held by the City of Prichard until such time, not exceeding 60 days, except in the event of an appeal of said conviction or of said confiscation, and such automotive vehicle shall be sold at public auction in the same manner as are automobiles confiscated by the State of Alabama for illegal carriage of alcohol beverages.

SECTION FOUR

Any person found guilty of violation of SECTION TWO hereof shall be fined not more than \$100.00, and may in addition, be sentenced to jail or hard labor for the City of Prichard in the discretion of the Judge or Recorder trying the same for a period not to exceed six months.

SECTION FIVE

In the event of the conviction of any person for violation of SECTION TWO hereof, the license or licenses theretofore issued by the City of Prichard to such person for the sale or other disposal of malt or brewed beverages shall be revoked by the License Inspector of the City of Prichard, without further action by the City Council

of the City of Prichard or any other authority of the City of Prichard, and the same person shall never again be issued a license to sell or otherwise dispose of malt or brewed beverages within the City of Prichard, Alabama.

SECTION SIX

In the event of the conviction of any person for violation of SECTION TWO hereof, and such person shall be the agent, servant or employee of the owner or operator of any store, restaurant, or other outlet, and acting within the line and scope of his or her authority as such, the license of the owner or operator of such store, restaurant or other outlet shall be revoked by the License Inspector of the City of Prichard, Alabama, without further action by the City Council of the City of Prichard, Alabama, or any other authority of said City of Prichard, and no license for the sale or other disposal of malt or brewed or alcoholic beverages shall ever again be issued to such owner or operator of such store, restaurant or other outlet.

SECTION SEVEN

All of the Sections of this Ordinance are hereby declared to be severable, and in the event that one or more of such Sections, or one or more of the provisions of such Sections shall be found to be unconstitutional or otherwise illegal by a Court of competent jurisdiction, the same shall not affect the remainder of this Ordinance; it being the express intention of the City Council of the City of Prichard, Alabama, that it is the intention of such City Council to adopt each and every Section and provision of each and every Section of this Ordinance without regard to the consti-

tutionality or eligibility of any other Section or Sections or provision or provisions of such Section or Sections, and that the remainder of this Ordinance shall remain in full force and effect.

ADOPTED this the 22nd day of April, 1963.

W. C. Capper
Mayor

ATTEST:

Dwight H. Sautanne
City Clerk