

THE SAME BEING AN ORDINANCE OF THE TOWN OF SAGINAW, NEWTON COUNTY, MISSOURI  
CONCERNING: LIQUOR CONTROL

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SAGINAW, MISSOURI, AS  
FOLLOWS:

ARTICLE 1.

SECTION 1. The term "intoxicating liquor" as used in this ordinance shall mean and include alcohol for beverage purposes, alcoholic, spirituous, ardent spirits, malt, vinuous or fermented and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths (3.2) per cent of alcohol by weight.

SECTION 2. It shall be unlawful for any person, firm, partnership or corporation to manufacture, sell or expose for sale, either at wholesale or retail, in the Town of Saginaw, Missouri, intoxicating liquor as herein defined in any quantity without first having obtained a license from the town therefore, except as otherwise herein provided.

SECTION 3. The licenses required and imposed under this ordinance shall be as follows:

(a) Retailers in intoxicating liquors sold only in the original package and not to be consumed upon the premises, the sum of \$30.00, per annum.

(b) Retailers in malt liquors not to exceed 5 per cent alcohol by weight the sum of \$30.00 per year for the sale in the original package for sale by the drink the sum of \$30.00 per year.

(c) Retailers of non-intoxicating beer not in excess of 3.2 per cent alcohol by weight the sum of \$30.00 per annum.

(d) Wholesaler or wholesaler agent for the sale of intoxicating liquors of all kinds \$30.00 per annum.

(e) Wholesale or wholesale dealers or agents the sum of \$30.00 per annum for the sale of malt liquors not to exceed five (5) per cent alcohol by weight.

SECTION 4. No license used under this ordinance shall be transferable or assignable.

SECTION 5. Each license in compliance with this ordinance shall be for one year from the date of issue, unless revoked for cause herein provided. The renewal of any license granted under this ordinance shall be issued as a matter of course and no new application will be required except the payment of the annual license fee.

SECTION 6. No person having a license under the provisions of this ordinance shall sell, or give away or otherwise dispose of or suffer the same to be done upon or about his premises any intoxicating liquor in any quantity on the first day of the week commonly known as Sunday, or upon any day of any general election or any primary election of this state, or upon any county, city, town or municipal election day.

SECTION 7. No person, firm, or corporation shall be permitted to secure a license for the sale of intoxicating liquor within One Hundred (100) feet of any school or church within the limits of the Town of Saginaw, Missouri.

## ARTICLE 2.

SECTION 1. No person, agent, or employee of any person in any capacity shall sell intoxicating liquor in any other place than that designated in the license or at any other time than states or otherwise than is authorized by this ordinance and the regulations herein provided for. Provided nothing in this ordinance shall be construed as to authorize the sale of intoxicating liquor in the original package, or at retail buy the drink for consumption on the premises where sold, in a place commonly called a "Saloon". Provided further that no license shall be issued by the Town of Saginaw Council for the sale of intoxicating liquor or retail by the drink for the consumption on the premises where sold in a place commonly known as a "Saloon", nor any building or any room where there are blinds, screens, swinging doors, curtains or any other things in any such building or room that will obstruct or obscure the interior of such room from the public eye.

SECTION 2. No person having a license under the provisions of this ordinance shall sell, give away, or otherwise dispose of or suffer the same to be done, upon or about his premises any intoxicating liquor in any quantity between the hours of twelve (12) o'clock midnight and six (6) o'clock A. M.

SECTION 3. No person shall possess intoxicating liquor within the Town of Saginaw, Missouri, unless the same has been acquired from some person holding a duly authorized license to sell the same under this ordinance, or unless the said intoxicating liquor is had or kept with the written or printed permission of the State Supervisor or Liquor Control, and the package in which intoxicating liquor is contained and from which it is taken for consumption, has while containing intoxicating liquor, been labeled and sealed with the official seal prescribing under the State Law and the regulations made there under. Provided, further, that nothing in this ordinance shall be construed as to prevent the natural fermentation of fruit juices in the home for the exclusive use of the occupants of the home and their guests.

SECTION 4. Any druggist may have in his possession intoxicating liquors purchased by him from a licensed vendor under a license pursuant to this ordinance or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this state and lawfully inspected, gauged, and labelled as provided for in the "Liquor Control Act", of the State of Missouri; such intoxicating liquor to be used in the business of a druggist in compounded medicines or as a solvent or preservative. Provided that nothing in this act shall prevent a regularly licensed druggist, after he procures a license therefor in compliance with this ordinance, from selling intoxicating liquor in the original package, but not to be drunk or the package opened on the premises where sold. Provided further, that nothing in this act shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his professional judgment for any person at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as provided above.

SECTION 5. No person or his employee shall sell or supply intoxicating liquor or permit same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor. Intoxicating liquor shall not be given, sold, or otherwise supplied to any person under the age of twenty-one (21) years of age, but this shall not apply to supplying of intoxicating liquor to a person under said age for medical purpose only or by the parent or guardian of such person by a physician. No person under the age of twenty-one (21) years shall assist in the sale or dispensing of intoxicating liquor.

SECTION 6. All applications for license under the provisions of this ordinance shall be made in writing to the City Council.

SECTION 7. On approval of the application by the town board and payment of the license tax herein provided, the City Clerk shall grant applicant a license to conduct business in the town for one (1) year from date of issuance of said license. Every license issued under the provision of this ordinance shall particularly describe the premises at which intoxicating liquor may be sold hereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than described.

SECTION 8. Intoxicating liquor shall be sold at retail in the original package, only upon a license granted by the City Council, and said intoxicating liquor so sold shall not be consumed upon the premises of the vendor, except as otherwise provided in this ordinance. Provided, further that no intoxicating liquor purchased in the original package shall be consumed upon any premises where intoxicating liquor is authorized to be sold.

### ARTICLE 3.

SECTION 1. Malt liquor containing alcohol in excess of three and two tenths (3.2) per cent by weight and not in excess of five (5) per cent by weight may be sold by the drink at retail for consumption on the premises where sold when the person, partnership or corporation desiring to sell said malt liquor by drink for consumption on the premises where sold shall have been licensed to do so by the Town of Saginaw, County of Newton and State of Missouri, and under the provision of this ordinance. Provided, that a license is authorized to sell malt liquor at retail by the drink for consumption on the premises where sold shall not be permitted to obtain the intoxicating liquors where sold and shall not be permitted to obtain a license for the sale of liquors in the original package. Provided, further, that it shall be unlawful for any person to sell malt liquor which contains 3.2 per cent of alcohol by weight or other intoxicating liquors are sold. Provided, further, that it shall be unlawful for any person to sell malt liquor which contains in excess of 3.2 per cent of alcohol by weight to sell other intoxicating liquors or malt liquors containing not in excess of 3.2 per cent of alcohol by weight. Provided, further, that it shall be unlawful for any person to sell any malt liquor where intoxicating liquor other than malt liquor is sold.

SECTION 2. The term "Malt Liquor" as used in this ordinance shall mean that liquor manufactured from pure hops, or extract of hops, or pure barley malt, or wholesome grains or cereals and wholesome yeast and pure water, and commonly called and known as beer.

SECTION 3. No person shall be granted a license under this ordinance unless such person is of a good moral character and a native born or naturalized citizen of the United States of America, and a qualified voter and tax paying citizen of the Town of Saginaw, Missouri; and no person shall be granted a license or permit hereunder, whose license as such dealer shall be revoked, or who has been convicted, since the ratification of the Twenty-First Amendment to the constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor or who employs or has employed in his business as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.

SECTION 4. The City Council of Saginaw, may on hearing, revoke any license issued under the provisions of this ordinance for good cause shown, first having given such licensee not less than ten (10) days notice in writing of the application to revoke his license prior to the order of revocation issuing which said notice shall contain the ground or grounds for such revocation set out therein, which notice shall command the licensee to be present at the regular or called meeting of the City Council and show cause, if any, why such license should not be revoked. Provided, that the licensee shall have full right to be represented by the counsel at said hearing, and may produce witnesses and evidence in his behalf at such hearing. Provided, further, that such notice of revocation hearing shall be served by the city marshal and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of said licensee.

SECTION 5. Any person violating any of the provisions of this ordinance, except where some penalty is otherwise provided, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by a fine of not exceeding One Hundred (\$100.00) Dollars. Provided, that upon final conviction of any person for a violation of any of the provisions of this ordinance, said conviction shall automatically operate to revoke the license hereunder issued to such person, provided further that the term "conviction" as used herein shall mean conviction upon final determination of any prosecution of any violation of this ordinance. Provided further that no person having been convicted of the violation of any of the provisions of this ordinance shall be issued a license or a renewal therefore for a period of one year, from the date of said conviction.

SECTION 6. The term "person" as used in this ordinance shall mean and include any individual, firm, association, stock company, syndicate, partnership or corporation.

SECTION 7. Upon conviction of any person under the provision of this ordinance, it shall be the duty of the municipal Judge, or other person actin as such to certify such conviction to the City Council.

SECTION 8. In case of revocation of forfeiture of any license granted and issued under the provisions of this ordinance for cause or otherwise, the town shall in no event return any part of the license fee paid for such license.

SECTION 9. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION 10. All ordinances in conflict with this ordinance are hereby repealed.

SECTION 11. This ordinance shall be in full force after its passage and approval.

\_\_\_\_\_  
President of the Board

\_\_\_\_\_  
Town Clerk

APPROVED AFTER PASSAGE this \_\_\_\_ day of \_\_\_\_\_, 1957.

\_\_\_\_\_  
President of the Board

\_\_\_\_\_  
Town Clerk