

ORDINANCE NO. 53

AN ORDINANCE regulating the use and disposition of Beverages consisting of alcohol; Providing for the issuance of licenses; Defining offenses against said ordinance; and providing penalties for the violation thereof.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON:

Section 1. That the terms "beverages" as used in this ordinance shall include any liquor or liquid containing alcohol and capable of being used as a beverage.

Section 2. That the regulations, privileges, licenses and permits hereinafter provided for shall not be construed and are not intended to give or grant or extend to any person, firm or corporation any right, license, permit or privilege to do anything in conflict with the Constitution or laws of the United States of America or with the Constitution or laws of the State of Washington.

Section 3. It shall be unlawful for any person, firm or corporation to conduct or maintain any place or vehicle within the Town of Coupeville, Washington, where or wherein, beverages as defined by this ordinance are sold or offered for sale without having first obtained a valid license from the Town Clerk of said Town of Coupeville authorizing such person, firm or corporation to conduct or maintain any place or vehicle or place of business at such location.

Section 4. It shall be unlawful for any person, firm or corporation to go from place to place or house to house, carrying for sale or offering for sale beverages as defined by this ordinance without then and there having in his possession a license issued under the provisions of this ordinance and authorizing him so to do.

Section 5. Licenses may be granted under and pursuant to the provisions of this ordinance permitting the licensees to keep for sale and to sell beverages, as defined by this ordinance, as follows:

(A) Where served and consumed "on the premises", upon payment of an annual fee for said license of the sum of \$25.00.

(B) Where kept and offered for sale in sealed containers for consumption "off the premises", upon the payment of an annual fee for said license of the sum of \$15.00.

(C) Where kept and offered for sale at wholesale upon the payment of an annual fee for said license of the sum of \$100.00. A "wholesaler", as contemplated by this ordinance, is one who keeps and offers for sale beverages as defined by this ordinance, in not less than barrels, half--barrels, quarter-barrels, eight-barrels, sixteenth barrels, and case lots of two dozen pints or one dozen quarts. Any dispenser of beverages as provided by this ordinance in less quantities than as designated as a wholesaler, shall be deemed and considered a retailer.

(D) Where the licensee goes from place to place or house to house carrying for sale or offering for sale beverages as defined by this ordinance upon the payment of an annual fee of \$150.00 for said license.

Section 6. Any person, firm or corporation desiring a license for the sale of such beverages shall file with the Town Clerk of said Town an application therefor in such form as the Town Council of said Town may prescribe or require. The application shall designate the kind of license desired and two or more licenses may be granted to the same applicant and location.

Section 7. It shall be unlawful for any person to sell or serve beverages as defined by this Ordinance to a minor or to permit a minor to drink the same on the premises of the licensee, or to employ the services of a minor in the place of business of a licensee where beverages as defined by this Ordinance are sold and served for consumption.

"on the premises". It shall be unlawful to sell or serve beverages as defined by this Ordinance to a person who is intoxicated.

Section 8. All persons operating under licenses issued by virtue of this Ordinance shall be required to maintain an orderly place of business and to permit no loud or boisterous conduct therein. No private rooms for the service of beverages as defined by this Ordinance or private entrances to the said premises shall be permitted.

Section 9. All ordinances of the Town of Coupeville, Washington as well as all state and federal laws and regulations, must be strictly observed by the licenses. Every portion of the premises of a licensee operating a place or vehicle for the sale or consumption of beverages as defined in this ordinance "on the premises" shall be open to the inspection of the Marshall of said Town of Coupeville at any and all times.

Section 10. It shall be unlawful for any person to drink beverages as defined by this Ordinance in any restaurant or other public place, except in duly and regularly licensed places of business permitting the sale and consumption "on the premises".

Section 11. Licenses issued under the provisions of this ordinance shall not be transferred to any other person or to any other location without the authority and consent of the Town Council of said town.

Section 12. "Person" within the meaning of this Ordinance shall mean and include natural persons of either sex, firms, co-partnerships, associations and corporations.

Section 13. All licenses issued under the provisions of this Ordinance shall be displayed in a conspicuous place at the location so licensed.

Section 14. All license fees required by this ordinance shall

be paid in advance for the period applied for and no application shall be submitted to the Town Council until the license fee has been tendered in full in advance. Applicants shall tender the license fee to the Town Treasurer and receipt therefor shall be submitted with the application and should the application be denied the fees so tendered shall be returned to the applicant.

Section 15. No license issued under this Ordinance shall be for a period of more than one year from date of issue, but may be for a shorter period. The license fees hereinbefore provided are for licenses running for one year; the fees for licenses for less than one year shall be such part of the full fee as the term covered by the license is to be the year; provided, however, that in no case shall the fee be less than one half of the fee required for a license for one whole year.

Section 16. Upon application of the Marshall licensee shall be granted a hearing before the Town Council on not less than five days notice requiring the licensee to show cause why the license should not be revoked; such notice to set forth the principal cause of complaint against such licensee. After such hearing, any licenses issued under the provisions of this ordinance will be revoked by the town council for violation of the provisions of this ordinance or any other ordinance of the state or federal law, or upon good cause shown. The Town Marshall is hereby empowered to suspend any licenses issued under the provisions of this ordinance pending hearing before the Town Council. Any person conducting any business licensed hereunder, after notice of suspension or revocation of such license, shall be liable to the penalties hereby provided for operating such business without a license. The action of the Town Council regarding the suspension or revocation of any license shall be final.

Section 17. The term "good" cause", as herein used, shall be construed to be and mean disregard of warnings and notices by police officers, disregard or violation of this or other Ordinance of said Town of Coupeville, drunkenness, or the committing of any offense involving moral turpitude, or a failure of any licensee, or the premises upon or equipment with which his business is carried on, to comply with and conform to the requirements for the granting of such license as set forth in this Ordinance or to the requirements of laws and ordinances pertaining to health and sanitation.

Section 18. Any person violating or failing to comply with any of the terms and provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than (\$250.00) or by imprisonment in the County jail of Island County, for not more than (60) days or by both such fine and imprisonment.

Section 19. Every person concerned in any act or omission in violation of this Ordinance either as principal or agent, owner or employee, whether he directly performs or omits to perform any act in violation of this Ordinance, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is, and shall be a principal under the terms of this Ordinance and shall be proceeded--  
ed against and prosecuted as such.

Section 20. The violation of any of the provisions or regulations provided for in this Ordinance shall subject the premises upon which said violation occurs to abatement as a nuisance and the owner thereof to the penalties of this Ordinance.

Section 21. No license shall be granted for the sale of bev-

erages as herein defined unless the application for such license is accompanied by a neat drawing showing accurately the premises intended to be covered by such license, and showing all entrances to said premises, including floor plan, and after license is granted, such license shall authorize the holder of said license to sell beverages only on the premises upon the said drawing indicated.

Section 22. For the purpose of further regulating the sale, use and disposition of beverages as herein defined, the town Council of said town at all times reserves the right to reject any application for a license hereunder and to exercise its judgment and discretion as to the fitness or propriety of issuing a license to any person or place.

Section 23. No license shall be issued under this ordinance unless it be on an order of a majority of the members of the Town Council of said Town and every license shall be issued by the Town Clerk under his seal and hand.

Section 24. That this ordinance be published once in the Island County Times and that it be in effect from and after the publication, as provided by law.

PASSED by the council this 11th day of July, 1933.

L.H. HENLEY, Mayor

ATTEST:

Esther Morris, Town Clerk