

ORDINANCE NO. 217

AN ORDINANCE PRESCRIBING THE CONDITIONS AND REGULATIONS UNDER WHICH MALT AND OR VINOUS BEVERAGES CONTAINING NOT MORE THAN 3.2 PER CENT OF ALCOHOL BY WEIGHT MAY BE KEPT, SOLD, GIVEN AWAY OR OTHERWISE DISPENSED IN THE TOWN OF SAN ANSELMO, MARIN COUNTY, CALIFORNIA.

The Town Council of San Anselmo do ordain as follows:

SECTION 1. For the purpose of this ordinance the words "Malt and or Vinous Beverages" or "Malt or Vinous Beverages" wherever used herein shall be held to mean any malt or vinous beverages or any mixture thereof, containing 3.2 per cent or less of alcohol by weight and more than one half of one percent of alcohol by volume. The word "Person" shall include person, firm, organization, association, company, corporation and any agent, officer or employee thereof.

SECTION 2. Any person conducting a wholesale or retail establishment in the Town of San Anselmo desiring to sell or deliver malt and or vinous beverages on and or off the premises shall obtain a permit as provided and pursuant to the several sections of this ordinance. And shall pay for such permit, if and when issued, a fee of \$5.00; said permit shall be good only for a period of twelve months from date of issue; except as provided in Section 3 of this ordinance.

SECTION 3. Any person desiring to sell draught or bottled malt and or vinous beverages at special meetings, gatherings, picnics, banquets, and any like affairs shall obtain a special permit for one day only, fee for which shall be \$5.00. Such permit may be issued by the Chief of Police without special approval of the Town Council of San Anselmo.

SECTION 4. Malt and/or vinous beverages cannot be sold or otherwise dispensed for consumption on the premises of any retail or wholesale establishment, restaurant, cafe, coffee shop, soda fountain or other place of like business except with meals. This provision likewise applies to such person obtaining a permit pursuant to Section 3 of this ordinance.

SECTION 5. No permit shall be issued under the provisions of this ordinance unless such place of business shall be located within the unrestricted or commercial districts of the Town of San Anselmo, as such districts are laid out and defined in Ordinance 190 of the Town of San Anselmo, with subsequent amendments; with the exception of those special permits issued under Section 3 of this ordinance.

SECTION 6. Any person not conducting a retail or wholesale establishment in the Town of San Anselmo, desiring to sell and or deliver malt and or vinous beverages shall obtain a permit and pay a fee therefor as provided in Section 2 of this ordinance.

SECTION 7. Any person desiring a permit under the provisions of this ordinance shall make application to the Chief of Police, giving the name of the applicant desiring the permit, the place where it is proposed to carry on the business for which the permit is desired, giving the street and number, stating whether the permit is desired for the sale and consumption on and or off the premises, wholesale or retail, or delivery only as defined in this ordinance. The Chief of Police shall investigate each application to determine the location and conditions under which permit for the sale and or delivery of malt

and or vinous beverages is being requested and shall report his findings to the Town Council for action at their next meeting. If the action of the Town Council is favorable, the Chief of Police shall be notified and he shall, upon payment of the permit fee, issue a permit pursuant to the provisions of this ordinance. Every permittee hereunder shall keep such permit posted in a conspicuous place upon the premises where such malt and or vinous beverages are sold, dispensed or served, or if such permit is for delivery only, the permittee shall carry such permit with him at all times while making deliveries and shall show said permit to any officer of the Town of San Anselmo upon demand.

SECTION 8. It shall be unlawful for any person to sell, dispense or deliver in the Town of San Anselmo any malt and or vinous beverages without first having obtained a permit to do so as heretofore provided. It shall be unlawful under any and all circumstances for a permittee to sell, give away, dispense or deliver any malt and or vinous beverages to minors under the age of nineteen years, unless accompanied by his or her parent or guardian. Unless so accompanied, it shall be unlawful on the part of any minor under the age of nineteen years to accept or receive any malt and or vinous beverages from a permittee.

SECTION 9. Any permit issued hereunder shall be in addition to any license required by the Town of San Anselmo for the purpose of maintaining any business, calling, trade, occupation or making deliveries or any other license required by law.

SECTION 10. The Town Clerk shall procure a book with blank permits attached to stubs therein so that said permits when issued may be detached, leaving such stubs in said book. Such stubs and the corresponding blank permits attached thereto shall be consecutively numbered and contain provision for insertion therein of the name of the person to whom the permit is issued, a designation of the class of sale of malt and or vinous beverages or delivery engaged in or conducted by such person, and the location or place where same is carried on, the amount paid for said permit and the period of time covered thereby. The Clerk shall deliver said book of blanks to the Chief of Police who shall receipt therefor. And at the end of each fiscal year and at such other times as the Town Council shall direct, the Chief of Police shall redeliver such book to the Clerk and shall at the same time account for all permit blanks that have been detached therefrom.

SECTION 11. All permits hereunder shall be signed by the Clerk and shall be signed by the Chief of Police when issued, but no such permit shall be issued except upon payment of the fee required. All such permit fees shall be paid to the Chief of Police at his office in the Town Hall in said town, and shall be by him paid to the Town Treasurer at least once a month. Upon making such payment he shall receive from the Town Treasurer a receipt therefor which he shall exhibit to the Clerk when accounting for all permit blanks as required by Section 10 of this ordinance.

SECTION 12. Upon sufficient cause being shown or proof being furnished to the Town Council that any person holding a permit hereunder is keeping a disorderly or disreputable place of business, or violates any section of this ordinance, the same shall be, by the Town Council, declared a public nuisance, and any permit issued hereunder to such person shall be revoked, and the money paid therefor shall be forfeited to the Town of San Anselmo, and said person shall never again be granted a permit to sell, dispense or deliver malt and or vinous beverages in the Town of San Anselmo.

SECTION 13. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by imprisonment for not more than three months, or by both such fine and imprisonment.

SECTION 14. The Town Clerk is hereby directed to cause this ordinance to be published once in the Marin Herald, a weekly newspaper of general circulation, published and circulated in said Town of San Anselmo and thereby designated for this purpose.

SECTION 15. This ordinance is urgently required for the immediate preservation of the public peace, health and safety of the Town of San Anselmo and its inhabitants and it shall go into full force and effect immediately upon its passage and approval. The facts constituting such urgency are the approach of the sale of malt and or vinous beverages in and upon premises in the Town of San Anselmo, and the likelihood that such beverages may be sold near schools or to minors under the age of nineteen years, and that there is no existing ordinance regulating such sale of malt and or vinous beverages.

I hereby certify that the foregoing ordinance was regularly introduced at a regular meeting of the Town Council of the Town of San Anselmo held on the eleventh day of April 1933, and thereafter duly passed and adopted by said Town Council at an adjourned meeting thereof held on the 18th day of April, 1933.

AYES

COUNCILMEN.

*Newpssey,
Scottford & Fusselman*

NOES

COUNCILMEN

None

ABSENT

COUNCILMEN

Jordan & Wright

Approved:

William S. Fusselman

President of the Town Council and
Mayor of the Town of San Anselmo.

In witness whereof, I have hereunto set my hand and affixed the official seal of said town this 18th day of April 1933.

J. H. Brown

Clerk of the Town of San Anselmo.