

Ordinance No. 195

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO. 118 OF THE CITY OF LODI ENTITLED "AN ORDINANCE PROHIBITING IN THE CITY OF LODI, THE SALE, GIFT, STORAGE, MANUFACTURE, TRANSPORTATION, UNLAWFUL POSSESSION, IMPORTATION, OR EXPORTATION OF INTOXICATING LIQUORS FOR BEVERAGE PURPOSES; REGULATING ALL OTHER TRAFFIC IN SUCH LIQUORS; AND PROVIDING PENALTIES FOR VIOLATION HEREOF"; AND DEFINING THE TERM "INTOXICATING LIQUORS"; AND LICENSING THE BUSINESS OF MANUFACTURING, SELLING, FURNISHING, DISTRIBUTING OR GIVING AWAY CERTAIN BEVERAGES WITHIN THE CORPORATE LIMITS OF THE CITY OF LODI; REGULATING THE SELLING, FURNISHING, DISTRIBUTING OR GIVING AWAY OF CERTAIN BEVERAGES; AND PROVIDING FOR A PENALTY FOR VIOLATION THEREOF.

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

Section 1. Ordinance Number 118 of the City of Lodi, entitled "**An** Ordinance Prohibiting in the City of Lodi, the Sale, Gift, Storage, Manufacture, Transportation, Unlawful Possession, Importation, **or** Exportation of Intoxicating Liquors for Beverage Purposes; Regulating all Other Traffic in such Liquors; and **Provid-**ing Penalties for Violations hereof" is hereby duly repassed and re-adopted as **an** ordinance of this City subject to the amendments thereof hereinafter set out.

Section 2. Wherever in said ordinance the words "one-half of 1 per centum **or** more of alcohol by volume" shall appear, **or** heretofore appeared, the said words shall hereafter read "3.2 per centum **or** more of alcohol by weight"; the words in said ordinance "one-half of 1 per centum of alcohol by volume" shall hereafter read "3.2 per centum of alcohol by weight"; the words in said ordinance "Board of Trustees" shall hereafter read "City Council" and "City Recorder" **shall** hereafter read "City Judge"; and said ordinance is hereby amended accordingly.

Section 3. It shall be unlawful **for** any person, firm or corporation within the corporate limits of the City of Lodi to engage **in** the business of manufacturing, keeping, storing, furnishing, distributing **or** selling **any** beer, malt, wine **or** any liquid of any kind **or** character containing between one-half of 1 per centum by

volume of alcohol and not more than 3.2 per centum by weight of alcohol, and which may be fit for beverage purposes, without first obtaining from the City Council of said city a license so to do and without first paying to said City a license tax as hereinafter provided :

Such license tax shall be paid in advance and shall be as follows:

(1) For conducting the business of manufacturing such beverages \$7.50 per quarter year;

(2) For conducting the business of, furnishing, giving away or selling such beverages in bulk, bottles or packages to retailers for resale \$6.25 per quarter year;

(3) For conducting the business of, furnishing, giving away or selling such beverages in bulk, bottles or packages to individuals, persons, firms or corporations to be consumed elsewhere than upon the premises where sold \$5.00 per quarter year;

(4) For conducting the business of, furnishing, giving away or selling such beverages to be consumed upon the premises where furnished, given away or sold \$7.50 per quarter year, provided however that any person, firm or corporation having a license to furnish, give away or sell the said beverages to be consumed upon said premises where furnished, given away or sold, shall be, by virtue of such license, permitted to furnish, give away or sell the beverages in bulk, bottles or packages to persons or individuals to be consumed elsewhere than upon the premises where sold, furnished or given away.

Section 4. Any person, firm or corporation desiring to obtain any such license shall make written application therefor to the City Council which, at its next regular meeting thereafter but not less than seven days after the filing of said application shall, upon the payment of the license fee for the ensuing quarter year, grant to such applicant the said license, unless said City Council

shall decide that sufficient licenses for the purpose of conducting the business for which said license shall be so applied already exist within the City of Lodi, or unless said City Council shall, for any other reason, decide to deny such license, the said City Council hereby reserving the right to deny any and all such applications for licenses; which licenses shall be applied for and renewed or denied each year in advance, and each of which licenses may be revoked at any time at the pleasure of said City Council, and no such license shall be granted to any person who shall have been convicted of any felony or violation of any liquor law or regulation within two years before filing of such application.

Section 5. It shall be unlawful for any person, firm or corporation knowingly to sell, furnish, distribute or give away within the corporate limits of the City of Lodi to any intoxicated person or to any person supported in whole or in part from funds contributed by the public or by any public board or body or to any minor under the age of eighteen years any beer, malt, wine, extract or liquid of any kind or character containing more than one-half of 1 per centu by volume of alcohol and which may be fit for beverage purposes, and no person under the age of eighteen years shall be permitted to sell; furnish, distribute, handle or give away any such beverage; and no person, under twenty-one years of age shall be permitted to sell, furnish, distribute, handle or give away any such beverage to be consumed upon the premises where the same shall be sold, furnished, distributed, handled or given away.

Section 6. Each license so to be granted shall specify the extent of the privilege or right so granted and no licensee shall by virtue of any such license, be permitted to exercise any right or privilege except that specifically stated or granted in such license. Each application for license and each license so to be granted shall specify the particular place or address at which the business so licensed is to be conducted and no licensee by virtue of such license,

shall have the right to conduct the business so to be licensed, except at the place ~~or~~ address thus specified. All licenses shall be granted personally to the licensee and no license shall be transferable, without the consent of said City Council.

^h Anything herein to the contrary notwithstanding and regardless of any license which ~~may~~ be granted pursuant to the provisions of this ordinance, **it** shall be unlawful, between the hours of twelve o'clock midnight and six o'clock in the forenoon thereafter, of any ~~day~~, for any person, firm or corporation within the corporate limits of the City of Lodi to furnish, distribute, sell ~~or~~ give away any beer, malt, wine or any liquid of any kind or character containing more than one-half of one per centum by volume of alcohol and fit ~~for~~ beverage purposes.

ⁱ No license which ~~may~~ be granted hereunder shall authorize any person, firm ~~or~~ corporation, and **it** shall be unlawful ~~for~~ any person, firm ~~or~~ corporation (regardless ~~of~~ any license) upon the premises ~~where~~ any groceries or dry goods are sold, to furnish, distribute, sell or give away any beer, malt, wine or any liquid of any kind ~~or~~ character containing more than one-half of one per centum by volume of alcohol, to be consumed on the premises where sold and which ~~may~~ be fit ~~for~~ beverage purposes

"Groceries" within the meaning of this section shall not include fresh fruits, candies, ice cream ~~or~~ confections of any kind.

Section 7. Anything herein to the contrary notwithstanding, **it** shall be unlawful ~~for~~ any person, firm or corporation, either with or without a license (except in a hotel ~~or~~ restaurant now ~~existing~~ and operating) to sell, furnish, distribute ~~or~~ give away any beer, malt, wine or other liquid of any kind ~~or~~ character, containing more ~~than~~ one-half of one per centum by volume of alcohol and which ~~may~~ be fit for beverage purposes, within 300 feet of any school ground, where the same is to be consumed on the premises where so ~~sold~~, furnished, distributed or given away.

Section 8. **It** shall be unlawful ~~for~~ any person to drink any beer, malt, wine or other liquid of any kind or character con-

taining more than one-half of one per centum by volume of alcohol, and which may be fit for beverage purposes, upon any sidewalk, street, public way or thoroughfare, public park or public square or vacant lot or upon the premises where any school is conducted or in any publicly owned building within the corporate limits of the City of Lodi.

Section 9. Anything herein to the contrary notwithstanding, it shall be unlawful for any person, firm or corporation to sell, furnish, distribute or give away any beer, malt, wine or other liquid of any kind or character, containing more than one-half of one per centum by volume of alcohol and which may be fit for beverage purposes, where the same is sold, furnished, distributed or given away behind locked, bolted or barricaded doors; and all persons, firms or corporations which may receive a license under the provisions of this ordinance shall keep the premises where any business is conducted, under said license, open at all times for the inspection of any police or peace officer of said city, and the failure to permit such inspection at any time shall be just cause for cancelling such license.

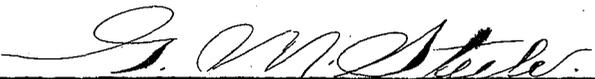
Section 10. Any person, firm or corporation who or which shall violate any of the terms or conditions or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail of San Joaquin County for a period not exceeding three months, or by both such fine and imprisonment.

Section 11. If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, or unconstitutional, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council of the City of Lodi hereby declares that this ordinance shall be deemed to be an exercise of the police power of the City of Lodi, for the protection of the public health, peace, safety and morals of the people of said

City of Lodi, and all of its provisions shall be liberally construed for the accomplishment of these purposes; and the said City Council would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more of such sections, sub-sections, sentences, clauses or phrases might be declared invalid or unconstitutional.

Section 12. This ordinance shall be published once in The Lodi Sentinel, a newspaper of general circulation,

I hereby approve and sign the foregoing ordinance this 3rd day of April A. D. 1933.



Chairman of the City Council and
Mayor of the City of Lodi.

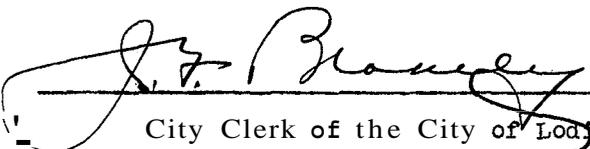
I, J. F. Blakely, City Clerk of the City of Lodi, do hereby certify that the foregoing Ordinance No. 195 was read and introduced for passage at a regular meeting of the City Council of the City of Lodi, on March 27th, 1933, and was thereafter, on the third day of April, A. D. 1933, duly passed and adopted by the following vote:

Ayes: Councilmen WEIHE, CLARK, KEAGIE, SPOONER & STEELE (Mayor)

Noes: Councilmen NONE

Absent: Councilmen- NONE

And that said ordinance was thereupon approved and signed by the Chairman of the City Council and Mayor of the city of Lodi.



City Clerk of the City of Lodi.