ORDINANCE NO. 113.

AN ORDINANCE REGULATING THE VENDING AND DISPOSING OF BEVERAGES AND DRINKS IN THE COUNTY OF SOLANO, OUTSIDE INCORPORATED CITIES, AND PROVIDING THE PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ALL CONFLICTING ORDINANCES.

The Board of Supervisors of the County of Solano do ordain as follows:

SECTION 1. It is hereby declared and made unlawful for any person, persons, firm or corporation to keep in the County of Solano outside incorporated cities and towns any saloon, bar, store, stand or any other place or business where any beverage or drink of any kind or nature and legally saleable is sold without having the license therefor in this ordinance provided and by this ordinance required.

SECTION 2: It is hereby declared to be, and hereby made unlawful for any person, persons, firm or corporation to sell within the County of Solano outside of incorporated cities and towns any beverage or drink of any kind or nature and legally saleable without having the license therefor provided and by this ordinance required.

SECTION 3: All licenses shall be paid for in advance in lawful money of the United States to the License collector of the county of Solano, and said License Collector is hereby authorized, required and directed to collect all licenses and all sums of money herein mentioned and provided for in this ordinance.

SECTION 4: The license herein required must be procured from the License Collector of the County of Solano and payment of the license tax must be made to the License Collector of the County of Solano before the commencement of the business herein required to be licensed, and which said license shall bear the date of the day on which it was actually issued and shall be issued for the period ending with the current quarter of the fiscal year; and shall not be valid for any purpose after the expiration of such quarter year; it being the intention to have licenses terminate quarterly with the close of the months of March, June, September and December; provided, however, that any and all such licenses issued as herein provided, or the permit for the issuance thereof, shall be accepted by said license and held subject to the pleasure of the Board of Supervisors of the County of Solano and may be revoked by said Board of Supervisors, or a majority of said board, at any time for such cause as to said board or a majority thereof, shall upon investigation seem sufficient.

SECTION 5. A separate permission and license, under this ordinance must be obtained for each branch establishment, or separate place of business, and such permission and license shall authorize the party named in such license to run or conduct only one place of business.
SECTION 6: No license issued under the provisions of this ordinance shall be assignable or transferrable, or authorize any person, persons, firm or corporation, other than is therein named, to do business or authorize business to be done, at any other place of building than the place or building particularly specified therein. Every license under the provisions of this ordinance shall specify the name the person, persons, firm or corporation to whom it is issued, and the particular place and building in which the business for which it is issued is to be carried on, and also the date of its issuance, the term for which it is issued and a description of the business to be carried on thereunder. Said license shall also contain as part thereof the following stipulation, to-wit:

"This license is hereby received and accepted subject to all the terms and conditions of Ordinance No. 111 of the county of Solano, under which it is issued". Said stipulation must be signed by the person, persons, firm or corporation named in such license before any business is authorized to be done under said license. Said license shall at all times be kept conspicuously posted up in the place specified therein, and shall not be valid, nor any liquor sold thereunder, unless so kept posted up.

SECTION 7. No license required by this ordinance shall be issued by the License Collector to any person, persons, firm or corporation, or, if so so issued, shall be valid for any purpose unless such person, person firm or corporation shall have been first granted a permit by the Board of Supervisors of said County of Solano to obtain the license required by this ordinance, and such permit must be in force and unrevoked at the time of the issuing of every license.

No permit to obtain the license required by any of the provisions of this ordinance shall be granted by the Board of Supervisors of said County of Solano, or if so granted, shall be valid for any purpose, unless the following conditions have been complied with, to-wit: Each Applicant for a license shall file with the Clerk of the Board of Supervisors of said County of Solano, at which said applicant desires to be heard, a written application to said Board of Supervisors for a permit to obtain the license herein required, which said application shall state and set forth:

First—The name and residence of the person or persons, and of each member of the firm and of each director of the corporation, making such application, and how long each of said persons has been a resident of the County of Solano.
Second; That said applicant has not, nor has any member of said applicant firm, nor any director of said applicant corporation ever been found guilty or plead guilty to any violations of any of the provisions of the eighteenth Amendment to the Constitution of the United States, or of the National Prohibition Act, or of that act of the Legislature of the State of California entitled, "An act to enforce the provisions of Article Eighteen of the Amendments to the Constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead Act; imposing duties on Courts prosecuting attorneys, sheriffs, and other officers and extending their jurisdiction; and providing for the disposal of fines and forfeitures;" approved May 7th, 1921.

Fourth: That said applicant has not, nor any member of said applicant firm, nor any director of said applicant corporation, within two years prior to the date of making said application, been refused a permit by said Board of Supervisors, nor has any license revoked by said Board of Supervisors, nor has had any license revoked by said Board within said time.

SECTION 3: Said applicant or applicants shall also execute and file a bond in the penal sum of Two Hundred and Fifty Dollars ($250.00) with two or more sureties and make payable to the County of Solano; and the sureties shall accompany said bond with an affidavit that they are each residents and freeholders within the County of Solano, State of California, and are each worth the sum specified in said bond over and above all their just debts and liabilities, exclusive of property exempt from execution. No personal surety shall be accepted on such bond who has already become liable upon two bonds executed for similar purposes.

Any corporation such as mentioned in Section Ten Hundred fifty-six (1056) of the Code of Civil Procedure of the State of California, may become sole surety upon said bond.

Such bond shall be conditioned that said applicant or applicants shall and will conduct the business for which a permit and license are sought, in a quiet orderly and reputable manner, and shall not and will not permit any disturbances of the public peace, order or decorum, by any noisy, riotous, or disorderly conduct on the premises; and shall not and will not sell, give away or furnish any beverage or drink of any kind or nature in violation of the provisions of the Eighteenth Amendment to the Constitution of the United States, or of the national Prohibition Act, or of an act of the Legislature of the State of California, entitled, "An Act to enforce the provisions of Article Eighteen of the Amendments to the Constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead Act; imposing duties on Courts, prosecuting attorneys, sheriffs, and other officers, and extending their jurisdiction; and providing for the disposal of fines and forfeitures", approved May 7th, 1921; and
shall and will obey and abide by the terms of this ordinance and all
laws and ordinances now in force, or which may hereafter be enacted,
regulating places of business where beverages and drinks are sold, given
away or furnished.

Said bond must, before the application for a permit be considered
by said Board of Supervisors, be approved by a majority of the members
of the Finance Committee of the Board of Supervisors.

SECTION 9. Any person, or persons, may appear at the meeting
of said Board of Supervisors at which any application is to be heard,
and file a protest against and be heard in opposition to the granting
of a permit for a license to any applicant.

SECTION 10: The Board of Supervisors shall consider said applica-
tion, and any protest which may have been filed, and if said Board shall
find that said applicant is a fit and proper person to carry on said
business, and that the carrying on of said business, at the place where
the same is to be carried on, will not be prejudicial, to the public
good, peace, or morals, said board may, by resolution, grant the requir-
ed permit; provided, however, that no permit shall be granted to any
person, persons, firm or corporation who previously had a permit under
this ordinance, and which permit had within two years prior to said
hearing of said application, been revoked.

SECTION 11. A permit under this ordinance shall be good only
for the person, firm or corporation named therein, and for the particu-
lar place and business specified in such permit; and such permit shall be
granted annually. Any permit granted between the first day of January
and the thirtieth day of June of any year shall expire on the thirtieth
day of December next following the date of its grant; it being the in-
tention that all permits granted under the terms of this ordinance
shall terminate annually with the close of the months of June and De-
cember. Any holder of such a permit, in seeking a permit for the ensuing
year, must file an application therefore, as hereinbefore provided, at lea-
st ten (10) days before the date on which the same is to be heard
and considered by the Board of Supervisors. Any one objecting to the
granting of such permit may appear at the hearing of said application
and protest as hereinbefore provided.

SECTION 12: In any place of business operated under this ordinance
there shall be no side rooms or back rooms connected therewith which
are not requisite and essential in the conduct of the business of selling
beverages or drinks, or other lawful business. At all times during the period
of each day when such places of business are permitted by this ordinance to be kept
open, the doors of the building in which such business shall be conducted, and
which open upon any public street, or highway shall be kept unlocked.

At all times during the continuance or operation of any such place of
business, the walls thereof adjacent to or fronting upon any public street or
highway shall contain transparent glass windows. Such transparent glass shall
extend from the side walls of the room in which such place of business is conducted
to the door and shall commence at a height not more than three and one-half (3-1/2)
feet from the floor (inside measurement) of said room, and shall extend upward
at least four (4) feet. Of the total area of the door or doors forming the
entrance to any such room, one-third (1/3) thereof shall be transparent glass
commencing at the height herein described for windows.

At no time during the continuance of the operation or conducting of
any such place of business, shall vision through any portion of any such windows
or glass in any such door be obstructed or obscured by any shade, screen,
paper, poster, decoration, paint or other coloring material, or by the display
or merchandise, or by any other thing whatsoever.

SECTION 13. Any person, persons, firm or corporation to whom a permit
has been granted and a license issued under the terms of this ordinance, who does
not conduct the business for which such permit and license have been granted
and issued, in a quiet, orderly and reputable manner, or who allows or permits
any disturbance of the public peace, order or decorum by any noisy, riotous,
or disorderly conduct on the premises; or who sells, gives away or furnishes any
beverage or drink of any kind or nature whatsoever, or permits the same to be done
at such place of business between the hour of twelve o'clock midnight, and the
hour of six o'clock A.M. of the following day, or who shall violate any of the
provisions of the Eighteenth Amendment to the Constitution of the United States,
or of the National Prohibition Act, or of that act of the Legislature of the
State of California, entitled, "An Act to enforce the provisions of Article Eighteen
of the Amendments to the Constitution of the United States; prohibiting all acts
or omissions prohibited by the Volstead Act; imposing duties on Courts, prosecuting
attorneys, sheriffs, and other officers, and extending their jurisdiction, and
providing for the disposition of fines and forfeitures", approved May 7th, 1921,
or who shall not abide by all the laws and ordinances now in force, or which may
hereafter be enacted, regulating places of business where any such beverages
or drinks are sold, given away or furnished, shall forfeit all permits and licenses
heretofore granted or issued, to said person, persons, firm or corporation, under the provisions of this ordinance; and shall also forfeit to said County of Solano, the full amount of the bond required to be given to said County of Solano pursuant to the provisions of this ordinance.

SECTION 14: The said Board of Supervisors hereby reserves the power to revoke any license or permit for the issuance thereof, upon proof being made to said Board of Supervisors that the said license or any agent, servant, or employee, or any other person in charge of or employed about the business for which said license was issued, has been convicted in a court of competent jurisdiction of any violation of the terms of said license, or any of the terms of this ordinance, or of any law of the State of California, or of the United States, now or hereafter in force, in any manner regulating the conducting or operation of the business of vending and disposing of beverages and drinks.

SECTION 15: The rate of license fee under this ordinance shall be and is as follows:

Each holder of a permit for a license under this ordinance shall pay, in advance, for such license the sum of five Dollars ($5.00) per quarter year of three months.

SECTION 16: No permit or license shall be issued to any person, persons, firm or corporation which will authorize any person, persons, firm or corporation doing business under the terms of this ordinance to keep open such place of business, or any room used in connection therewith, or as part thereof, or to sell, give away, or to furnish, any beverage or drink of any kind or nature whatsoever between the hour of twelve o'clock midnight of any night, and the hour of six o'clock A. M., of the next day; or to allow or permit any person or persons to be or remain in or about said place of business, or in any room used in connection therewith, or as part thereof, between said hours; and each and every person, firm or corporation, to whom a permit and license are issued under this ordinance, by the acceptance of such permit and license agrees that he will close his place of business at said hour of twelve o'clock midnight or each and every night, and all rooms used in connection therewith, or as part thereof, that he will keep said place of business, and all rooms used in connection therewith, or part thereof, closed from said hour of twelve o'clock midnight until the
hour of six o'clock A. M., of the following day; that he will not sell, nor permit to be sold any such beverage or drink in, or about said place or business between said hours, that he shall not and will not permit or allow any person or persons to be or remain in or about said place of business, or to be or remain in any room used in connection therewith, or as part thereof, between said hours; and that any failure to close said place of business and premises at the hour herein specified, and any failure to keep the same closed as herein required, and as agreed by said license holder, and any failure to keep said place of business free and clear of any and all persons between said hours, shall be deemed sufficient ground for the revocation by said Board of Supervisors of any and all licenses issued under the provisions of this ordinance.

SECTION 15: Every person, firm or corporation who shall in the County of Solano, outside incorporated cities keep or assist in keeping any saloon, store, stand, or other place where any beverages or drinks of any kind or nature whatever are sold, given away or furnished, without having first procured the permit and license required therefore by this ordinance, or who shall sell, give away or furnish within the County of Solano, outside incorporation cities, any such beverages or drinks without having first procured such permit and license, or who shall violate any of the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

Each day's continuance of a violation of any of the provisions of this ordinance shall be deemed a separate offense.

SECTION 16: It is hereby declared that each section of this ordinance is passed separately, and in severance of the others, and that each is a separate enactment and intended to have its full effect notwithstanding any other section or sections may be declared invalid.

SECTION 19: All ordinances or parts of ordinances in conflict are hereby repealed.

SECTION 20: This ordinance shall take effect and be in force at the expiration of thirty days from and after its passage, and before the expiration of fifteen days after the passage of this ordinance it shall be published with the names of the members voting for and against the same for at least one week in the Vallejo Evening Chronicle, a newspaper of general circulation published in the said County of Solano.

Passed and adopted by the Board of Supervisors of the County of Solano, this 14th day of December, A. D. 1925, by the following vote:

Ayes- Supervisors- Mayfield, McCormack, Schmeiser, Thornton and Fleming.

Noes- None.

Absent- None

Approved: M. M. Fleming, Chairman of the Board of the Board of Supervisors of the County of Solano.