

Chapter 8.04

Licensing Sale Of Soft Drinks

Section 1. Definitions. The term “soft drinks” shall include liquids, liquors, or compounds commonly known as “soft drinks”, to be used for beverage purposes. A “vending machine” under this ordinance shall mean any machine which delivers soft drinks in any form in return for the deposit in such device of a coin or token placed therein, either by the automatic or manual operation of such machine, except that any machine or device placed on any premises not generally open to the public, but restricted to a limited group of persons such as employees or paid-up members of an organization shall not be included in the definition thereof.

Section 2. License Required. No person, except a wholesaler or manufacturer, shall directly or indirectly deal in, sell or keep for sale, any soft drinks without first having obtained a license to do so, as provided in this ordinance. The person in possession or control of the premises on which any vending machine has been placed for use, shall be considered as the seller of soft drinks delivered by such machine for the purpose of this ordinance. Licenses shall be of two kinds: “On and Off Sale” and “Vending Machine”. No vending machine license shall be required for the premises for which an “On and Off Sale” license has been issued.

Section 3. Forms. Every application for a license to sell soft drinks shall be on a form to be supplied by the City Clerk, and shall state the full name and address of the applicant, the location of the premises on which the soft drinks are intended to be sold, and such other information as may be required by the application form. Such application shall be signed, verified, and shall be filed with the City Clerk before the issuance of such license.

Section 4. Fees. The fee for an “On and Off Sale” and the fee for a “Vending Machine” license shall be in the amount determined by City Council resolution. Such fees shall be paid at the time the application for such license is filed. All licenses shall expire on the last day of June of each year.

Section 5. Display of License. Every such license shall be kept conspicuously posted about the place for which the license is issued, and shall be exhibited to any person upon request.

Section 6. Approval, Temporary License. No license shall be issued until after approval by the City Council of the application for such license. Licenses shall be issued only to persons of good moral character. No license shall be transferred to another person, or to another place, without the approval of the City Council. The Council, in its discretion, shall have the right to issue a temporary license to any person, persons or organization, without payment of a license fee, for a period not to exceed three days in duration.

Section 7. Suspension – Hearing. The City Council may suspend or revoke any soft drink license for violation of any provision or condition of this ordinance, or for any violation of an ordinance or state law regulating the sale of beer or intoxicating liquor. Except in the case of a suspension, pending a hearing on revocation, revocation or suspension by the Council shall be preceded by a written notice to the licensee, and a public hearing if requested by the licensee.

The notice shall give at least fourteen days notice of the time and place of hearing, and shall state the nature of the charges against the licensee. The council may, without any advance notice, suspend any license pending a hearing on revocation for a period not exceeding thirty days.

Section 8. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.