

Ordinance No. 115

Ord. No. 115
Rep by Ord 1506

An Ordinance to amend an Ordinance entitled an Ordinance to Amend Sections 24 27 and 28 of Ordinance No. 8 relating to the assessment levied and collection of City Taxes and the granting of licenses, and imposing and collecting of fines.

Be it enacted by the Common Council of the City of Albany.

Section 1. That Ordinance No. 114 entitled an Ordinance to amend sections 24 27 and 28 of Ordinance No. 8 relating to the assessment levied and collection of City Taxes and the granting and collecting of licenses, and imposing and collecting of fines be amended so as to read as follows:

Sec (1) (2) All licenses issued under the provisions of Ordinance No. 8, relating to the assessment levied and collection of City Taxes, and the granting and collecting of licenses and the imposing and collecting of fines, and all other Ordinances amendatory thereto, shall be either annual or semi-annual licenses;

Sec 2 and no license shall be issued for a less period than six months. All yearly licenses shall be dated to be in force and be in force on and after the first day of January, and expire on the thirty-first day of December of each year, and all semi-annual licenses shall be dated, take effect and be in force on and after the first day of January, and the first day of January July, and expire on the thirtieth day of June and the thirty-first day of December of each year.

Sec 3 (2) Any person applying for a license to sell fermented malt liquors or wines as provided in this Ordinance shall execute a bond to the City of Albany in the penal sum of one thousand dollars, with two or more sufficient sureties to be approved or rejected by the Common Council at its last regular meeting immediately preceding the 1st day of January and the 1st day of July of each year respectively, which sureties shall justify in double the amount required in the bond, conditional that the applicant or applicants for the license will keep a decent and respectable house and that he or they will not permit any unlawful gaming or unlawful conduct in or about his or their house nor keep open his or their house on the first day of the week, commonly called Sunday; nor in anywise dispose of spirituous or fermented malt liquors or wines on said day; that he or they will not sell give or otherwise dispose of spirituous or fermented malt liquors or wines to minors under the age of twenty-one years, or allow the same to be done on his or their premises during the

Continuance of his or their license.

Sec 4) That in case of any violation of the foregoing ~~various~~ Conditions, by any person or persons, giving such bond, he or they shall on conviction hereof before the Recorder, be liable to pay a fine of not less than one hundred dollars; and in case of default in the payment of such fine, to imprisonment in the City Jail not more than thirty days; and the applicant for license shall also be prosecuted by the City Marshal on the bond given as aforesaid, before the Recorder and the bond forfeited to the City for any violation of its Conditions; provided that, no person shall be surety on more than one bond at the same time, and no keeper of a bar room or drinking shop shall be allowed to be surety on the bond of a keeper of a bar room or drinking shop.

Sec 5 (28) Every person keeping a bar room or drinking shop shall pay an annual license of four hundred dollars or a semi-annual license of ~~two~~ ^{two} hundred dollars. Every person who keeps spirituous or fermented malt liquors or wines for sale at retail in less quantities than one quart, either as his sole business or in connection with some other occupation shall be deemed a keeper of a bar room or drinking shop under this Ordinance.

Sec 6 Every person who keeps spirituous or fermented malt liquors or wines for sale in quantities of one quart or upwards to be drunk on the premises shall pay an annual license of one hundred dollars or a semi-annual license of fifty dollars; provided that every keeper of a bar room or drinking shop and every person keeping for sale spirituous or fermented malt liquors or wines in quantities of one quart or upwards to be drunk on the premises, under this Ordinance, shall be and they are hereby authorized to keep without paying license herefore, either out of the following named games or tables, to wit: a billiard table, pool table, pigeon holes, or devil among the tailor's table; and provided further that no license shall be issued to any person or persons authorizing him or them to sell spirituous or fermented malt liquors or wines in quantities of one quart or more to be drunk on the premises, or to sell spirituous or fermented malt liquors or wines in less quantities than one quart, who shall keep or allow to be kept on the premises or lot or property, where such spirituous or fermented malt liquors or wines are sold at a private house, where house or house of ill fame; and provided further that if any person or persons to whom a license has been issued shall at any time during the existence of such license, be convicted before the Recorder

of keeping or allowing to be kept on the premises lot or property where such person or persons keep a bar room or ^{or sell} spirituous or fermented small liquors or wines, ^{brandy, rum, &c. or any other kind of spirituous liquors} any such person or persons shall forfeit his or their license and such person or persons shall be liable to a fine or not less than \$50⁰⁰ or more than \$100⁰⁰, and the Recorder is hereby authorized and empowered and it shall be his duty to render do & settle and additional finally a judgment against such person or persons adjudging said license to be forfeited; and thereafter such person or persons shall not be allowed to sell such spirituous or fermented small liquors or wines within the corporate limits of the City of Albany, nor shall a license be hereafter issued to such person or persons for a period of two years from the date of such conviction.

Sec 7. This ordinance shall take effect and be in force from and after five days after its publication.

Passed the Council, June 17th 1882.

Approved June 19th 1882.

Attest.

W. J. Hudson,
City Recorder.

W. J. Hudson,
Acting Mayor.

Certificate of publication.

I hereby certify that the foregoing Ordinance was duly published on the 20th day of June 1882, by posting a true and correct copy in three public places in the City of Albany.

Witness my hand and official seal of said city this 20th day of June 1882.

W. J. Hudson,
City Recorder.