

TITLE 9

BARS AND SALOONS

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## CHAPTER 1

### DEFINITIONS

9-1-01 DEFINITIONS. The following words and phrases, when used in this title, shall have the meaning ascribed to them in this section.

a. "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, or hops, or of any other similar products in drinkable water containing not more than four percent (4%) alcohol by weight.

b. "Board" means the liquor control board of the state, which is officially designated as the Montana Liquor Control Board.

c. "Club" means an association of individuals organized for social purposes and not for profit, with permanent membership, permanent quarters or rooms, and an existence of two years prior to making application for license.

d. "Interdicted person" means a person to whom the sale of liquor is prohibited under the laws of Montana.

e. "License" means a license issued by this town to a qualified person, under which it shall be lawful for the licensee to sell and dispense liquor at retail as provided in this chapter.

f. "Liquor" means all kinds of alcoholic beverages sold by or in a state liquor store, and includes, but is not limited to, any alcoholic, spiritous, vinous, fermented malt or other liquor which contains more than one percent of alcohol by weight, but shall not mean or include beer as that term is defined in paragraph (a) of this section.

g. "Person" means every individual, co-partnership, corporation, hotel, restaurant, club and fraternal organization, and all licensed retailers of liquor, whether conducting the business singularly or collectively.

h. "Sale" and "Sell" include exchange, barter, and traffic to, or with, any person as defined in paragraph (g) of this section.

i. "State Liquor Store" means a liquor store established and operated by the Montana Liquor Control Board under the laws of Montana.

## CHAPTER 2

### LICENSING

9-2-01 LICENSE REQUIRED. No person shall sell beer or liquor within the corporate limits of the town unless he has first obtained a current license issued by the town.

9-2-02 VALID LICENSE OF THE MONTANA STATE LIQUOR CONTROL BOARD REQUIRED. No license required by this chapter shall be issued until the applicant therefore has produced satisfactory evidence of a valid license granted by the Montana State Liquor Control Board.

9-2-03 LICENSE FOR THE RETAIL SALE OF LIQUOR. No person shall be entitled to a license for the retail sale of liquor unless that person shall have in respect to the premises for which the license is sought:

- a. a subsisting license for the retail sale of liquor; or
- b. a subsisting beer license, issued under the laws of Montana; or
- c. a subsisting beer license issued under this chapter.

9-2-04 REVOCATION, WITHDRAWAL, OR SUSPENSION OF A LICENSE. Any revocation, withdrawal, or suspension of any license granted by the State of Montana pursuant to the Montana Retail Liquor License Act or the Montana Beer Act, shall simultaneously operate as a revocation or suspension, as the case may be, of any license granted by the town of Fromberg as set forth in this chapter.

9-2-05 APPLICATION TO BE IN WRITING. The application of a person for a license for the retail sale of beer or liquor for consumption within the town shall specify, in writing, the location by street and number of the premises where the business is to be carried on, the names of persons conducting the business, whether individually or as a fraternal organization, partnership, club, or other organization, and provide such other information as the town council shall require. The application with the filing fee shall be made to the town treasurer. The town treasurer shall deliver the application to the town clerk. The town clerk in his discretion may hold application for licenses so delivered to him until the next regular meeting of the town council. The town council may, in its discretion, decline to authorize such license. Upon refusal, the license fee paid by the applicant and all documents filed by him or her, other than the application, shall be returned to the applicant.

9-2-06 APPLICATION FORM. Application for a retail license to sell beer or liquor shall be in the following form:

The undersigned hereby makes application for a retail license to sell (beer/liquor) in the Town of Fromberg as a \_\_\_\_\_. Trade name to be used \_\_\_\_\_. Sex \_\_\_\_\_. Age \_\_\_\_\_. I am a holder of a valid license from the State of Montana, under the (Montana Beer Act/Montana Retail Liquor License Act), as a \_\_\_\_\_, and it expires \_\_\_\_\_. My residence is \_\_\_\_\_. I have resided there \_\_\_\_\_. The location where I propose to carry on business under said license hereby applied for is \_\_\_\_\_, and I understand that the license hereby applied for, if granted, shall not be good for any other location in Fromberg without the consent and permission of the Town Council first had and obtained after application. The fee of \$\_\_\_\_\_ is tendered herewith.

\_\_\_\_\_  
Signature of Applicant

9-2-07 TRANSFER OF LICENSE. No license issued under this ordinance shall be transferable except as provided in the Montana Retail Liquor License Act, and then only after the proposed transfer has been approved by the town council. The application to the town council for transfer shall be in writing, state the name, occupation, age, and sex of the proposed transferee, his/her residence, and length of time he/she has resided there. The town treasurer shall charge and collect a fee to cover the cost of the transfer.

9-2-08 TERM OF LICENSE. A license may be issued for a fraction of a year, but no longer than one year. Licenses shall expire on the first day of January following the year of issue.

## CHAPTER 3

### PROHIBITIONS AND REGULATIONS

9-3-01 ADOPTING OF MONTANA ACTS. All prohibitory and regulatory provisions of the Montana Beer Act and the Montana Retail Liquor License Act are adopted and are binding to the meaning of this chapter.

9-3-02 SOLD ONLY TO SEATED PATRONS. The retail sale of beer or liquor for consumption on the premises where sold shall be only to seated patrons.

9-3-03 DISPLAY OF LICENSE. Any person licensed under this chapter for the retail sale of beer or liquor shall display such license in a conspicuous place on the premises and shall produce it at the request of the town marshall.

9-3-04 TOWN MARSHALL SHALL HAVE THE RIGHT TO ENTER. The town marshall shall have the right to enter the licensed premises or any part thereof to exercise police supervision in maintaining the public peace and to inspect for compliance with the provisions of this chapter.

9-3-05 SALE TO MINORS AND INTOXICATED PERSONS. No licensee shall sell, deliver, or give away, or cause to permit to be sold, delivered, or given away any beer or liquor to:

- a. any person not yet twenty one (21) years of age, or
- b. any person actually, apparently, or obviously intoxicated;
- c. a habitual drunkard
- d. any interdicted person.

Ordinance 208 ( May 4, 1987)

9-3-06 UNOBSTRUCTED VIEW. The only booths allowed on premises used for the retail sale of beer or liquor are open booths. During the hours when saloons are required to be closed by the terms of any ordinance of the town or of any statute of the state of Montana, all curtains, screens, moveable blinds, shutters, paint, frost, dirt, or other things that obstruct the view from the outside of the bar or other place in a saloon where liquors are sold or kept for sale, shall be removed and no reason other than the proprietors or their employees or officers of the law in pursuance of their duty shall enter any saloon.

9-3-07 OBJECTIONABLE LANGUAGE. No person holding a license for the retail sale of beer or liquor shall allow objectionable language, loud or offensive noise, or fighting or rioting to take place on the licensed premises.

9-3-08 BUSINESS CARRIED ON IN THE NAME OF THE LICENSEE. No business shall be carried on under any license issued under this chapter except in the name of the licensee.

9-3-09 NO LIQUOR SALES WEST OF MAIN STREET. No person shall sell any liquor in any part of the town west of Main Street.

9-3-10 PERMIT REQUIRED FOR LIVE MUSIC ON LICENSED PREMISES. No person licensed under this title shall allow live music to be played or sung on the licensed premises without first having obtained a written permit from the town council. The town council shall review every permit, granted in persuance of this section of this chapter, at least once every six months.

## CHAPTER 4

### REVOCATION OF LICENSE

9-4-01 REVOCATION BY TOWN COUNCIL. The town council may upon its own motion, and shall upon a written verified complaint of any other person, investigate the action and operation of any licensee, and shall have the power to temporarily suspend or permanently revoke a license issued under this chapter for violation of any provision of this chapter.

9-4-02 NOTICE OF COMPLAINT. Upon the filing with the town council of a verified complaint charging the licensee with the commission of any act which would be cause for the suspension or revocation of a license, the council shall issue a citation directing the licensee to appear before the council within ten days after the date of the service of the citation, and, by filing his verified answer, show cause why his license should not be suspended or revoked. Service of the complaint may be effected by personal service on the licensee by the town marshall, or by mailing a registered letter to the licensee's last address of record. The service shall include the citation, and a true copy of the complaint. Failure of the licensee to answer shall be grounds for the council to suspend or revoke the license.

9-4-03 TIME AND PLACE OF HEARING. Upon the filing of the answer, the council shall fix the time and place of the hearing on the charges made, which hearing shall be in the council chamber of the Town Hall and not less than five (5) days' notice of the hearing shall be given to the complainant and the licensee. The notice of hearing shall be served in the same manner as the citation. With the notice of the hearing to the complainant, there shall be attached a true copy of the answer of the licensee. If either party has appeared by counsel, the notice shall be given in like manner to the counsel of said party. Upon the hearing, the council shall hear the evidence presented, which may be in the form of oral testimony or affidavit, or both; after the hearing has been concluded, the council shall, within ten days, render its decision, in writing, stating the reasons therefore. Notice of the decision with a copy thereof, shall be served upon the parties in the manner provided as to other notices. When the council has revoked or cancelled a license previously issued by it, the council shall notify the licensee in writing by registered mail of its action, giving the reasons thereof.

9-4-04 RENEWAL AFTER REVOCATION. After suspension or revocation of a license, the council shall have the power to renew the same if in its discretion, a proper showing therefore has been made.

## CHAPTER 5

### HOURS OF OPERATION

9-3-01 HOURS OF OPERATION. All licensed establishments on the town of Fromberg wherein alcoholic beverages are sold, offered for sale, or given away at retail shall be closed each day between 2:00 A.M. and 8:00 A.M.

During the hours when the licensed establishments are required by this code to be closed, it shall be unlawful to sell, offer for sale, or give away any such alcoholic beverages. During such hours all persons, save the employees of such licensed establishment shall be excluded therefrom, provided however, that when the establishment is operated in conjunction with a hotel, restaurant, bus depot, railway terminal, or other business other than that of the sale intoxicating liquor or beer, the such other business need not be closed, but only the part thereof where such beer or liquor is sold.

Ordinance 212 ( August 3, 1987)

## CHAPTER 7

### FEES AND CHARGES

9-7-01 RECEIPTS. All receipts from license fees and fines collected under the provisions of this chapter shall be deposited to the credit of the General Fund of the Town of Fromberg, out of which fund the cost of administering this chapter shall be paid.

9-7-02 FEES AND CHARGES. Fees and charges for licensing of beer and liquor retailers shall be as set forth in the table of fees. The fees shall be payable at the town hall.

## CHAPTER 6

### PENALTY FOR VIOLATION

9-6-01 PENALTY. Any person violating any of the provisions of this chapter shall be subject to the general penalty provided in this municipal code. In addition, if such licensee is convicted of any offense under this chapter his license shall be immediately revoked.