

# THE FRONTIER

D.H. Cronin, Editor and Proprietor

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### ORDINANCE NO. 157A

AN ORDINANCE relating to alcoholic liquors; making various definitions in relation thereto; providing rules and regulations for the manufacture, transportation and sale of such liquors; establishing such regulations regarding where such liquors are sold; providing levy of occupation taxes upon business in such liquors; providing against driving motor vehicle while intoxicated or drunk; imposing fines and penalties for violation of the provisions of this Ordinance; providing for hire of help in such places where such alcoholic liquors are sold; repealing Ordinance No. 141A and other Ordinances in conflict herewith and prescribing when this Ordinance shall be in full force and effect.

Be it ordained by the Mayor and City Council of the City of O'Neill, Nebraska:

Section 1. Unless the context otherwise requires, the words and phrases herein defined are used in this ordinance in the sense given them in the following definition:

(1) The word "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. (2) The word "Spirit" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. (3) The word "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruit or vegetables, containing sugar, including such beverages when fortified by the addition of alcoholic spirits, as above defined. (4) The word "Beer" means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, near beer, porter and the like. (5) The phrase "Alcoholic Liquor" includes the four varieties of liquor above defined "Alcohol," "Spirits," "Wine" and "Beer" and every liquid or solid, patented, or not, containing alcohol, spirit wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this ordinance shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations promulgated thereunder. Nor shall the provisions of this ordinance apply to flavoring extracts, syrups, or medicinal, mechanical, scientific, culinary or toilet preparations, or food products unit for beverage purposes, but the provisions of this ordinance shall not be construed to exclude alcoholic liquor used in the manufacture, preparation or compounding of such products. None of the provisions of this ordinance shall apply to alcoholic liquor used in the manufacture, preparation or compounding of such products.

Section 2. It shall be unlawful for any person to manufacture for sale, sell, keep for sale or to barter, or exchange, under any pretext any alcoholic liquor within said city unless said person shall have in full force and effect a license therefor as provided by the Nebraska Liquor Act.

Section 3. (a) No person shall, within such city, sell or give any alcoholic liquors to, or procure any such liquor for, or permit the sale or gift of any such liquor to, or the procuring of any such liquor for, any minor or any person who is mentally incompetent or any person who is physically or mentally incapacitated due to the consumption of such liquors. (b) No minor shall within such city represent that he is of age for the purpose of asking for, purchasing or receiving any alcoholic liquors from any person. Any person violating any provision of sections "a" or "b" of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$50.

Section 4. No person shall, within such city sell at retail any alcoholic liquor, including beer, on the day of any national, state, county, or municipal election, during the hours the polls are open in said city. No person shall within such city sell at retail any alcoholic liquors, except beer, on the first day of the week commonly called Sunday. No person shall sell beer, at retail, on Sunday, within such city, except between the hours of 6 A. M. and 12 P. M., midnight. It shall be unlawful for any person to sell alcoholic liquors, except beer, within such city on secular days between the hours of 12

o'clock P. M., midnight, and 6 o'clock A. M.

Section 5. It shall be unlawful for any person or persons holding a license or licenses for the sale at retail of beer and of alcoholic liquors other than beer to sell, or keep for sale, within any such city, beer and alcoholic liquor other than beer, except in separate and distinct rooms or premises. Rooms and/or premises shall be deemed separate and distinct only when located in buildings which are not adjacent, or when so separated by walls or partitions that access cannot be had directly from one to the other by means of doors or other openings.

Section 6. No person holding a license for the sale at retail of alcoholic liquors, including beer, shall sell within such city, any such liquors or conduct any of the business for which such license is required in any room or premises not provided with a public entrance at the front thereof, opening upon a public street, and no person holding such license shall permit the use of any entrance other than such front entrance for any purpose other than the use thereof by the licensee, his family or employees, or for ingress and egress by other persons for the purposes of lawful labor or business other than the purchase at retail or the consumption of alcoholic liquors.

Section 7. In premises within such city upon which the sale of alcoholic liquor (for consumption on the premises) is licensed (other than restaurants, hotels or clubs) no screen, blind, curtain, partition or other thing shall be permitted in the windows or upon the doors of such premises, and no booth, screen, wall, partition, or other obstruction, nor any arrangement of lights shall be permitted in or about the interior of such licensed premises which shall prevent a full and clear view of the entire interior of such premises from the streets, road or sidewalks.

All rooms where alcoholic liquors are sold shall be continuously lighted during business hours by natural or artificial light.

Section 8. It shall be unlawful for any person to consume alcoholic liquors within such city in the public streets, alleys, roads or highways or upon property owned by the state or any governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads or highways, in theaters, dance halls or in any other place open to the public, and no person shall drink any alcoholic liquors other than beer upon any premises within which beer is sold at retail; provided that nothing herein contained shall be construed to prohibit persons purchasing beer upon premises within which beer is lawfully sold for consumption on the premises from drinking such beer on such premises.

Section 9. It shall be unlawful for any person to have in his possession within such city for sale at retail any alcoholic liquors contained in bottles, casks or other containers except the original package.

Section 10. Every licensee under the Nebraska Liquor Control Act within such city shall cause his license or licenses to be framed and hung in plain public view in a conspicuous place on the licensed premises.

Section 11. No non-beverage user shall within such city sell, give away or otherwise dispose of any alcohol, purchased under a license as such non-beverage user, in any form fit for beverage purposes.

Section 12. It shall be unlawful for any person to drive any motor vehicle on the streets of such city while under the influence of intoxicating liquor. Any person found guilty of such offense, in addition to the general penalty provided hereafter for the violation of the provisions hereof, shall be adjudged and ordered by the court not to drive a motor vehicle within the

state of Nebraska for a period of one year from the date of such conviction.

Section 13. It shall be unlawful for any licensee under the Nebraska Liquor Control Act with a place of business within said city, to permit, on premises where alcoholic liquors are consumed thereon, entertainments other than music from musical instruments or entertainment from radios.

Section 14. It shall be unlawful for any person to dance or for any licensee under the Nebraska Liquor Control Act with a place of business within such city to permit dancing, on premises within which alcoholic liquors are sold for consumption.

Section 15. It shall be unlawful for any person to have possession of any alcoholic liquors within such city which shall have been acquired otherwise than from a licensee duly licensed to sell same to such person under the provisions of the Nebraska Liquor Control Act; Provided, however, nothing herein contained shall prevent the possession of alcoholic liquor for the personal use of the possessor, his family and guests, nor prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it be made solely for the use of a maker, his family and his guests; and provided further that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or institution caring for the sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona

fide patients of such hospital or other institution; and provided further that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the compounding of prescriptions of duly licensed physicians; and provided further that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this ordinance.

Section 16. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Ordinance, said owner, agent or other person shall be deemed guilty of a violation of this Ordinance to the same extent as said licensee and be subject to the same punishment.

Section 17. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Ordinance, by any officer, director, manager or other agent or employee of any licensee, if said act is committed or omission is made with the authorization, knowledge or approval of the licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally.

Section 18. The violation of any provision of this ordinance shall constitute a misdemeanor and upon conviction thereof, except where a different penalty for said offense

is herein provided, the defendant shall be fined in any sum not exceeding one hundred dollars; and in the case of all violations of this Ordinance, the defendant shall be adjudged to pay the costs of prosecution, and shall be committed to the city jail (at hard labor upon the streets or elsewhere for the benefit of the city) until such fine and costs are paid or he be otherwise released by proper authority.

Section 19. That all police officers of the city of O'Neill, Nebraska, are hereby authorized to enter at any time upon any premises of any licensee under the Nebraska Liquor Control Act within said city to determine whether any of the provisions of such Act or of this Ordinance, or any rules or regulations adopted by such city or by the Nebraska Liquor Control Commission have been or are being violated and at such time to examine sufficiently said premises of said licensee in connection therewith.

Section 20. OCCUPATION TAX. For the purpose of raising revenue within said city there is hereby levied upon the following described businesses conducted in said city the following designated occupation taxes:

Manufacturer of alcohol and spirits \$1,000.00  
Manufacturer of beer 100.00  
Manufacturer of wine 100.00  
Alcoholic liquor distributor (except beer) 250.00  
Beer distributor 250.00  
Retailer of beer only, for consumption on the premises 25.00  
Retailer of beer only, for consumption off the premises (sale in the original package only) 25.00

Section 21. That Ordinance No. (Continued on page 5, column 6.)

Retailer of alcoholic liquor for consumption on the premises and off the premises (sale in the original package only) 250.00  
Retailer of alcoholic liquors, including beer, for consumption off the premises (sale in the original packages only) 150.00  
Non beverage user

Class 1 5.00  
Class 2 25.00  
Class 3 50.00  
Class 4 100.00  
Class 5 250.00

Such occupation tax so levied shall be paid to the City Treasurer for the benefit of the general fund of said city immediately after the final issuance of license under the Nebraska Liquor Control Act for any such business.

The City Treasurer shall issue his receipt for such tax when paid, properly date, specifying the person for whom paid and for what purpose. If such City Treasurer be unable to collect such occupation tax when due he shall immediately report such facts to the City Attorney who shall then proceed by civil suit in the name of the city to collect the amount due. This remedy shall not be exclusive of any other right of action but merely cumulative.

Section 21. That Ordinance No. (Continued on page 5, column 6.)

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# Drive far—drive fast —without a worry!

With Conoco Germ Processed Oil in your crankcase, you KNOW the strain won't hurt your motor!



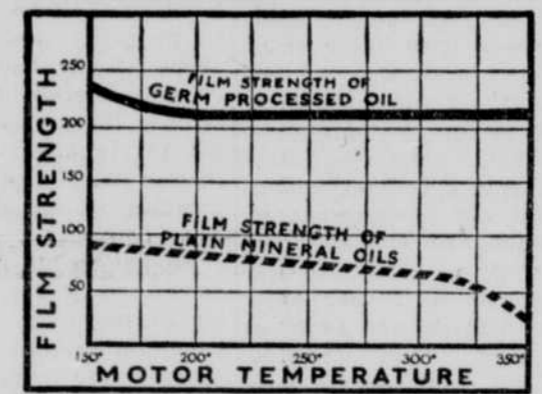
Tests prove this new alloyed oil has 2 to 4 times greater film strength than plain mineral oils and resists heat better!

On July 4th or week-end and vacation trips, you'll want to drive far and get there in a hurry. And you don't want that nagging worry of "I wonder if this speed and heat will hurt anything in my motor."

You can't always be sure when you use plain mineral oils, for they have little film strength and oils over-refined by new cleansing processes have even less. Moreover, as motor heat goes up, these oils rapidly lose film strength. Film strength is the load-carrying ability of an oil, the quality that keeps bearings and cylinders from wearing out. Lack of film strength results in costly damage.

You can drive without a worry when you use Conoco Germ Processed Motor Oil! It has 2 to 4 times greater film strength than any plain mineral oil. Heat does not lessen this advantage.\*

Supervised road tests—over good and bad roads, at low and high speeds, in all kinds of weather—give practical proof that Germ Processed Oil pro-



CONOCO GERM PROCESSED MOTOR OIL PLAIN MINERAL OILS

### \*HERE'S THE PROOF

Note that as heat increases, the plain mineral oils continue to lose film strength, but that above 225° (Minimum Summer crankcase temperature) Germ Processed oil's film strength is not affected by heat. Tests made with Timken machine.

tests motors better. In every test, gravimetric measurement of motor bearings showed that Germ Processed Oil prevented wear far better than plain mineral oils. Tested in a fleet of cars equipped with the new alloy-metal bearings used in many 1935 cars, a high-quality plain mineral oil permitted 45% more wear on connecting rod bearings than did Germ Processed Oil.

Conoco Germ Processed Motor Oil is the first alloyed oil—alloyed, much as metals are, by adding concentrated oily essence to highly refined oil. It is the only oil made by the Germ Process. It is the oil with the "Hidden Quart" that stays up in your motor and never drains away!

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Best Track in Northeast Nebraska  
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