

ORDINANCE NO. 245.

AN ORDINANCE RELATING TO INTOXICATING LIQUORS.

Be it Ordained by the City Council of the City of Grand Junction, Colorado:

Section 1. No person, association or corporation shall, within this city, manufacturer for sale or gift any intoxicating liquors; and no person, association or corporation shall import into this city any intoxicating liquors for sale or gift; and no person, association or corporation shall, within this city, sell or keep for sale any intoxicating liquors or offer any intoxicating liquors for sale, barter or trade. Provided, however, that the handling of intoxicating liquors for medicinal or sacramental purposes may be done as in Chapter 98 of the 1915 session laws of the State of Colorado provided.

Sec. 2. It shall be unlawful for any officer, employee or member of any club, society or association, or for any proprietor, manager or employee of any hotel, restaurant, rooming house, boarding house, or any place of public entertainment, to keep, or to aid or abet in keeping, any intoxicating liquors for the purpose of sale or gift as a beverage or for the division or distribution of the same about any such place in any manner whatsoever.

Sec. 3. It shall be unlawful for any person, association or corporation to solicit or take any order or orders for any purchase or purchases of intoxicating liquors in any manner whatsoever, except as in said Chapter 98 provided.

Sec. 4. It shall be unlawful for any person to carry on or about his person, or for any person, association or corporation to engage or employ any other person to so carry, in any quantity, any intoxicating liquors for the purpose of selling, bartering, exchanging, giving away or illegally delivering the same.

Sec. 5. It shall be unlawful for any common or special carrier, or for any person, association or corporation, to carry any intoxicating liquors into this city or from one point to another within this city, for the purpose of delivery, or to deliver the same to any person, company or corporation within this State, except for lawful purposes.

Sec. 6. If any person make an affidavit before the Judge of the Municipal Court, stating that he has reason to and does believe that intoxicating liquors are being sold, bartered, exchanged, divided, or given away, or kept for such purposes, in violation of this ordinance, within the city of Grand Junction, and describing in such affidavit the premises, wagon, automobile, vehicle, contrivance, thing or device to be searched, then the Judge of such court shall issue a warrant to any officer which the complainant may designate having power to serve original process, commanding such officer to search the premises, wagon, automobile, vehicle, contrivance, thing or device described in such affidavit. Such warrant shall be substantially as follows:

State of Colorado, County of Mesa, ss.

THE PEOPLE OF THE STATE OF COLORADO TO Greeting:

Whereas, there has been filed with the undersigned an affidavit of which the following is a copy:

(Here copy the affidavit.)

THEREFORE, YOU ARE HEREBY COMMANDED, in the name of the People of the State of Colorado, forthwith, together with the necessary and proper assistance to enter into (Here describe the place mentioned in the affidavit) of the said , situate in the City of Grand Junction, in the County of Mesa aforesaid, and there diligently search for the said intoxicating liquors, and that you bring the same or any part thereof found in such search, together with such vessels in which such liquors are found and the implements and furniture used in connection therewith, forthwith before me, to be disposed of and dealt with according to law.

Given under my hand and seal this day of A. D. 19

/s/

Judge of the Municipal Court.

The officer charged with the execution of said warrant may, when necessaru to obtain entrance, or when entrance has been refused, break open any premises, wagon, automobile, vehicle, contrivance, thing or device which by said warrant he is directed to search.

Sec. 7. If any intoxicating liquors are there found, said officer shall seize the same, with the vessels in which they are

contained and all implements or furniture used or kept for such illegal selling, bartering, exchanging or giving away of such liquors, and them safely keep, and make immediate return on such warrant. Such liquors, vessels, implements and furniture shall be held subject to the order of the Judge of the Municipal Court, as evidence in the prosecution of any case for the violation of any of the provisions of this ordinance. Liquors, vessels, implements and furniture so seized shall not be taken from the custody of any officer seizing or holding the same, by writ of replevin or other process, while the proceedings relating thereto are pending. Final judgment of conviction in such proceedings shall be, in all cases, a bar to any and all suits for the recovery of any liquor seized, or the value of the same, or for damages alleged to arise by reason of the seizing and detention thereof; and judgment shall be entered finding said liquors to be unlawful and directing their destruction, and the said vessels, implements and furniture shall be likewise destroyed, in the discretion of the justice or court; and the officer so ordered shall forthwith destroy same.

When such liquor, vessels, implements or furniture are seized as hereinbefore provided, the officer serving the warrant shall forth with file a complaint in the court issuing the warrant, charging such violation of law as the evidence in the case justifies. If such officer refuses or neglects to file such complaint, then the person filing the affidavit for the search warrant, or any other person, may file such complaint.

If fluids are poured out, or otherwise destroyed, by any tenant, assistant or other person, when the premises are searched, or about to be searched, manifestly for the purpose of preventing their seizure, said fluids shall be held to be prima facie intoxicating liquor and intended for unlawful sale, barter, exchange or giving away.

If no person is in possession of the premises where such liquors are found, the officer seizing such liquor shall post in a conspicuous place on said premises a copy of his warrant, and if at the time fixed for said hearing, or within thirty days thereafter, no person appears, said justice of the peace or court shall order such liquor destroyed.

No warrant shall be issued to search a private residence occupied as such unless it, or some part of it, is used in connection with or as a store, shop, hotel, boarding house, rooming house, or place of public resort.

The person making affidavit for the warrant to search may personally, or by his agent, accompany the officer who serves the warrant, and enter the place with such officer, and give information and assistance to such officer in searching the premises.

Sec. 8. Any municipal officer designated by ordinance or charter acting within his jurisdiction, having personal knowledge or reasonable information that intoxicating liquors are kept in violation of law in any place, except a private residence as in section 7 provided, shall search such suspected place without a warrant, and without any affidavit being filed, and if such officer find upon the premises intoxicating liquors, he shall seize the same, and arrest any person or persons in charge of such place, or aiding in any manner in carrying on the business conducted in such place; and shall take such person or persons, with such liquors so seized forth with, or as soon as convenient, before a justice of the peace or judge of any court in the county in which said seizure is made, having jurisdiction as herein provided, to try cases for a violation of this act, and such officer shall without delay make and file a complaint for such violation of law as the evidence justifies. It shall be lawful for officers in executing the duties imposed upon them by this section to break open doors or inclosures for the purpose of obtaining possession of any such intoxicating liquors.

Sec. 9. There shall be no property rights of any kind whatsoever in any liquors, vessels, appliances, fixtures, bars, furniture and implements kept or used for the purpose of violating any provisions of this ordinance.

Sec. 10. In all presecutions under this ordinance the finding of an unusual amount of intoxicating liquor in the possession of any one not authorized under this ordinance or under the laws of Colorado to sell same, except when found in a private residence, no part of which is in connection with or used as a store, shop, hotel, boarding house, rooming house, or place of public resort, shall be prima facie evidence of a violation of the applicable section or sections of this ordinance. The possession of a receipt or stamp showing the payment of the special tax levied by the United States upon the manufacture and sale of intoxicating liquor, by any person, association or corporation not authorized under this ordinance to sell intoxicating liquor, or a certificate from the collector of internal revenue, or any of his agents, clerks or deputies, showing the payment of any such internal revenue tax, by any such person, association or corporation aforesaid, shall also be prima facie evidence of a

violation of the applicable section or sections of this ordinance.

Sec. 11. No officer or other person shall be liable either civilly or criminally for any act performed by him in good faith in enforcing or attempting to enforce or carry out any of the provisions of this ordinance; and it shall be a good defense to any civil suit or criminal prosecution against any officer or other person that the acts complained of were committed by him while acting in good faith, either with or without process of law, in enforcing or attempting to enforce or carry out the provisions of this ordinance.

Sec. 12. This ordinance shall be construed liberally to include within its provisions intoxicating liquors of every kind and character, which now are in use or which in the future may come into use as a beverage, no matter by what name they may be known or called, and no matter how small the percentage of alcohol they may contain, and no matter what other ingredients may be in them.

Sec. 13. Any person who shall violate any of the provisions of this ordinance, upon conviction thereof, shall be punished by a fine not exceeding \$200.00 or by imprisonment in the city or county jail for a period not exceeding 90 days, or by both such fine and imprisonment.

Passed and adopted this 18th day of January, A. D. 1916.

/s/ Chas. E. Cherrington
Mayor.

Attest:
/s/ Charles K. Holmburg
City Clerk.

I HEREBY CERTIFY, that the foregoing ordinance, entitled "An Ordinance Relating to Intoxicating Liquors," was introduced and read at a regular meeting of the City Council of the City of Grand Junction, held on the 4th day of January, A. D. 1916, and that the same was published in full in The Daily News, a daily newspaper published and in general circulation in said city, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said city, this 18th day of January, A. D. 1916.

/s/ Charles K. Holmburg
City Clerk.

First publication, January 6, 1916.

Final publication, January 20, 1916.