

ORDINANCE NO. 550

AN ORDINANCE REGULATING THE SALE OF MALT, VINOUS AND SPIRITUOUS LIQUORS WITHIN THE CITY OF GRAND JUNCTION, COLORADO: ESTABLISHING RULES AND REGULATIONS FOR CONSUMPTION IN PUBLIC PLACES: THE LICENSING OF PLACES FOR SALE OF SUCH LIQUORS: AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. ACTS PROHIBITED.

Section 1. CONSTRUCTION. This ordinance shall be deemed an exercise of the police powers of the City of Grand Junction for the protection of the economic and social welfare, the health and peace and morals of the people of said City, but no provisions of this ordinance shall ever be construed so as to authorize the establishment or maintenance of any saloon.

Section 2. IN GENERAL. It shall be unlawful to manufacture, sell or possess for sale any malt, vinous or spirituous liquors except in compliance with the provisions of this ordinance.

Section 3. SALE TO OR BY MINORS. It shall be unlawful to sell malt, vinous or spirituous liquors to any person under the age of twenty-one (21) years, or to an habitual drunkard, or to an intoxicated person, or to permit any malt or vinous liquors to be sold or dispensed by a person under the age of eighteen (18) years, or spirituous liquors to be sold or dispensed by a person under twenty-one (21) years of age, or to permit any such person to participate in the sale or dispensing thereof.

Section 4. PURCHASE BY MINORS. It shall be unlawful for any person under the age of twenty-one (21) to purchase any malt, vinous or spirituous liquors within the City of Grand Junction or for any person to purchase the same for any person under the age of twenty-one (21) years.

Section 5. MISREPRESENTATION OF AGE. It shall be unlawful for any person under the age of twenty-one (21) years to represent himself or herself to be of the age of twenty-one (21) years, or more, for the purpose of purchasing, within the City of Grand Junction, any malt, vinous or spirituous liquors.

Section 6. DAYS AND HOURS. It shall be unlawful to sell, serve or distribute any malt, vinous or spirituous liquor on any primary, general or municipal election day during polling hours; or on Sunday and Christmas, except by the drink for consumption on the premises between the hours of 8 o'clock A.M. and 8 o'clock P.M.; or by the drink for consumption on the premises on week days between the hours of 12 o'clock A.M. (midnight) and 8 o'clock A.M.

Section 7. SALE FOR CONSUMPTION ON UNLICENSED PREMISES. It shall

be unlawful to sell malt, vinous or spirituous liquors in a place where the same is to be consumed, unless such place be a regularly licensed hotel, restaurant or club as defined in this ordinance.

Section 8. SALE IN CONTAINERS. It shall be unlawful to sell any malt, vinous or spirituous liquors in sealed containers or for any other purpose than for consumption by the drink upon the premises by any hotel, restaurant or club.

Section 9. SALE WITHOUT LICENSE. It shall be unlawful to sell malt, vinous or spirituous liquors at any location or place unless licensed so to do and unless all licenses hereunder required therefor are in full force and effect.

Section 10. SALE EXCEPT BY LICENSEE. It shall be unlawful for any person other than one who holds a license under this ordinance to sell at retail any malt, vinous, or spirituous liquors in sealed containers.

Section 11. SALE EXCEPT IN LICENSED LOCATION. It shall be unlawful to sell at retail malt, vinous, or spirituous liquors except in a permanent location specifically designated in the license for such sale. Such licensee may move his or its permanent location to any other place in the City of Grand Junction, but it shall be unlawful to sell any malt, vinous or spirituous liquor at any such place until permission so to do shall be granted by the City Council.

Section 12. POSSESSION OF LIQUOR NOT LICENSED. It shall be unlawful for any person, the holder of a license to sell malt, vinous or spirituous liquors to keep in his possession or upon the premises for which license is granted, any malt, vinous or spirituous liquors of any quantity whatever, the sale of which is not permitted by said license.

Section 13. CONSUMPTION ON PREMISES. It shall be unlawful to consume any malt, vinous or spirituous liquors in any place or upon any premises licensed to sell such liquor, the sale of which is not permitted by said license.

Section 14. SOLICITING SALE. It shall be unlawful to offer for sale or solicit any orders for malt, vinous or spirituous liquors in person at retail, except within the duly licensed establishment of the person so doing.

Section 15. PURCHASE EXCEPT FROM LICENSEE. It shall be unlawful for any retailer or consumer to buy any malt, vinous or spirituous liquor from any person not licensed to sell and deliver at wholesale or retail or serve the same as provided in this ordinance.

Section 16. CONSUMPTION IN PUBLIC PLACES. It shall be unlawful to consume malt, vinous or spirituous liquors in any public place except on premises permitted by this ordinance to sell such liquor

by the drink for consumption upon the premises; to consume malt, vinous or spirituous liquor at any time upon such premises other than such as is purchased from such establishments; or to consume malt, vinous or spirituous liquor in any public room on such premises during such hours as the sale of such liquor is prohibited by this ordinance.

Section 17. POSSESSION IN OPENED CONTAINERS. It shall be unlawful for any retail liquor store or liquor licensed drug store to have on his licensed premises any container which shows evidence of having once been opened, or which contains a volume of liquor less than that specified on the label of such container. Provided, however, nothing in this section shall apply to any liquor licensed drug store where the contents, or portion thereof, shall have been used in compounding of prescriptions.

## 11 LICENSES

Section 18. NEIGHBORHOOD REQUIREMENTS. Before granting any license, the City Council shall consider the reasonable requirements of the neighborhood, the desires of the inhabitants as evidenced by petitions, remonstrances or otherwise and all other reasonable restrictions which are or may be placed upon the district by the City Council.

Section 19. TERM. All licenses herein provided shall be granted for a period of one calendar year, or portion thereof remaining at the time of making the application for said license, but where the application is made for a portion of such calendar year, there shall be no reduction of the license fees provided herein because of such fact. All licenses shall expire on December 31st of the year for which issued and application for the renewal of licenses shall be made on or before the first day of December of each year.

Section 20. REVOCAION. In addition to any other penalties prescribed by this ordinance, the City Council shall have the power, on its own motion, or by complaint, after investigation and public hearing, at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke, or suspend and revoke, any license issued by said Council for any violation by the licensee or by any of his agents, servants or employees of such licensee of the provisions of this ordinance, or of any of the rules and regulations authorized hereunder, or of any of the terms, conditions or provisions of the license issued by said City Council.

Section 21. QUALIFICATION. No license provided in this ordinance shall be issued or held by:

- (a) Any person until the annual fee therefor has been paid.
- (b) Any person not first granted a state license.
- (c) Any person who is not a citizen of the United States of

America.

(d) Any person who has been convicted of a felony or of any violation of any liquor law in any federal or State court of record or in the Municipal Court of the City of Grand Junction.

(e) Any person employing, assisted by or financed in whole or in part by any other person who is not such a citizen or who has been so convicted.

(f) Any person, unless he is with respect to his character, record and reputation, satisfactory to the City Council.

(g) No license provided for in this ordinance shall be issued to or held by any person who will operate any place where liquor is sold or to be sold by the drink within 500 feet from any public or parochial school, college, university or seminary, provided, however, that this provision shall not apply to any hotel or restaurant how located within such limit.

Section 22. NOT TRANSFERABLE. No license granted under the provisions of this ordinance shall be transferable, but this shall not prevent the change of location as herein provided.

Section 23. SEPARATE AND DISTINCT. Each license issued under the provision of this ordinance shall be separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific business and each location, and in said license the particular liquor or liquors which the applicant shall be authorized to sell shall be named.

Section 24. KINDS. For the purpose of regulating the sale of malt, vinous and spirituous liquors the City Council may, in its discretion, upon application in the prescribed form made to it, issue and grant to the applicant a license to sell malt, vinous and spirituous liquors of the following classes:

1. Retail Liquor Store License.
2. Liquor Licensed Drug Store.
3. Beer and Wine License.
4. Hotel and Restaurant License.
5. Club License.

Section 25. RETAIL LIQUOR STORES. Retail liquor stores as defined in this ordinance shall be licensed only to sell malt, vinous and spirituous liquors in sealed containers not to be consumed at the place where sold. Malt, vinous and spirituous liquors in sealed containers shall not be sold at retail in any place other than in retail liquor stores except as provided in Section 26 of this

article.

Every person selling any malt, vinous and spirituous liquors in a retail liquor store shall pay to the City Treasurer a license fee of One Hundred Fifty Dollars (\$150.00) annually in advance for each place where said liquor store is located.

Section 26. DRUG STORES. Liquor licensed drug stores as defined in this ordinance shall be licensed only to sell malt, vinous and spirituous liquors in sealed containers not to be consumed at the place where sold.

Every person selling any malt, vinous and spirituous liquors in a liquor licensed drug store shall pay to the City Treasurer a license fee of One Hundred Fifty Dollars (\$150.00) annually in advance for each place where such liquor shall be sold.

Nothing in this ordinance shall be construed so as to prohibit any licensed pharmacy from obtaining ingredients for the compounding of bona fide medicines necessary for the conduct of its business.

Section 27. BEER AND WINE. The license permitted by this section and which is issued and granted to sell malt, and vinous liquors in the place where the same is to be consumed, shall be confined to hotels and restaurants and shall authorize the licensee only to sell malt and vinous liquors to customers for consumption on the premises.

Every person selling any malt or vinous liquors as provided in this section of this ordinance shall pay to the City Treasurer a license fee of One Hundred Fifty Dollars (\$150.00) annually in advance for each place where such liquor shall be sold.

Section 28. HOTELS AND RESTAURANTS. In addition to the privileges above provided in Section 27, hotels and restaurants, as defined by this ordinance, may sell spirituous liquors by the drink only to customers for consumption on the premises, but only in the room or rooms where meals are served and only with meals, except that hotels as defined by this ordinance may sell malt, vinous and spirituous liquors by the drink only, to customers of said hotel, and the same shall be served at tables with food.

Every person selling spirituous liquors as provided in this section of this ordinance shall procure a Hotel and Restaurant License, which license shall authorize the licensee to sell malt, vinous and spirituous liquors as provided in Section 27 and this section of this ordinance. The licensee shall pay to the City Treasurer a license fee of Three Hundred Twenty Five Dollars (\$325.00) annually in advance for each place where such liquors shall be sold. Such license shall be in lieu of that provided by Section 27 hereof.

Section 29. CLUBS. Clubs as defined by this ordinance, may sell malt, vinous and spirituous liquors by the drink only to members

of such clubs and their guests within the premises of said club.

Every such club selling malt, vinous or spirituous liquors as provided in this section shall pay to the City Treasurer a license fee of One Hundred Dollars (\$100.00) annually in advance for each club.

Section 30. FORM AND DISPLAY. The licenses heretofore provided by this ordinance shall specify the date of issuance, the period which is covered, the name of the licensee, the place licensed and the liquor or liquors which may be sold therein. Said license shall be conspicuously placed at all times in the place thereby licensed and all police officers shall see to it that every person selling malt, vinous or spirituous liquors within his jurisdiction has procured a license so to do.

### III DEFINITIONS.

Section 31. The following definitions shall be used for the interpretation and enforcement of this ordinance:

(a) "Malt Liquors" shall include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product or any combination thereof in water containing more than 3.2% of alcohol by weight.

(b) "Vinous Liquors" shall include wine and fortified wines not exceeding 21% of alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

(c) "Spirituous liquors" shall be construed to mean any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin and every fluid or solid, patented or not, containing alcohol and which are fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except as above provided shall not be construed to be malt or vinous liquors, but shall be construed to be spirituous liquor.

(d) "Alcoholic Beverages" or "alcoholic liquors" shall be construed to mean malt, vinous or spirituous liquors.

(e) "Retail liquor store" means an establishment engaged only in the sale of malt, vinous, spirituous liquors, soft drinks and mixers, all in sealed containers for consumption off of the premises.

(f) "Liquors licensed drug store" means any drug store licensed by the Board of Pharmacy of the State of Colorado which has also applied for and has been granted a license by the State Licensing

Authority to sell malt, vinous and spirituous liquors in original sealed containers for consumption off the premises.

(g) "Hotel" means any establishment provided with 20 or more sleeping rooms under one roof for the accommodation of guests and having a dining room and restaurant, or either, in connection therewith and directly accessible by an entrance from within the hotel.

Tourist camps, cottage camps, rooming houses and boarding houses of any kind, regardless of the fact that food and lodging are offered for sale or sold by such places, are hereby declared not to be a hotel for the purposes of this ordinance.

(h) "Restaurant" means an establishment provided with special space and accommodations, where in consideration of payment, meals are habitually furnished to guests, and whose principal business is the sale of meals and in which room nothing is sold excepting meals, foods, drinks and tobaccos, and where malt, vinous and spirituous liquors shall not be served at any place, excepting tables and lunch counters with stools fastened securely to the floor. Any establishment connected with any business whatsoever wherein any business is conducted, excepting the sale of meals, foods, drinks, and tobaccos, or hotel business is hereby declared not to be a restaurant, and any hotel not maintaining a restaurant regularly provided with special space and accommodations where meals are habitually furnished to guests is likewise declared not to be a restaurant.

(i) "Club" means (1) a corporation which has been incorporated for not less than five years and which has had a membership that has paid dues for a period of at least five years, and which for five years has been the owner, lessee or occupant of an establishment operated solely for objects of a national, social, fraternal, patriotic, political or athletic nature, but not for pecuniary gain, and the property as well as the advantages of which belong to the members; (2) a corporation which is a regularly chartered branch or lodge or chapter of a national organization, which has operated solely for the objects of a patriotic or fraternal organization or society, but not for pecuniary gain.

(j) "To Sell" or "Sale" means and includes any of the following: To exchange, barter or traffic in; to solicit or receive an order for except through licensee licensed hereunder; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle, to possess with intent to sell; to possess or transport in contravention of this ordinance; to traffic in for any consideration promised or obtained directly or indirectly.

(k) "Sealed Containers" means any container or receptacle used for holding liquor, which container or receptacle is "corked" or "sealed" with any stub, stopper or cap.

(l) "Meal" means a quantity of food of such nature as is ordinarily consumed by an individual at regular intervals for the purpose of sustenance, in the following places:

(1) In any dining room of a hotel operated for the accommodation and reception of guests and travelers and where meals are regularly served at tables, and in any guest room thereof where the guest or traveler has meals served therein.

(2) In the dining room of a restaurant where meals are regularly served at tables or lunch counters with stools securely fastened to the floor.

(m) "Minor" shall mean any person under the age of twenty-one (21) years and not of lawful age.

(n) "Person" means natural person, partnership, co-partnership", association, company, corporation, organization or manager, agent, servant, officer or employee of any of them.

(o) "License" means a permit or grant to a licensee to sell malt, vinous or spirituous liquors as provided by this ordinance.

#### IV PENALTIES AND LIMITATIONS

Section 32. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum of not more than Three Hundred Dollars (\$300.00) for each offense, or may be punished by confinement in the city jail for a term of not more than Ninety (90) days, or by both such fine and imprisonment.

Section 33. LIMITATIONS. The provisions of the ordinance shall not apply to the sale or distribution of sacramental wines sold and used for religious purposes nor to liquors served in or upon any dining, club or parlor car of a railroad transportation system.

Section 34. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Passed and adopted this 22nd day of July, 1936.

/s/ G. W. Oates  
President of the Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 550 was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 17th day of June, A. D. 1936, and that the



same was published in The Daily Sentinel a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said City this 23rd day of July, A. D. 1936.

/s/ Helen C. Tomlinson  
City Clerk