

ORDINANCE NO. 84

AN ORDINANCE RELATING TO INTOXICATING LIQUORS, PROHIBITING THE MANUFACTURE, KEEPING, SALE AND DISPOSITION THEREOF EXCEPT IN CERTAIN CASES: THE SOLICITING AND TAKING OF ORDERS THEREFOR OR ADVERTISING THEREOF: DECLARING CERTAIN PLACES TO BE NUISANCES: AND PROVIDING FOR THEIR ABATEMENT: REGULATING THE KEEPING, SALE AND DISPOSITION OF INTOXICATING LIQUORS BY PHARMACISTS AND DRUGGISTS: AND PROVIDING FOR THE SEARCH FOR AND SEIZURE AND DESTRUCTION THEREOF, AND OF PROPERTY USED IN CONNECTION THEREWITH: PRESCRIBING THE FORMS OF PROCEDURE AND RULES OF EVIDENCE IN CASES AND PROCEEDINGS HEREUNDER: AND FIXING PENALTIES FOR THE VIOLATION HEREOF.

BE IT ORDAINED by the Council of the Town of Granite Falls, Washington:

Section 1: The words "intoxicating liquor" whenever used in this ordinance shall be held and construed to include whisky, brandy, gin, rum, ale, wine, beer, and any spirituous, vinous, fermented or malt liquor, and every other liquor or liquid containing intoxicating properties, which is capable of being used as a beverage, whether medicated or not and all liquids whether proprietary, patented or not, which contain any alcohol, and which are capable of being used as a beverage.

Section 2: The word "person" whenever used in this ordinance shall be held and construed to mean and include natural persons, firms, co-partnerships and corporations and all associations of natural persons, whether acting by themselves, or by a servant, agent or employee.

Section 3: It shall be unlawful for any person to manufacture, sell, barter, exchange, give away, furnish or otherwise dispose of any intoxicating liquor (or to keep any intoxicating liquor) with intent to sell, barter, exchange, give away furnish or otherwise dispose of the same, except as in this ordinance otherwise provided; provided however that it shall not be unlawful for a person to give away intoxicating liquor, to be drunk on the premises, to a guest in his private dwelling or apartment, which is not a place of public resort.

Section 4: It shall be unlawful for any person owning leasing, renting or occupying any premises, building or vehicle to knowingly permit intoxicating liquors to be manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of therein or thereon, in violation of the provision of this ordinance, or to be kept therein or thereon with intent to sell, barter, exchange, give away furnish or otherwise dispose of the same in violation of the provisions of this ordinance; and all premises, buildings or vehicles whereon and wherein intoxicating liquor is manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same in violation of the provisions of this ordinance, are common nuisances, and may be abated as such and upon conviction of the owner, lessee, tenant or occupant of any premises, building or vehicle of a violation of the provisions of this section the court shall order that such premises, building or vehicle be closed until the owner, lessee, tenant or occupant thereof shall give bond with a sufficient surety to be approved by the court making the order in the penal sum of one thousand (\$1,000.00) dollars payable to the Town of Granite Falls, Washington, and conditioned that intoxicating liquor shall not, for a period of a year thereafter be manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of thereon or therein or kept thereon or therein with intent to sell, barter, exchange, give away or otherwise dispose of the same contrary to the provisions of this ordinance and that he will pay all fines, costs and damages that may be assessed against him for any violations of this ordinance.

In case of the violation of any condition of such bond the whole amount may be recovered as a penalty for the use of the said Town.

Section 5: It shall be unlawful for any person to take or solicit orders for the purchase or sale of any intoxicating liquor in the Town of Granite Falls, either in person, or by sign, circular, letter, poster, handbill, card, price list, advertisement or otherwise or to distribute, publish or display any advertisement, sign or notice naming, representing, describing or referring to the quality or qualities of any intoxicating liquor or giving the name or address of any person manufacturing or dealing in intoxicating liquor or stating where any such liquor may be obtained.

Section 6: Nothing in this ordinance shall be construed to prohibit a registered druggist or pharmacist

from selling intoxicating liquors for medical purposes, upon prescription of a licensed physician as herein provided or for sacramental purposes upon the order of a clergyman as herein provided or from selling alcohol for mechanical or chemical purposes only; but it shall be unlawful for such druggist or pharmacist to permit any such liquor to be drunk upon the premises where sold.

Every druggist or pharmacist selling intoxicating liquor or alcohol for the purposes above provided shall keep a true and exact record in a book provided by him for that purpose and which shall be entered at the time of any sale of intoxicating liquor or alcohol made by him or in or about his place of business, the date of the sale, the name and the residence of the purchaser and the kind, quantity and price of such liquor or alcohol and the purpose for which it is sold; and when the sale is for medicinal or sacramental purposes, the name of the physician issuing the prescription or the the clergyman giving the order therefor and when the sale is of alcohol for mechanical or chemical purposes, the purchaser shall be required to sign a record of the sale in said book. Whenever any druggist or pharmacist bills any prescription for intoxicating liquor, he shall cancel the same by writing across the face thereof in red ink the word "Cancelled", with the date on which it was presented and filled, and shall keep the same on file separate from other prescriptions and no such prescription shall be filled again.

Any druggist, pharmacist or other person engaged in the business of selling drugs in the Town of Granite Falls, shall on or before the 10th day of January 1916, file with the City Clerk of said Town a signed statement showing the kind and quantity of all intoxicating liquors in his possession; and shall on or before the 5th day of each and every month thereafter file with said clerk a signed statement showing the kind and quantity of all intoxicating liquors received by him or delivered to him during the previous month, and of all intoxicating liquors in his possession on the 1st day of said month and shall on or before the 5th day of February 1916 and on or before the 5th day of each and every month thereafter file with said clerk a signed statement showing the intoxicating liquors sold during the previous month, the date on which sold, the kind of liquor sold, the person to whom sold and his address; and unless sold on prescription, the purpose for which sold; if sold on prescription, the number of the prescription and the name of the doctor issuing the same.

Such statement shall be made on forms to be provided by the Town of Granite Falls and shall give such other information as such forms require.

Such book and all prescriptions for intoxicating liquor filled, shall be open to inspection by the Town Attorney, the Judge of the Police Court or by the Marshal of said Town or by any constable for Granite Falls precinct, or any member of the Town Council and such officer shall have the right to inspect any premises where any person is carrying on or conducting a drug business, for the purpose of ascertaining the certain amount of intoxicating liquors on said premises or in the possession of such person.

It shall be unlawful for any druggist or pharmacist to fail or neglect to keep such records, or to destroy or in any way alter such records or any entry therein or any prescription filled or to permit or procure the same to be destroyed or altered or to refuse inspection thereof or to refuse inspection of the premises or of the intoxicating liquors in his possession as herein provided to any person entitled to make such inspection; or to fail or neglect to cancel any such prescription or to refill any prescription or to sell intoxicating liquor for medicinal purposes except under written prescription of a licensed physician or for sacramental purposes without an order signed by a clergyman or to sell any alcohol for chemical or mechanical purposes without obtaining the signature of the purchaser; or to fail or neglect to make and file the statement of intoxicating liquors received, delivered or sold as herein required, provided that nothing herein contained shall be construed to prohibit the sale by a druggist or pharmacist of such intoxicating liquor as may be needed by or for a sick person in case of extreme illness where delay may be dangerous to the patient.

A druggist or pharmacist who has been convicted of selling intoxicating liquor, or of any other act in violation of this section shall not within two years thereafter, either personally or by agent, sell intoxicating liquors for any purpose whatever.

Section 7: It shall be unlawful for any licensed physician to issue a prescription for intoxicating liquor except in writing or in any case unless he has good reason to believe that the person for whom it is issued is actually sick and that same liquor is required as a medicine.

Every prescription for intoxicating liquor shall contain the name and address of the physician, the name and the quantity of liquor prescribed, the name and address of the person for whom prescribed and the date on which the prescription is written and directions for the use of the liquor so prescribed.

Every physician issuing any prescription for intoxicating liquor shall place a different number on each prescription issued and shall issue such prescription in duplicate and shall within ten days of the issuance of each such prescription file one of said duplicates with the Clerk of said Town.

Upon conviction a second time of any licensed physician of a violation of the provisions of this section, it shall be unlawful for such physician thereafter to write any prescription for the furnishing, delivery or sale of intoxicating liquor and it shall be unlawful for any druggist or pharmacist to knowingly fill any such prescription written or signed by any physician who has been convicted a second time of a violation of the provisions of this section.

Section 8: The issuance of an Internal Revenue special tax stamp or receipt by the United States to any person as a retail dealer in intoxicating liquor, shall be prima facie evidence of the sale of intoxicating liquors by such persons at the place of business of such person where such stamp or receipt is posted, if, at the time the stamp or receipt is in force and effect; provided that this Section shall not apply to druggists and pharmacists.

A copy of such stamp or of the records of the United States Internal Revenue Office certified to by any United States Internal Revenue Officer, Deputy or Assistant having charge of such records or stamp which shows that the United States special liquor tax has been paid by any person charged with selling, bartering, exchanging, giving away, furnishing or otherwise disposing of intoxicating liquors, in violation of the provisions of this ordinance, shall be competent and prima facie evidence that the person whose name appears on said stamp or record as shown by such certified copy has paid the special liquor tax for the time stated therein.

Section 9: It shall be unlawful for any person to directly or indirectly keep or maintain by himself or by association with others or to in any manner aid, assist, abet in keeping or maintaining any club house or other place in which intoxicating liquor is received, or keep for the purpose of use, gift, barter or sale or for the purpose of distribution or division among the members of any club or association.

Section 10: If, upon the sworn complaint of any person it shall be made to appear to the judge of the public court of the Town of Granite Falls, that there is probable cause to believe that intoxicating liquor is being manufactured,

sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this ordinance, such judge shall issue a warrant directed to the marshal of said town or any constable of Granite Falls precinct, commanding him to search the premises designated and described in such complaint and warrant and to seize all intoxicating liquor where found together with the vessels in which it is contained and all implements, furniture and fixtures, used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such liquor and to safely keep the same and to make a return of said warrant in three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in possession of said articles the return shall so state. A copy of such warrant shall be served upon the person or persons found in possession of any such intoxicating liquors furniture or fixtures so seized and if no person be found in possession thereof a copy of said warrant shall be posted on the door of the building or room wherein the same were found, or if there be no door then in any conspicuous place upon the premises.

Section 11: Upon the return of the warrant as provided in the next preceding section, the judge of the police court shall fix a time not less than ten days nor more than thirty days thereafter from the hearing of said return, when he shall proceed to hear and determine whether or not the articles so seized or any part thereof were used or in any manner kept or possessed by any person with the intention of violation of any of the provisions of this ordinance.

At such hearing any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his interest but upon said hearing the sworn affidavit or complaint upon which the search warrant was issued and the possession of such intoxicating liquors shall constitute prima facie evidence of contraband character of the liquors and articles seized and the burden shall rest upon the claimant to show by competent evidence his property right or interest in the articles claimed and that the same were not used in violation of any of the provisions of this ordinance, and were not in any manner kept or possessed with the intent of violating any of the provisions of this ordinance.

If upon such hearing the evidence warrants or if no person shall appear as claimant the judge of police court shall thereupon enter a judgment of forfeiture, and order such articles destroyed; provided however, that if in the

opinion of said judge any such forfeited article other than intoxicating liquors are of value and adopted to any lawful use such judge shall as part of the order and judgment, direct that said articles other than intoxicating liquors, shall be sold as upon execution by the officer having them in custody, and proceeds of such sale shall be paid into the Treasury of said Town.

Section 12: It shall be unlawful for any person to have in his possession more than one half gallon or two quarts of intoxicating liquor other than beer, or more than twelve quarts or twenty four pints of beer, provided however, that this section shall not apply to the registered pharmacist or druggist or to persons keeping alcohol to be used for mechanical or chemical purposes only.

Section 13: If any prosecution for a violation of any of the provisions of this ordinance it shall be competent to prove that more than two quarts of intoxicating liquor other than beer or more than twelve quarts of beer and such possession and proof thereof shall be prima facie evidence that said liquor was so held and kept for the purpose of unlawful sale and disposition.

Section 14: Within ten days after the 1st day of January, 1916, every person except such registered druggists or pharmacist shall remove or cause to be removed from the Town of Granite Falls, all intoxicating liquor in his possession and failure so to do shall be prima facie evidence that such liquor is kept therein for the purpose of being sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this ordinance, provided however, that this section shall not apply to alcohol kept for mechanical or chemical purposes or to one half gallon of intoxicating liquors other than beer or to twelve quarts or twenty four pints of beer, held by any individual.

Section 15: It shall be unlawful for any person other than a common carrier to transport, carry or bring into the Town of Granite Falls any intoxicating liquor in excess of one half gallon of liquor other than beer or twelve quarts or twenty four pints of beer within any twenty day period.

Section 16: If any of the provisions of this ordinance shall be held void or unconstitutional, all other provisions and all other sections of the ordinance which are not expressly held to be void or unconstitutional shall continue in full force and effect.

Section 17: Any person convicted of any violation of this ordinance shall upon conviction be punished by a fine

of not more than one hundred (\$100.00) dollars or by imprisonment in the Town jail for a period not exceeding thirty (30) days or by both such fine and imprisonment.

Section 18: This ordinance shall be in full force and effect immediately upon its passage and publication as required by law.

B. GALLAUGHER, Mayor

ATTEST:  
H. E. JEWELL  
Town Clerk

Introduced December 21, 1915  
Passed January 4, 1916  
Adopted January 4, 1916  
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