

Seattle City Clerk's Office

Comptroller File

137694

FILE NO. 137694

Opinion
OF
Corporation Counsel

Relating to liquor
ordinances

FILED NOV 23 1937

BY _____

ADDRESS _____

H. W. CARROLL
CITY CONTROLLER AND EX-OFFICIO CITY CLERK

BY *H. W. Carroll* DEPUTY

ACTION OF THE COUNCIL

REFERRED NOV 23 1937	TO PUBLIC SAFETY
REFERRED	TO
REPORTED	REPORT ADOPTED
REPORTED	REPORT ADOPTED
REF. FOR ORD.	C. B. ORD.
MAY 21 1934	DISPOSITION ON FILE

REPORT OF COMMITTEE

Mr. President:

Your _____

Committee

to which was referred the within _____

would respectfully report that we have considered the same and respectfully recommend that _____ (THE SAME BE PLACED ON FILE)

CHAIRMAN

CHAIRMAN

ASSISTANT CORPORATION COUNSEL

J. AMBLER NEWTON
CHARLES L. SMITH
CAMPBELL C. McCULLOUGH
EMLYN I. JONES
WALTER L. BAUMGARTNER
GLEN E. WILSON
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CITY ATTORNEY
BRUCE MACDOUGALL

THE CITY OF SEATTLE

LAW DEPARTMENT

A. C. VAN SOELEN, CORPORATION COUNSEL

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SECRETARY

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LAW CLERKS

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VEIDA S. MORROW

JOHN A. LOGAN

C. V. HOARD

CLAIM AGENT

J. H. DENNIS

November 23, 1932

Re: Repeal of the State liquor laws
(Initiative No. 61) does not
affect City liquor ordinances.

City Council
Seattle, Washington

Gentlemen: Attention Mr. Otto A. Case, President.

You request to be advised how the present City ordinances relating to intoxicating liquors are affected by the repeal of the State liquor laws by the adoption of State Initiative Measure No. 61 at the November 1932 election.

Said measure, while prohibiting the sale of intoxicating liquors to minors, provides for the repeal of nearly all State laws relating to such liquors. These laws so repealed do not, so far as we are aware, provide for the prohibition or regulation by cities of traffic in, or use of, such liquors. The initiative measure does not expressly or impliedly affect or purport to affect existing municipal ordinances dealing with the subject. It is our opinion, therefore, that Seattle's existing ordinances having been passed in the exercise of the City's police power delegated by the Constitution, Art. XI, Sec. 11, are not in any wise affected by said initiative.

You have also requested that we furnish you a digest of the City liquor ordinances for your guidance. While the City Comptroller and ex-officio City Clerk is the custodian of the City ordinances and has the only available index thereto, we, so far as we are able, comply with your request substantially in chronological order, as follows:

Ordinance No. 15956 - defining nuisances.

Section 1, as amended by Ordinance No. 58248, declares as nuisances: All houses, rooms, saloons, etc. used as a place of resort for dancing where women or girls solicit for salary or commission the sale of intoxicating liquors, or used as a resort where drunkenness is carried on or permitted; the conducting, maintaining, carrying on or in any manner taking part in any dance or in any saloon, or other place, where intoxicating liquors are sold, etc.

City Council
Attention Mr. Otto A. Case

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Ordinance No. 16046 - providing for the preservation of public morality, peace, safety, etc.

Section 1 declares drunkenness to be unlawful.

Section 7 prohibits permitting in any house or place of business any drunkenness to the annoyance of the public.

Section 8 makes it unlawful for any person to be a common drunkard.

Section 10 declares it to be unlawful for any person to habitually idle his time away where intoxicating liquors are sold or be in or about any saloon.

Section 12 includes common drunkards as vagrants and also persons habitually drunk upon the streets or public places of the City.

Section 16 prohibits women from loitering in or about saloons or other public places where intoxicating liquors are sold or otherwise disposed of, and from habitually drinking with men in such places or soliciting men to purchase intoxicating liquor in such places.

Section 17 proscribes drunk rollers.

Ordinance No. 38045 - the Public Place Ordinance.

Section 136 declares it unlawful for any intoxicated person to enter or remain within any park.

Ordinance No. 29565 prohibits minors from entering or loitering in places where intoxicating liquors are sold except restaurants, and from buying or attempting to buy intoxicating liquors or making false representations for said purpose.

Ordinance No. 37916 prohibits frequenting or being found in any place where intoxicating liquors are unlawfully kept or disposed of.

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Ordinance No. 49263. This is the City's general bone dry ordinance. It prohibits the manufacture, sale, transportation, disposition, possession and use of intoxicating liquor. Any digest of its provisions would render this already long communication too long. In any event, consideration of legislation in respect to it would require a first hand perusal thereof. We, therefore, refrain from digesting it.

Ordinance No. 48022 - the License Code.

Section 14 provides that any license issued under the provisions of said ordinance may be revoked, among other things, for the conviction of the licensee or any of its servants, agents or employes acting within the scope of their employment, violating any law or ordinance relating to the sale or possession of intoxicating liquor. Various other portions of said ordinance also regulate licensees and licensed places in respect to the presence, use, sale, etc. of intoxicating liquor. For example, in Section 79 it is declared unlawful for the owner, manager or other person connected with the operation of a public dance hall to permit on the dance hall premises any person possessing or offering for sale, selling, giving away or drinking any intoxicating liquors, or to permit any person under the influence of liquor to participate in or remain at any dance hall or public dance.

Section 174 prohibits the issue of a bath house license to anyone who within one year before his application for a license, has been convicted of violating any law or ordinance relating to the possession or sale of intoxicating liquor; and,

Section 178 prohibits the proprietor of such place from receiving or permitting to be or remain therein any drunken person or any person under the influence of intoxicating liquor.

There undoubtedly are liquor provisions in other penal ordinances dealing with other subjects, as illustrated

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by the License Code already referred to, but it is impossible for us to comb them out without a minute, extensive and time consuming search.

Yours very truly,

A. C. VAN SOELEN,
Corporation Counsel,

Walter L. Baumgartner
BY: WALTER L. BAUMGARTNER,
Assistant.

WLB:GM

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