

Ordinance No. _____

Relating to the manufacture, sale, transportation, disposition, possession and use of intoxicating liquor within the City of Seattle, providing penalties, and repealing Ordinances Nos. 36242 and 41733, and all other ordinances and parts of ordinances in conflict herewith.

REPEALED BY ORDINANCE NO. 63192

Council Bill No. _____

INTRODUCED:	BY: Judiciary and Franchise Com.
REFERRED:	TO:
REFERRED:	
REPORTED:	VETO:
SECOND READING:	PUBLISHED:
THIRD READING:	VETO SUSTAINED:
SIGNED:	PASSED OVER VETO:
PRESENTED TO MAYOR:	APPROVED:
FILED:	PUBLISHED:
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VOL. <u>21</u> PAGE <u>194</u>	<u>LBK</u>
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COMPALED BY:	

AND

REVISED BY ORDINANCE NO. 63192

ORDINANCE NO. 19200

AN ORDINANCE relating to the manufacture, sale, transportation, disposition, possession and use of intoxicating liquor within the City of Seattle, providing penalties, and repealing Ordinances Nos. 36242 and 41733, and all other ordinances and parts of ordinances in conflict herewith.

Be it ordained by The City of Seattle as follows:

Section 1. This entire ordinance shall be deemed an exercise of the police power of the State of Washington and of the City of Seattle, for the protection of the economic and social welfare, health, peace and morals of the people of the City of Seattle, and all its provisions shall be liberally construed for the accomplishment of that purpose.

Section 2. The term "intoxicating liquor," whenever used in this ordinance, shall be held and construed to mean and include alcohol, whiskey, brandy, gin, rum, wine, ale, beer, jamaica ginger (meaning any liquid or solution in which jamaica ginger is combined or mixed with alcohol in any quantity whatsoever), and any spiritous, 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, which are capable of being used as a beverage, and any tablets, powder, pellets, liquid or other substance from which any of the foregoing, or a misleading imitation thereof, may be manufactured or concocted by mixing the same with water or other liquid.

The term "person," wherever used in this ordinance, shall

be held and construed to mean and include natural persons, firms, copartnerships and corporations, and all associations of natural persons, whether acting by themselves or by servant, agent or employee.

Section 3. Every person concerned with the commission of a misdemeanor in violation of this ordinance, whether he directly commits the act or omits to do the thing constituting the offense, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such misdemeanor, is, and shall be, a principal under the terms of this ordinance and shall be proceeded against and prosecuted as such.

Section 4. It shall be unlawful for any person, other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, to have in his possession any intoxicating liquor other than alcohol; and it shall be unlawful for any person to manufacture, sell, barter, exchange, give away, furnish or otherwise dispose of any intoxicating liquor, except as provided by this ordinance or by the laws of the State of Washington.

Any person who opens up, conducts or maintains, either as principal or agent, any place for the unlawful sale of intoxicating liquor be, and hereby is, defined to be a "jointist."

Any person who carries about with him intoxicating liquor for the purpose of the unlawful sale of the same be, and hereby is, defined to be a "bootlegger."

It shall be unlawful for any person to be either a "joint-

ist" or a "bootlegger," as herein defined.

Section 5. In any prosecution for the violation of any provision of this ordinance, it shall be competent to prove that any person, other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, had in his possession any intoxicating liquor other than alcohol, 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 or disposition.

Section 6. It shall be unlawful for any person owning, leasing, renting or occupying any premises, building, vehicle, houseboat or boat, to knowingly permit intoxicating liquor to be manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this ordinance, or to be kept with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same in violation of the provisions of this ordinance, thereon or therein; and all premises, buildings, vehicles, houseboats and boats 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 hereby declared to be common nuisances, and may be abated as such, and upon conviction of the owner, lessee, tenant or occupant of any premises, building, vehicle, houseboat or boat of a violation of the provisions of this section, he shall be punished as provided in Section 17

hereof, and the court shall order that such nuisance be abated, and that such premises, building, vehicle, houseboat or boat 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 (\$1000.00) Dollars, payable to the City of Seattle, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of thereon and therein, or kept thereon or therein contrary to law, and that he will pay all fines, costs and damages that may be assessed against him for any violation of this ordinance, and in case of the violation of any condition of such bond, the whole amount thereof may be recovered as a penalty for the use of the City; and in all cases where any person has been convicted of a violation of the provisions of this section and no appeal has been taken from such conviction, it shall be the duty of the court before whom the conviction is had, in addition to imposing the penalty or penalties herein provided, to order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within twenty-four (24) hours, the same shall be abated and removed by authority of the Chief of Police of the City of Seattle, or by any other officer authorized by the order of said court, which said order of abatement shall be entered upon the docket of the court and made a part of the judgment in said action.

Section 7. It shall be unlawful for any person to take or solicit orders for the purchase or sale of any intox-

icating liquor, 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 quantity 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 8. Nothing in this ordinance shall be construed to prohibit a registered druggist or pharmacist, actually engaged in the wholesale drug business in the City of Seattle, from selling alcohol to a retail druggist, a hospital or a manufacturer, licensed to purchase the same under the laws of the State of Washington, or from selling alcohol for export and shipping the same to places outside the State of Washington, or to prohibit a registered druggist or pharmacist, actually engaged in the retail drug business in the City of Seattle, from selling alcohol to any person holding a permit to purchase the same, issued under the provisions of the laws of the State of Washington, or to prohibit an ordained clergyman, priest or rabbi, actually engaged in ministering to a religious congregation in the City of Seattle, from administering intoxicating liquor for sacramental purposes only; but it shall be unlawful for a registered druggist or pharmacist engaged in the wholesale drug business only, to sell alcohol to any other person than a retail druggist, a hospital, or a manufacturer, licensed to purchase the same under the provisions of the laws of the State of Washington, and it shall be unlawful for any person other than a registered druggist

or pharmacist to sell alcohol for any purpose whatsoever, and it shall be unlawful for any druggist or pharmacist, or other person, to dilute or adulterate alcohol, or compound it with any other substance in such proportions that it shall be capable of being used as a beverage, and sell, barter, exchange, give away, furnish, or otherwise dispose of the same, or to permit any alcohol to be diluted or adulterated, or compounded with any other substance, and drunk on the premises where sold.

Section 9. Nothing in this ordinance shall be construed to prohibit a licensed physician from administering alcohol, but it shall be unlawful for any licensed physician to administer diluted or adulterated alcohol, or alcohol compounded with any other substance, in such proportions that it shall be capable of being used as a beverage, and, it shall be unlawful for any licensed physician to issue a prescription for alcohol to be diluted or adulterated, or compounded with any other substance in such proportions that it shall be capable of being used as a beverage, and it shall be unlawful for any druggist or pharmacist to knowingly fill any prescription for any diluted or adulterated alcohol or alcohol compounded with any other substance, in such proportions that it shall be capable of being used as a beverage.

Section 10. It shall be unlawful for any person to directly or indirectly keep or maintain, by himself or by associating with others, or to in any manner aid, assist or abet in keeping or maintaining, any club house, club room or other place in which intoxicating liquor is received or kept

for the purpose of use, gift, barter, exchange, sale or distribution in violation of the provisions of this ordinance.

Section 11. If, upon the sworn complaint of any person, it shall be made to appear to any police judge 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 police judge shall issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, vehicles, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of or keeping such liquor, and to safely keep the same, and to make a return of said warrant within three (3) days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person in whose possession the same were found, if any, and if no person be found in the possession of said articles, the return shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such intoxicating liquor, vehicles, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

Section 12. Upon the return of the warrant as provided in the next preceding section, the police judge shall fix a time, not less than ten (10) days and not more than thirty (30) days thereafter, for 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 in violation of, or with the intention of violating, 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 such hearing the sworn complaint or affidavit upon which the search warrant was issued and the possession of such intoxicating liquor shall constitute prima facie evidence of the contraband character of the liquor 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 kept or used in the violation of any of the provisions of this ordinance, and were not in any manner kept or possessed with the intention 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 police judge shall thereupon enter a judgment of forfeiture and order such articles destroyed forthwith: Provided, however, that if, in the opinion of the police judge, any of such forfeited articles other than intoxicating liquor are of value and adapted to any lawful use, such police judge shall, as a part of the order and judgment, direct that

said articles other than intoxicating liquor shall be sold as upon execution by the Chief of the Police Department, and the proceeds of such sale, after payment of all costs in the proceeding, shall be paid into the City Treasury. Action under this section and the forfeiture, destruction or sale of any articles thereunder shall not be a bar to any prosecution under any other provisions of this ordinance.

Section 13. In any action or proceeding under this ordinance, no person shall be excused from testifying when called as a witness for the prosecution, on the ground that his testimony may incriminate him, but no person shall be prosecuted or punished on account of any transaction or matter or thing concerning which he shall be compelled to testify on behalf of the prosecution.

Section 14. In any prosecution for the violation of this ordinance, it shall not be necessary for the complaint to set forth any negative allegation, nor for the prosecution to prove that the defendant does not come within any of the exceptions herein contained; but such exceptions shall be considered as a matter of defense, and the burden shall be upon the defendant to show that he comes within such exceptions.

Section 15. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this ordinance, but the same shall continue in full force and effect.

Section 16. No prosecution now pending and no offense heretofore committed under any ordinance heretofore enacted shall be affected in any way by the passage of this ordinance, but all such prosecutions shall be conducted to final judgment and all such offenses shall be prosecuted in the same manner as if this ordinance had not been enacted.

Section 17. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or by imprisonment in the city jail for a period of not more than ninety (90) days, or by both such fine and imprisonment.

Any person convicted a second time of any violation of this ordinance shall, for such second and each subsequent conviction, be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, and by imprisonment in the City Jail for not less than thirty (30) days nor more than ninety (90) days.

The City Attorney or Police Judge having knowledge of any previous conviction of any person accused of violating this ordinance shall, in preparing complaints for subsequent offenses, allege such previous conviction therein, and a certified transcript from the docket of any police judge or a certified copy of the record under the seal of the clerk of any court of record shall be sufficient evidence of any previous conviction or convictions of violations of this ordinance.

Section 18. That Ordinance No. 36242 of the City of Seattle, entitled, "An Ordinance relating to the manufacture, keeping, sale, transportation, use and disposition of intoxicating liquor within the City of Seattle, providing penalties for violations of the provisions hereof, repealing Ordinance No. 35503 relating to intoxicating liquor, approved December 1, 1915, and all other ordinances or parts thereof in conflict herewith," approved August 8th, 1916; and Ordinance No. 41733 of the City of Seattle, entitled, "An Ordinance amending Section 2 of Ordinance No. 36242, entitled, 'An Ordinance relating to the manufacture, keeping, sale, transportation, use and disposition of intoxicating liquor within the City of Seattle, providing penalties for violations of the provisions hereof, repealing Ordinance No. 35503 relating to intoxicating liquor, approved December 1, 1915, and all other ordinances or parts thereof in conflict herewith,' approved August 8, 1916, and declaring an emergency," approved December 22nd, 1920, and all other ordinances and parts of ordinances in conflict herewith, be, and the same hereby are, repealed.

Section 19 This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed the City Council the 20 day of JULY 1925
and signed by me in open session in authentication of its passage this 23 day of JULY 1925
Quita V. Saude

Approved by me this 23 day of JULY 1925
Quita V. Saude
President.....of the City Council.
Mayor.

Filed by me this 23 day of JULY 1925

Attest:
City Comptroller and Ex-Officio City Clerk.
By Quita V. Saude
Deputy Clerk.

[SEAL]

Published.....
City Comptroller and Ex-Officio City Clerk.
By Quita V. Saude
Deputy Clerk.