

ORDINANCE NO. 234.

AN ORDINANCE CONCERNING INTOXICATING LIQUORS.

Be it enacted by the Mayor and City Council of the City of Las Animas, Colorado:

Section 1. No person, association or corporation shall, within the City of Las Animas, manufacture for gift or sale any intoxicating liquors; and no person, association or corporation shall import into the City of Las Animas any intoxicating liquors for sale or gift; and no person, association or corporation shall, within the City of Las Animas sell or keep for sale any intoxicating liquors or offer any intoxicating liquors for sale barter or trade: or for any physician to give any prescription.

Provided, however, that the handling of intoxicating liquors for medicinal or sacramental purposes may be done as in chapter 98, sections 15, 16, 17 and 18 of the session laws of 1915, relating to intoxicating liquors provides, and not otherwise.

Section 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 liquor 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 whatever. In all cases arising under this section any person above specified shall be a competent witness to prove a violation of any of the provisions hereof, and no such

#234  
pg 2

person shall be excused from testifying by reason of such testimony tending to in-  
criminate himself, but the testimony so given shall in no case be used against  
himself.

Section 3. It shall be unlawful for any person, association or corpo-  
ration, either directly or indirectly, to advertise intoxicating liquors in the  
City of Las Animas, for sale or gift in any newspaper, periodical, circular, hand-  
bill, or price list or on any sign, sign board, bill board, bulletin board, print-  
ing office, advertising agency or publicity bureau, or any other person, to pub-  
lish or distribute any matter in the City of Las Animas, which either directly or  
indirectly advertises intoxicating liquors for sale or gift.

Section 4. It shall be unlawful for any person, association or corpo-  
ration to solicit or take any orders for or any purchase or purchases of intoxica-  
ting liquors in any manner whatsoever, except in this ordinance provided.

Section 5. 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 carry, in any quantity any intoxicating liquors for the purpose  
of selling, bartering, exchanging, giving away or illegally delivering the same.

Section 6. If any person shall make affidavit before the Police Magis-  
trate of the City of Las Animas, 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 purpose, in violation of this ordinance within the boundary  
of the City of Las Animas, or within one mile from the outer boundary thereof and  
describing in such affidavit the premises, wagon, automobile, vehicle, contrivance  
thing or devise to be searched, then such Police Magistrate shall issue a warrant  
to any Police Officer of the City of Las Animas, commanding such officer to search  
the premises, wagon, automobile, vehicle, contrivance, thing or devise described  
in such affidavit for any such intoxicating liquors; and the officer charged with  
execution of the same may, when necessary, obtain entrance, and when entrance has  
been refused, break open such premises, wagon, automobile, vehicle, contrivance,  
thing or devise which said warrant is directed to search.

Section 7. Any Police Officer 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, provided said private  
residence is not a place of public resort, or in any vehicle, automobile or con-  
veyance, shall search such suspected place without a warrant, and if such officer  
shall find such intoxicating liquors on said premises, he shall seize the same  
and bring said intoxicating liquors before the Police Magistrate to be dealt with  
according to law, and shall arrest the person or persons having possession of said  
intoxicating liquors forthwith and file a complaint against him for such violation  
of this ordinance and it shall be lawful for such officer to break open any door  
or inclosure for the purpose of obtaining such intoxicating liquors.

Section 8. That in all prosecutions under this ordinance the finding  
of an unusual amount of intoxicating liquor in the possession of any one not  
authorized under this ordinance or the laws of the State of Colorado to sell the

# 234  
pg 3

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 or the finding of intoxicating liquors in the possession of any person, association or corporation authorized to sell the same by the laws of the State of Colorado, in quantities exceeding the value of one per cent of the entire stock in trade of such person, association or corporation, shall be prima facia evidence in said magistrate's court, of a violation of this ordinance. The possession of a receipt or a stamp showing the payment of a special tax levied by the United States upon the manufacture or sale of intoxicating liquors, by any person, association or corporation, not authorized under this ordinance or by the laws of the State of Colorado to sell intoxicating liquors, or a certificate from the Collector of Internal Revenue, or any of his agents, clerks or deputies, showing the payment of any such tax, by any such person, association or corporation aforesaid, shall also be prima facia evidence of the violation of this ordinance.

Section 9. Any person, agent, employee, representative, manager, proprietor, pharmacist, physician, the member of any association, the officers of any corporation, or any other person who shall violate any of the provisions of this ordinance, and any person, association or corporation, whose officer, agent, employee, representative or servant shall violate any of the provisions of this ordinance, shall pay a fine in any sum not less than fifty (\$50.00) dollars and not more than three hundred (\$300.00) dollars, and pay the cost of prosecution or be committed to the City Jail of the City of Las Animas until such fine and costs are paid.

Section 10. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Passed and adopted this 24th day of January, 1916.

Ayes: C. W. Burke, W. H. Birney, John McIntosh, F. B. Morgan, J. D. Rhoads.

Nays: None.

Absent and not voting - Evan Thomas.

Approved, C. W. Beach  
Mayor.

Attest: Blanche Baublits  
City Clerk.

State of Colorado )  
( ss  
County of Bent )

I, Blanche Baublits, City Clerk, in and for the City of Las Animas, Colorado do hereby certify that the above ordinance was introduced and read at the preceding meeting of the city council of the City of Las Animas, Colorado, and published in full in the Las Animas Leader, a public newspaper of general circulation, published in the city of Las Animas for ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the city of Las Animas, Colo., this 25th day of January, A. D. 1916.

Blanche Baublits  
City Clerk.

(SEAL)

C-LINE #62033  
CLEAR TOPPER