

AN ORDINANCE RELATING TO THE REGULATION OF THE SALE AND PURCHASE OF FERMENTED MALT BEVERAGES WITH AN ALCOHOLIC CONTENT OF 3.2 PERCENT OR LESS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF.

WHEREAS, the primary responsibility for the regulation of beer dispensing establishments of the Town of Nucla rests upon the governing body of the Town of Nucla, subject to the Statutes of the State of Colorado applicable thereto, and

WHEREAS, the primary responsibility for the control and elimination of disturbance and disorderly conduct in the beer dispensing establishments of the Town of Nucla should be upon the licensees of such establishments; NOW THEREFORE

BE IT ORDAINED by the Board of Trustees of the Town of Nucla, Colorado:

Section 1.

A. For the purpose of this ordinance, the term "licensee" shall include any person, firm or corporation duly licensed by the Town of Nucla and the State of Colorado to sell at retail for consumption on the premises, consumption off the premises, or both, fermented malt beverages with an alcoholic content of 3.2 percent or less, or any agent, servant or employee of such licensee.

B. For the purpose of this ordinance, the term "premises" shall include all or any part of the physical boundaries of any establishment so licensed.

Section 2.

It shall be unlawful to sell fermented malt beverages with an alcoholic content of 3.2 percent or less to any person under the age of eighteen years or to an habitual drunkard or to an intoxicated person; it shall be unlawful to permit any fermented malt beverages with an alcoholic content of 3.2 percent or less to be sold or dispensed by a person under the age of eighteen or to permit any

Section 3.

It shall be unlawful for any licensee to allow or permit any person under the age of eighteen years to enter, remain in, loiter in or otherwise inhabit the premises where fermented malt beverages with an alcoholic content of 3.2 percent or less are sold at retail for consumption on the premises, unless such person is accompanied by his parent or guardian or other responsible adult over the age of twenty-one years.

Section 4.

Every licensee of a place in the Town of Nucla, licensed to sell fermented malt beverages with an alcoholic content of 3.2 percent or less at retail for consumption on the premises shall display at all times in a prominent place a printed card of a minimum height of fourteen inches and a minimum width of eleven inches, with each letter to be a minimum of one-half inch in height and shall read as follows:

WARNING

IT IS ILLEGAL FOR ANY LICENSEE OR EMPLOYEE OF THESE PREMISES TO ALLOW OR PERMIT ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS TO ENTER, REMAIN IN, LOITER IN OR OTHERWISE INHABIT THESE PREMISES.

IT IS ILLEGAL TO SELL FERMENTED MALT BEVERAGES WITH AN ALCOHOLIC CONTENT OF 3.2 PERCENT OR LESS TO ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS, OR FOR ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS TO POSSESS OR ATTEMPT TO PURCHASE THE SAME.

IT IS ILLEGAL IF YOU ARE OF THE AGE OF EIGHTEEN YEARS OR OVER FOR YOU TO PURCHASE FERMENTED MALT BEVERAGES WITH AN ALCOHOLIC CONTENT OF 3.2 PERCENT OR LESS FOR CONSUMPTION BY A PERSON UNDER THE AGE OF EIGHTEEN YEARS.

FINES AND IMPRISONMENT MAY BE IMPOSED FOR VIOLATION OF THESE PROVISIONS.

Section 5.

A. It shall be unlawful for any person under the age of eighteen years to purchase any fermented malt beverages

B. It shall be unlawful for any person under the age of eighteen years to represent himself or herself to be of the age of eighteen years or more for the purpose of purchasing within the Town of Nucla any fermented malt beverages with an alcoholic content of 3.2 percent or less.

Section 6.

It shall be unlawful for any licensee to permit any disturbance, undue noise, or unlawful or disorderly act of conduct by any person or group of persons upon the premises.

Section 7.

It shall be unlawful for any licensee, in any manner, to encourage or participate in any disturbance or unlawful act or disorderly conduct upon the premises; provided, however, that such licensee may use such lawful means as may be proper to protect his person or property from damage or injury.

Section 8.

Any licensee shall immediately report to the marshal of the Town of Nucla any unlawful or disorderly act, disorderly conduct or disturbance committed on the premises.

Section 9.

It shall not be a defense that the licensee was not personally present on the premises at the time of any violation of this Ordinance; provided however, that an agent, servant or employee of the licensee shall not be liable hereunder when absent from the premises while not on duty.

Section 10.

Any licensee or person violating any of the provisions of this Ordinance shall, upon the conviction thereof, be fined in a sum not less than \$25.00 nor more than \$300.00, or shall be imprisoned in the Town jail for a period of not less than ten

days nor more than ninety days or shall be both so fined and

Ordinance, the Board of Trustees 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 Board of Trustees for any violation by the licensee or by any of his agents, servants or employees of the provisions of this Ordinance or of any of the terms, conditions or provisions of the license issued by the Board of Trustees or for any violation of or failure to comply with the provisions of the statutes of the State of Colorado affecting such license or licenses or the premises licensed. The Board of Trustees shall also have the power to temporarily suspend for a period of not more than ten days any such license pending investigation and a hearing as herein provided for.

Section 12.

The Town Marshall, or any other duly authorized representative of the Town of Nucla, or law enforcement officer of the County of Montrose or State of Colorado, shall be allowed to enter upon and inspect any licensed premises in the Town of Nucla for the purpose of enforcing this ordinance, or in the performance of his or their official duties, and all licensees, their agents, servants or employees shall fully cooperate with such Town Marshall, representative, or other law enforcement officer.

Section 13.

If any provision of this Ordinance shall be declared by any Court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this Ordinance shall nevertheless, remain in full force and effect.

PASSED THIS

11th

DAY OF November 1958.

Ruth B. Munn