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~~Order # 236~~
not repealed by #236
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Repealed by 398

ORDINANCE NO. 42.

AN ORDINANCE DECLARING IT UNLAWFUL TO RECEIVE OR KEEP INTOXI-
CATING LIQUORS FOR THE PURPOSE OF UNLAWFULLY DISPOSING
OF THE SAME, AND PROVIDING FOR THE SEARCH FOR AND
SEIZURE, AS WELL AS THE DESTRUCTION OF LIQ-
UORS SO KEPT AND THE PUNISHMENT OF ANY
PERSON FOUND GUILTY OF SO KEEP-
ING THE SAME.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF KIRKLAND:

SECTION I. It shall be unlawful for any person to receive or keep in any place, or knowingly suffer to be received or kept on premises owned by him, or of which he is in possession or over which he has control, within the corporate limits of the Town of Kirkland, any malt, spirituous, fermented or intoxicating liquors of any description, for the purpose of unlawfully selling or for the unlawful distribution of said liquors within said Town. It shall likewise be unlawful for any person to assist or abet such person in receiving or keeping for such unlawful disposal any of the above liquors set out.

SECTION II. The keeping or maintaining of any place in which intoxicating liquors are sold or given away contrary to the law, or in which such liquors are kept or harbored for the evident purpose of selling or giving away such liquors contrary to the law, or where intoxicating liquors are kept for the purpose of inducing people to resort to buy or receive intoxicating liquors, in violation of the law, is hereby declared to be a common nuisance.

SECTION III. Any person violating any provision of section one of this Ordinance, or maintaining a common nuisance as described in section two herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-Five Dollars nor more than Ninety-Five Dollars, or imprisoned for any period not exceeding thirty days.

SECTION IV. Upon complaint in writing, on oath, made by any person to any magistrate authorized by law to issue search warrants charging any person or persons with the violation of any of the provisions of this Ordinance, such magistrate shall issue a search warrant, in which the premises in question shall be particularly described, commanding the Town Marshall to thoroughly search the premises in question and to seize and hold all intoxicating liquors, vessels, bar fixtures, bottles, glasses, jugs and other appurtenances found therein adapted to the sale and distribution of liquors. Said warrant shall likewise direct that in case any such liquors, vessels or appurtenances are found, that the person having possession thereof shall be apprehended and forthwith brought before him for trial. In making his return of such search warrant, the officer shall include a complete inventory of all articles seized by him.

SECTION V. The property seized under the warrant above referred to shall remain in the custody of the said Marshall until the case has been decided, and if the defendant is found guilty the property seized shall be destroyed by the officer under the direction of the magistrate.

SECTION VI. The payment of the United States internal revenue tax required of retail dealers in liquors shall be held to be prima facie evidence that the person who paid said tax is a common seller of intoxicating liquors in the place for which said tax is paid, and that his place is a common nuisance, unless he is a duly licensed under the provisions of Ordinance Numbered Seven of the Town. The finding of any of the liquors, vessels or appurtenances, heretofore described, in any place other than a private dwelling house shall be prima facie proof that the person in possession thereof kept the same for the purpose of illegally disposing thereof.

SECTION VII. None of the provisions of this Ordinance shall apply to any person regularly licensed according to the provisions of Ordinance Number Seven of the Town, or to any druggist while disposing of any intoxicating liquors in the manner provided by the laws of the State of Washington.

THIS ORDINANCE shall take effect and be in force from and after its passage and approval by the Mayor, and after it has been posted as required by law.

APPROVED this 18th day of November, 1907.

R. H. Collins
Mayor.

I, A. T. CHURCHILL, Town Clerk of the Town of Kirkland, in the County of King and State of Washington, do hereby certify that the foregoing Ordinance is a true and correct copy of an Ordinance of said Town of Kirkland, Numbered 42 and entitled "An Ordinance declaring it unlawful to receive or keep intoxicating liquors for the purpose of unlawfully disposing of the same, and providing for the search for and seizure, as well as the destruction of liquors so kept and the punishment of any person found guilty of so keeping the same," and I do hereby certify that the same was passed by the Council of said Town on the 18th day of November, 1907, and that the same was posted according to law.

A. T. Churchill
Town Clerk of the Town of Kirkland