

Sec. I - Amended by  
Ord # 403

repealed by 895 ~~Date~~

ORDINANCE NO. 398

" AN ORDINANCE, to regulate the sale of beer in the Town of Kirkland, authorizing the issuance of licenses therefor and fixing the amount to be paid therefor, fixing the punishment to be imposed for its violation, and repealing the provisions of Ordinances in conflict herewith."

Whereas, beer is an intoxicating liquor, the consumption of which has heretofore been considered detrimental to the general welfare of society, and the sale thereof has been deemed a proper subject for police control by states and municipalities;

But, whereas, the Congress of the United States has, in effect, declared, contrary to the common experience of mankind and to the teaching of science, and likewise contrary to the great weight of judicial decision and authority, that beer having an alcoholic content of not more than 3.2% of alcoholic content, by volume, is not an intoxicating liquor, and that the sale thereof is not violative of the eighteenth amendment to the Constitution of the United States;

And, whereas, the electorate of the State of Washington, at the last preceding general election, adopted an initiative measure, repealing all laws heretofore in force in this state regulating the sale of intoxicating liquor;

And, whereas, the legislature of this state, at its last session, in dereliction of its manifest duty in the premises, failed and neglected to enact any laws to govern, control or regulate the sale of intoxicating liquors, and in order to regulate the traffic in beer, so as to minimize the evils which flow from the sale thereof, it is necessary for each municipality to adopt and seek to enforce its own regulatory measures;

And, whereas, under the Constitution and laws of this state, it is competent for municipalities to license for the purpose of regulation and revenue all and every kind of business, authorized by law and transacted and carried on therein;

Now, therefore, in consideration of the premises aforesaid, and for the purpose of regulating the sale of beer in the Town of Kirkland, and raising revenue from issuing licenses for the sale thereof,

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

Section 1. The term "beer" when used in this Ordinance shall be held to mean a malt liquor, containing not to exceed 3.2% of alcohol, by volume.

Section 2. The word "person" wherever used in this Ordinance shall be held and construed to mean and include natural persons, firms, copartnership and corporations, and all clubs and associations of natural persons, whether acting by themselves or by a servant, agent or employee.

Section 3. It shall be unlawful for any person to sell or dispose of, in any manner, beer, within the corporate limits of the town, unless such person shall first have procured from the Council, in the manner hereafter provided a license permitting the same.

Section 4. Before any such license shall be granted, the applicant therefor shall petition the Council for the same, which petition shall set forth the name of the applicant and shall particularly describe the place where such beer is to be sold, said petition shall also be accompanied by a bond, executed by a surety company, running to the town, in the penal sum of \$1,000.00, and shall be conditioned that the applicant shall in no manner violate this ordinance and that the applicant will promptly pay any and all fines which may be imposed upon or assessed against him for a violation of this ordinance. Said petition shall also be accompanied by

a receipt from the town treasurer, acknowledging that the applicant has paid the license fee for three months, hereinafter specified to be paid for a license of the class applied for; provided, however, that no license shall be issued to any person who has not been a bona fide resident of the Town of Kirkland for a period of at least one year immediately prior to the filing of his application.

Section 5. No license shall be issued to any person who is not a citizen of the United States and the State of Washington, and the bona fide owner and operator of a restaurant, cafe, grocery store, drug store or hotel, in the Town of Kirkland and the fees to be paid for such licenses shall be as follows:

For cafes, restaurants and hotels the sum of \$100.00 per annum;

For grocery stores, the sum of \$50.00 per annum;

For drug stores, the sum of \$25.00 per annum.

All such license fees to be paid quarterly in advance.

Section 6. Grocery stores and drug stores shall be permitted to sell only bottled beer, and the same shall not be opened or consumed in the store or establishment where the same is sold. Cafes, restaurants and hotels shall be permitted to sell both bottled beer and draught beer; but no beer shall be sold at any place which is not on the street level.

Section 7. No place where beer is sold, shall remain open later than one o'clock at night, and shall not open for the sale of beer before 5:30 o'clock in the morning;

Section 8. It shall be unlawful for the holder of any such license to sell or dispose of beer except in the place of business described in said license; provided, however, that the Council may permit the license holder to change his place of business, which change, when permitted by the Council,

shall be noted on said license by the Clerk. Provided, further, that no license shall be issued, or the place of business changed to, any place of business located within two blocks of a public school or church.

Section 9. The license herein provided for may be revoked at any time by the Council for good cause; and the Council shall be the sole judge of the sufficiency of the cause for the revocation thereof; and any license issued hereunder shall be automatically revoked, without notice to the holder, if such holder shall be convicted of the violation of any of the provisions of this Ordinance or any law of the State of Washington. And no license issued hereunder shall be transferable.

Section 10. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a crime, and upon conviction thereof shall be fined not less than \$25.00 or more than \$300.00 and by imprisonment in the town jail for a period of not less than ten days nor more than three months.

Section 11. Each police judge shall recognize and act upon any sworn complaint of a violation of this Ordinance filed by any person, in the same manner and to the same extent as though the same were filed by an officer of the town.

Section 12. This entire Ordinance shall be deemed an exercise of the police power of the State of Washington and the Town of Kirkland, for the protection of the economic and social welfare, health, peace and morals of the people of the Town of Kirkland; and all its provisions shall be liberally construed for the accomplishment of such purposes.

Section 13. So far as any of the provisions of Ordinances No. 7, No. 42, and No. 238 are in conflict herewith, the same are hereby repealed.

Section 14. This Ordinance shall take effect from and after

its passage, approval and publication in the manner provided by law.

Passed by the Town Council and approved by the Mayor this 17<sup>th</sup> day of April, 1933.

*J. W. Gates*

MAYOR

*W. B. Wittmeyer*

Town Clerk

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the Town of Kinsland and that the same was published or posted according to law, and Ordinance being No. .... and entitled "An Ordinance as above .....

*W. B. Wittmeyer*  
*clerk*