

ORDINANCE NO. -/-, SERIES OF 1934.

AN ORDINANCE LICENSING AND REGULATING THE SALE OF BEER
AND WINE, REPEALING INCONSISTENT ORDINANCES AND
PROVIDING A PENALTY FOR THE VIOLATION HEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLEMING,
COLORADO:

Section 1. Definition of Terms.

All terms as used in this Ordinance shall be deemed to be defined in accordance with the definitions contained in Chapter 5 of the Session Laws of Colorado, Extraordinary Session, 1933.

Section 2. License Required.

No person shall sell, vend, deal in or dispose of, by gift, sale or otherwise, or keep or offer for sale, any beer or wine within this Town without first having received a license therefor as hereinafter provided.

Section 3. Applications for License.

All applications for any license to sell beer or wine shall be made on forms to be supplied by the Town, setting forth the name of the person asking for such license; his age; representations as to his character, with such references as may be required; his citizenship; the location where such business is to be carried on; whether the applicant is the owner and operator of such business; the time such applicant has been in that business at that place, and such other information as the governing body may require from time to time.

It shall be unlawful to make any false statement in an application.

Such application shall also be accompanied by a good and sufficient bond in the penal sum of One Thousand Dollars (\$1000.00), conditioned for the strict compliance with the terms of this ordinance or any amendments thereof, and such application shall also be accompanied by proof of the issuance to applicant of a State

License, as well as proof of payment of all Federal taxes imposed upon the sale of beer or wine.

Section 4. Fees.

All applications for licenses shall be accompanied by a receipt from the Town Clerk for the required annual license fee for the license, which fee shall be in the sum of Eighty Dollars (\$80.00) per year.

All such fees shall be paid into the General Fund of the Town.

Upon rejection of any application for a license, the Clerk shall refund the amount paid.

All licenses herein provided for shall be good for a period of one year from the date of issuance, unless revoked as hereinafter provided.

Section 5. Granting of Licenses.

The Board of Trustees shall cause an investigation to be made of all facts set forth in the application. Opportunity shall be given to any person to be heard for or against the granting of any license. After such investigation the Board of Trustees shall grant or refuse any such application, in its discretion.

All licensed premises shall have the license therefor posted in a conspicuous place at all times.

Section 6. Conditions of Licenses.

All licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Ordinance, and all other conditions of Chapter 5 of the Session Laws of Colorado, Extraordinary Session, 1933, being an Act regulating the sale and manufacture of beer and wine in the State of Colorado, which Act was approved August 22, 1933. All licenses granted hereunder shall also be subject to all other Ordinances of the Town applicable thereto.

No license shall give permission to sell beer or wine in any theatre, recreation hall, dance hall, ball park, nor in or upon any public street, thoroughfare, park or public building, or other place of public gathering for the purpose of entertainment or amusement, and no such beer or wine shall be consumed there.

No sale of any beer or wine shall be made to any person under guardianship, nor to any person under eighteen years of age.

All licenses granted under this Ordinance shall be issued to the applicant only, and shall be issued for the premises described in the application. Such license shall not be transferred to another place within the Town without the approval of the Board of Trustees.

Section 7. Closing Hours.

No sales of any beer or wine shall be made between the hours of twelve (12) o'clock Midnight and Six (6) o'clock A. M. of any day, nor at all on Sunday, nor on any Primary or General Election day during polling hours.

Section 8. No Bar Permitted.

In any place licensed for sales of beer or wine to be consumed on the premises, the said beer or wine so sold shall be served and consumed at tables in the dining or refreshment room of the cafe, restaurant, hotel or club, and shall not be consumed or served at bars; provided that same may be sold at counters which have permanent seating arrangements and where food is regularly served and consumed.

Section 9. Revocation.

Any license granted hereunder may be revoked by the Board of Trustees, without notice to the grantee, or a hearing may first be held by the Board of Trustees and the revocation then made for cause.

Any violation of any provision or condition of this Ordinance, or any falsification of any statement in the application, shall be ground for revocation. No portion of the license fee paid into the Treasury shall be returned upon revocation.

Section 10. Repeal.

All Ordinances or provisions thereof of the Town of Fleming in conflict with any of the provisions hereof are hereby repealed.

Section 11. Penalty.

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 more than Three Hundred Dollars (\$300.00) for each offense, or may be punished by confinement in the Town Jail for not to exceed Ninety (90) days, or may be punished by both such fine and imprisonment.

Section 12. Effect.

This Ordinance shall take effect and be in force from and after its final passage and approval.

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INTRODUCED, read and ordered published, this 8th day of June, A. D. 1934.

PUBLISHED the 24th ^{August} day of ~~June~~, A. D. 1934.

FINALLY PASSED AND APPROVED this 6th ^{August} day of ~~June~~, A.D. 1934.

ATTEST:

Henry L. Boyd
Town Clerk

Mayor