

University of Colorado Law School

## Colorado Law Scholarly Commons

---

Session Laws 1901-1950

Colorado Session Laws

---

1933

### An Act Regulating the Sale and Manufacture of Beer.

Colorado General Assembly

Follow this and additional works at: <https://scholar.law.colorado.edu/session-laws-1901-1950>

---

#### Recommended Citation

Colorado General Assembly, "An Act Regulating the Sale and Manufacture of Beer." (1933). *Session Laws 1901-1950*. 3776.

<https://scholar.law.colorado.edu/session-laws-1901-1950/3776>

This Act is brought to you for free and open access by the Colorado Session Laws at Colorado Law Scholarly Commons. It has been accepted for inclusion in Session Laws 1901-1950 by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact [rebecca.ciota@colorado.edu](mailto:rebecca.ciota@colorado.edu).

## CHAPTER 45

## BEER

## REGULATING SALE AND MANUFACTURE.

(House Bill No. 387. By Representatives Keating and Hoefnagles)

## AN ACT

AN ACT REGULATING THE SALE AND MANUFACTURE OF  
BEER.

*Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. It shall be unlawful to manufacture or sell any beer, which manufacture and sale is prohibited by the law of the United States of America. Subject to the provisions of this Act it shall be lawful to manufacture or sell beer, which manufacture or sale is not prohibited by the law of the United States.

Lawful to  
Manufacture  
Beer

Section 2. It shall be unlawful to sell beer to a person under the age of eighteen (18) years, or to an habitual drunkard.

Unlawful to Sell  
to Minor or  
Habitual  
Drunkard

Section 3. It shall be unlawful to sell or serve or distribute beer for commercial purposes on Sunday or on any Primary or General Election day during polling hours or on any day between the hours of one A. M. and seven A. M.

Unlawful to  
Sell—When

Unlawful to Sell  
at Retail Except  
in Certain Places

Section 4. It shall be unlawful to sell beer at retail in the place where the same is to be consumed, unless such place be a restaurant, or dining room, or hotel or a club as such places are hereafter defined, or unless such place be a dining car on a railroad train or an airplane engaged in the transportation of passengers.

Unlawful to  
Permit Person  
Under Age of  
18 Years to  
Sell Beer

Section 5. It shall be unlawful for any person, company, corporation, firm or co-partnership to permit any beer to be sold or dispensed by a person under the age of eighteen (18) years or to permit any such person to participate in the sale or dispensing thereof.

Unlawful to  
Sell at a Bar

Section 6. It shall be unlawful to sell any beer at any bar in any hotel, restaurant, dining room or club where the same is to be consumed.

Unlawful to Sell  
Except at Place  
Designated in  
License

Section 7. It shall be unlawful to sell beer at retail except in the location specifically designated in the license for such sale and it shall be unlawful to solicit sales in person at retail excepting at such place.

Section 8. For the interpretation of the following words used in this Act:

Definitions

A. The word "restaurant" means an establishment provided with such space and accommodations where, in consideration of payment, meals are furnished and where nothing is sold except meals, food, drinks and tobaccos, and where no other business is conducted in connection therewith, except that a hotel business may be conducted in connection with a restaurant.

B. The word "club" means a corporation which has been incorporated for not less than five (5) years,

and which has had a membership that has paid dues for a period of at least five (5) years, and which for five (5) years has been the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, fraternal, patriotic, political or athletic nature, but not for pecuniary gain, and the property as well as the advantages of which belong to members.

Section 9. It shall be unlawful for any brewer or brewery to have any direct or indirect financial interest in the business of selling beer at retail.

Unlawful for  
Brewer to Have  
Interest in Retail  
Business

Section 10. It shall be unlawful to make or brew beer for sale or to sell beer unless licensed as herein provided so to do. No license shall be issued to anyone not a citizen of the United States.

Unlawful to  
Make or Sell  
Without License

Section 11. All licenses herein provided shall be good for one (1) year from the date of issue, unless revoked as herein provided.

Term of License

Section 12. All licenses herein provided for shall specify the date of issuance, the period which it covers, the name of the licensee, the place licensed and that such license is issued subject to the laws of the State of Colorado and to the ordinances of the City, Town, or City and County wherein such place so licensed is located, if such place be located in a City, Town or City and County. Excepting licenses for the sale of beer in dining cars or airplanes, such licenses shall be conspicuously placed at all times in the place thereby licensed. Such license, or a certified copy thereof, shall be conspicuously placed at all times in each dining car of or airplane where such beer is to be sold.

Contents of  
License

Display License

**Brewery  
License—Fee**

Section 13. Every person, company, corporation, firm or co-partnership owning, maintaining or operating a brewery shall pay to the Treasurer of the State of Colorado an annual license fee of Five Hundred (\$500.00) Dollars per annum in advance as a license to make or brew beer in the State of Colorado for each place where such beer may be made or brewed. Such license shall be issued by the Treasurer of the State of Colorado. No other license than in this Section provided shall be required, to permit such licensee to sell at wholesale, beer made or brewed at such place or places.

**Wholesale  
License—Fee**

Section 14. Every person, company, corporation, firm or copartnership selling beer at wholesale in the State of Colorado shall pay to the Treasurer of the State of Colorado an annual license fee of Five Hundred (\$500.00) Dollars per annum in advance for the right to sell such beer at wholesale in the State of Colorado. The words—"Selling at wholesale"—shall mean selling to any one other than to the intended consumer of said beer.

**Transportation  
System—  
License Fee**

Section 15. Every person, company, corporation, firm or co-partnership operating a railroad or airway transportation system, selling beer to be served in any dining car of such railroad, or any airplane of such airway transportation system, shall pay to the State of Colorado an annual license fee of Five Hundred (\$500.00) Dollars in advance for the right to sell such beer in such dining cars or airplanes. No additional licenses shall or may be required by any City, Town, City and County or County for the sale of beer in places provided for in this Section.

**State License—  
Fee**

Section 16. In addition to any other license fee exacted by law every person, company, corporation,

firm or co-partnership selling any beer, excepting those described in Sections 13, 14 and 15, shall pay to the Treasurer of the State of Colorado an annual license fee of Twenty-Five (\$25.00) Dollars in advance for each place where any beer shall be sold. The license aforesaid shall be issued by the Treasurer of the State of Colorado. Neither the County Authorities of any County, nor the Officials of any Municipality shall issue or renew any license to sell any beer until the person, company, corporation, firm or co-partnership applying therefor, shall produce the license provided for in this Section. Each applicant for a license must not have been convicted of a felony nor been adjudged guilty by a Court of Record of violating the laws governing the prevention of gambling under the laws of the State of Colorado or under the laws of the United States.

Section 17. In addition to the license fee herein provided under Section 16 hereof to be paid, every person, company, corporation, firm or co-partnership, excepting those described in Sections 13, 14 and 15 hereof, selling any beer, shall pay to the Treasurer or Fiscal Officer of any Town or City, or City and County where beer may be sold, an annual license fee of Eighty (\$80.00) Dollars in advance for each place where any said beer shall be sold in such Town or City or City and County.

The licenses in this Section provided for shall be issued by the Council, Board of Trustees or Licensing Authority of such Town or City or City and County. Such licenses shall be issued to such applicants as may be approved by such council, Board of Trustees or Licensing Authority and such licenses shall not be refused arbitrarily or without good cause and any

City or County  
and County  
License—Fee

License Issued  
by Council or  
Board of  
Trustees

License Not to  
Be Refused  
Without Good  
Cause



Court Review  
on Writ of  
Mandamus

action of such Council, Board of Trustees or Licensing Authority refusing issuance of license may be reviewed upon application for a writ of mandamus or otherwise, by a Court having jurisdiction where such Town, City or City and County is located, and in said proceeding such Court shall determine whether or not the action of such Council, Board of Trustees or Licensing Authority was without good cause and such Court shall not be bound by the determination of such Council, Board of Trustees or Licensing Authority, and if such Court shall determine that such action was without good cause, it shall order such Council or Board of Trustees or Licensing Authority to issue such license.

County License  
Fee

Section 18. In addition to the license fee herein provided under Section 16 hereof to be paid, every person, company, corporation, firm or co-partnership, excepting those described in Sections 13, 14 and 15 hereof, selling beer outside the corporate limits of any Town, City or City and County, shall pay to the Treasurer of the County where any beer shall be sold, an annual license fee of One Hundred and Twenty-Five (\$125.00) Dollars in advance for each place where beer shall be sold, in such County outside the corporate limits of any Town, City or City and County.

License Issued  
by County  
Commissioners

The licenses aforesaid in this Section provided for shall be issued by the Board of County Commissioners to such applicants which may be approved by such Board, but such licenses shall not be refused arbitrarily or without good cause and any action of such Board refusing issuance of license may be reviewed upon application for a writ of mandamus or otherwise by a Court having jurisdiction within such County, and in said proceeding such Court shall determine whether or not the action of such Board was without good

cause and shall not be bound by the determination of such Board and if such Court shall determine that such action was without good cause, it shall order such Board to issue such license.

Section 19. Any license which may be granted under the terms of this Act shall be non-transferable.

License Non-  
Transferrable

Section 20. It shall be the duty of all Sheriffs, Constables, Police Officers, State, County, City, Town and City and County officials to see to it that every person, company, corporation, firm, or co-partnership within his jurisdiction manufacturing, or selling beer has procured the licenses herein required.

Duties of  
Peace Officers

Section 21. Any person, company, corporation, firm or co-partnership violating any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum of not more than Three Hundred (\$300.00) Dollars for each offense, or may be punished by confinement in the County Jail in the County in which such offense took place for a term of not more than ninety (90) days, or by both, and if such conviction shall be in a Court of Record, all licenses theretofore issued under the provisions hereof to such person, company, corporation, firm or co-partnership operating the place of business in which such offense was committed, shall be revoked and shall be void and wholly without effect.

Penalty for  
Violation  
of Act

Any person, company, corporation, firm or co-partnership selling beer without the necessary license, or licenses herein provided for shall be deemed guilty of a misdemeanor for each and every day any sale is made without such license or licenses.

It shall be the duty of the District Attorney of each Judicial District to prosecute all violations of this

District Attorney  
Prosecute  
Violations



Act and every Peace Officer shall make complaint of any offenses under this Act coming to his knowledge.

Repealing Clause

Section 22. All Acts or parts of Acts in conflict herewith are repealed.

Constitutional Clause

Section 23. The General Assembly hereby declares that it would have passed this Act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases thereof, may be declared unconstitutional.

Safety Clause

Section 24. The General Assembly herewith finds, determines and declares that this Act and each and every sentence, phrase, clause, section and subsection thereof, is necessary for the immediate preservation of the public peace, health and safety.

Emergency

Section 25. Whereas in the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 5, 1933.