

ORDINANCE BILL NO. 2 - 1937

ORDINANCE NO. 39

Defining the term "alcoholic liquor"; declaring the possession, transportation, sale, disposal, use, purchase, or any other acquisition or disposition of alcoholic liquor as herein defined contrary to the laws of the State of Oregon or the United States of America or the duly promulgated rules and regulations of the Oregon Liquor Control Commission to be unlawful; declaring certain other acts and things relative to the purchase, possession and sale of alcoholic liquor to be unlawful; providing a penalty for the violation hereof; repealing all ordinances and parts of ordinances in conflict herewith; and declaring an emergency.

THE PEOPLE OF THE CITY OF SWEET HOME, DO ORDAIN AS FOLLOWS:

Section 1. Defining "alcoholic liquor". The words "alcoholic liquor" as used herein shall mean any alcoholic beverage containing more than one-half of one per cent of alcohol by volume, and every liquid or solid, patented, or not containing alcohol, and capable of being consumed by a human being.

Section 2. State Law Adopted. The provisions of Chapter 17, Second Special Session, Oregon Laws, 1933 and also all acts amendatory thereof and supplementary thereto, relating to the acquisition, possession, or disposition of alcoholic liquors, are hereby adopted as a portion of this ordinance so far as applicable, except as otherwise lawfully provided by this and other ordinances of the City of Sweet Home.

Section 3. State and Federal Law Enforced in City. It shall be unlawful for any person, firm, or corporation, or officers, agents, or employees thereof, within the limits of the City of Sweet Home, to possess, transport, sell, dispose of, purchase, or in any way to acquire or dispose of alcoholic liquor as herein defined, contrary to the laws of the State of Oregon and of the United States of America, or contrary to the duly promulgated rules and regulations of the Oregon Liquor Control Commission. Wherever the singular person is used in this section the same shall include the plural.

Section 4. Licenses - Hours of Sale. No licensee holding a state license for the sale or disposal of alcoholic liquors shall, directly or indirectly, sell, give, dispose of, deliver, solicit the sale of or otherwise dispose of any alcoholic liquor between the hours of 10'clock A. M. and 7 o'clock A. M.

Section 5. Places of Business - Requirements. It shall be unlawful for any licensee holding a state license for the sale or disposal of alcoholic liquors to knowingly and willfully permit drunkenness, lewd, or disorderly conduct, or unreasonable or excessive noise, in the place of business where said alcoholic liquor is sold.

Section 6. Licenses - Possession of Liquor not Authorized by License. It shall be unlawful for any licensee holding a state license for the sale or disposal of alcoholic liquor to have in his possession at the place of business covered by said license, any alcoholic liquor which is not included in the scope of his license.



Section 7. Places of Business - Screens - Partitions.

Any place of business where alcoholic liquor is sold or disposed of shall be of such construction and arrangement that all windows in the front of any such place shall be of clear glass, and the view of the interior shall be unobstructed by screens, curtains, or partitions, provided that open ornamental archways from one section of said place of business to another section shall not be deemed to be partitions under the meaning hereof. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of any part of said room from the general observation of persons in said room, provided, however that partitions, subdivisions or panels not higher than forty-eight (48) inches from the floor shall not be construed as in conflict with the foregoing, and providing further, that nothing contained herein shall prohibit the serving of alcoholic liquors as permitted by law and within the scope of the license for any such place of business, in any private dining or banquet room connected with and a part of such place of business where not less than six persons are so served.

Section 8. Public Consumption of Alcoholic Liquor.

It shall be unlawful to drink or consume any alcoholic liquor in or upon any public street, alley, park, school grounds, or any other public grounds, or any other public place in the city of Sweet Home other than in places licensed by the Oregon Liquor Control Commission for the same.

Section 9. Nuisances.

Any rooming house, building, structure, or place of any kind in the city where alcoholic liquor is sold, manufactured, bartered, or given away in violation of this ordinance, or in violation of the laws of the State of Oregon or the United States of America, is hereby declared to be a common nuisance, and any person who maintains or assists in maintaining such common nuisance shall be guilty of a violation of this ordinance. The council may instruct the City Attorney to commence such appropriate proceedings as are authorized by the laws of the State of Oregon to abate or to temporarily enjoin such nuisance.

Section 10. Sale to Minors.

It shall be unlawful for any person or persons to sell, give, or otherwise distribute to any minor child any alcoholic liquor of any kind; save and except that it shall not be unlawful for the parents or legal guardian of a minor child to supply said child with alcoholic liquor.

Section 11. Misrepresentation. It shall be unlawful for any minor child to misrepresent his or her age to any person for the purpose of obtaining, in any manner or form, any alcoholic liquor.

Section 12. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the Recorder's Court, be punished by a fine of not less than ~~\$100~~ <sup>\$100.00</sup> or more than ~~\$100.00~~ or by imprisonment in the city jail for a period not less than ~~5~~ <sup>5</sup> days or more than ~~50~~ <sup>50</sup> days, or by both such fine and imprisonment. The police department shall keep a complete record of all complaints and the termination thereof brought under this Ordinance.

Section 13. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith, are hereby repealed.



Section 14. Saving Clause. If any section, subsection, provision clause, or paragraph of this ordinance, shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of this ordinance, and it is hereby expressly declared that every other section, subdivision, paragraph, provision, or clause of this ordinance would have been enacted, irrespective of the enactment or validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

Section 15. Emergency Clause. In as much as it is necessary to provide a means whereby the recorder's court shall have jurisdiction over violations of the laws relating to the control of the alcoholic liquor traffic, and further provide additional regulations necessary for proper control of said alcoholic liquor traffic within this city, it is deemed necessary that an emergency be, and the same hereby is declared to exist, and this ordinance shall become immediately operative from and after its passage by the Council.

Passed by the Council this 27 day of April, 1937.

Approved by the Mayor this 27 day of April, 1937.

  
John M. Russell  
Mayor of the City of Sweet Home.

Attest:

Geoff. Cannon  
Recorder of the City of Sweet Home.