

ORDINANCE NO. 70.

AN ORDINANCE FOR THE PREVENTION OF INTOXICATION IN PUBLIC PLACES, REGULATING THE POSSESSION OF ALCOHOLIC LIQUOR, PREVENTING THE DRINKING OF ALCOHOLIC LIQUOR IN PUBLIC PLACES, STREETS OR ALLEYS OR WITHIN A MOTOR VEHICLE, PROVIDING PENALTIES, REPEALING SECTION 22 OF ORDINANCE NO. 13 OF THE CITY OF BROOKINGS, AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

SECTION 1. DEFINITIONS:

(a) The words "Alcoholic Liquor" as used in this Ordinance means any alcoholic beverage containing more than one-half of one per cent alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.

(b) The words "Motor Vehicle" as used in this Ordinance means any vehicle which is, in any statute of the State of Oregon or in the Vehicle Code of the State of Oregon, defined and included as a motor vehicle in said statutes or code.

(c) The words "Public Place" as used in this Ordinance means any public auditorium, public park, public baseball stadium, grandstand or bleachers, any field or open space, whether fenced or not, in which the public congregates, or public building wherein a dance, social event or assembly is conducted or held. The words "Public Place" as used in this Ordinance shall not mean, apply to or include a building enclosure wherein a dance, social event or assembly is held or conducted by a lawfully organized civic, religious, social or fraternal organization and entrance or admission to this said building enclosure is limited exclusively to the membership of the said civic, religious, social or fraternal organization and its privately invited guests. The words "building enclosure" shall mean, apply to and include all of the area within the outside walls of a building.

SECTION 2. INTOXICATION IN PUBLIC PLACES. No person shall be intoxicated or under the influence of alcoholic liquor upon any street or alley, or in a public place, or in a motor vehicle within the corporate limits of the City of Brookings, Oregon.

SECTION 3. DRINKING ALCOHOLIC LIQUOR UPON A STREET OR ALLEY, IN A PUBLIC PLACE OR IN A MOTOR VEHICLE. No person shall drink alcoholic liquor upon a street or alley, or in a public place, or in a motor vehicle within the corporate limits of the City of Brookings, Oregon.

SECTION 4. GIVING, OFFERING OR SELLING ALCOHOLIC LIQUOR TO ANOTHER.

No person shall give, offer or sell, to another person any alcoholic liquor upon a street or alley, or in a public place, or in a motor vehicle within the corporate limits of the City of Brookings, Oregon. This Section 4 shall not apply to or include any premises which have been duly licensed under the provisions of O R S 471.220 to 471.285 and which are subject to the regulations and restrictions of the Liquor Control Commission of the State of Oregon and the provisions of the Liquor Control Act of the State of Oregon.

SECTION 5. POSSESSION OF ALCOHOLIC LIQUOR IN MOTOR VEHICLES. No person while within a motor vehicle, at the time being operated or parked upon any street or alley within the corporate limits of the City of Brookings, Oregon, shall have in his possession or within the said motor vehicle, any opened or unsealed container, can, bottle, carton or jug which is either completely or partly filled with alcoholic liquor.

SECTION 6. PENALTY. Any person violating any of the provisions of this Ordinance shall upon conviction thereof be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, by imprisonment in the City Jail for not more than six (6) months, or by both such fine and imprisonment.

SECTION 7. CONFISCATION OF ALCOHOLIC LIQUOR. Whenever any person is arrested by any police officer of the City of Brookings, Oregon, for the violation of any of the provisions of this Ordinance No. 70, or for the violation of any of the provisions of any other Ordinance of the City of Brookings, it shall be the duty of said police officer to immediately seize and take into his possession any and all alcoholic liquor in the possession of said arrested person at the time of the said arrest. The said police officer shall store the said liquor so seized in a safe place of storage in the City Jail and so continue to keep the said alcoholic liquor safely stored until otherwise ordered by the Municipal Judge of the City of Brookings, Oregon.

Section 8. EFFECT ON OTHER ORDINANCES OF THE CITY OF BROOKINGS, OREGON. It is here declared that the City of Brookings, Oregon, adopts a new Ordinance and to accomplish its purpose it is necessary to repeal Section 22 of Ordinance No.13 but that no other section of said Ordinance No. 13 is repealed, altered or amended by this Ordinance No. 70, and that no other Ordinance, or any of the provisions thereof, of the City of Brookings, Oregon, is repealed, altered or amended by this Ordinance No. 70. The violation of the provisions, or any of them, of this Ordinance No. 70 shall be another offense separate and apart from the violation of the provisions, or any provisions, of any other Ordinance of the City of Brookings, Oregon, in effect as of the date of the effectiveness of this Ordinance No. 70.

SECTION 9. REPEAL CLAUSE. Section 22 of Ordinance No. 13, of the City of Brookings, Oregon, is hereby repealed.

SECTION 10. SAVING CLAUSE. If any section, sentence, clause or word of this Ordinance shall be held to be invalid or unconstitutional, the invalidity of such section, sentence, clause or word shall not affect the validity of any other portion or part of this Ordinance, it being the intent of the Council of the City of Brookings, Oregon, to provide for the enforcement of the remainder of this Ordinance, notwithstanding such part so declared invalid or unconstitutional, or should, or so may be so declared.

SECTION 11. DECLARATION OF AN EMERGENCY. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the public peace, health and safety of the City of Brookings, Oregon, it is hereby adjudged and declared that an emergency exists and this Ordinance shall take effect and be in full force and effect from and after its enactment.

Read by title and in full this 12th. day of April, 1955.

Read a second time by title this 12th. day of April, 1955.

Read a third time by title and passed by the Council this 12th. day of April, 1955.

AUTHENTICATED this 12th. day of April, 1955


Byron L. Brimm
Byron L. Brimm, Mayor.

Passed by the Council this 12th. day of April, 1955.

Gladys Kanick
Gladys Kanick, Recorder.