

ORDINANCE NO. 302A

Introduced by Commissioner Quincy Robinson.

LAW AND AN ORDINANCE RELATING TO ALCOHOLIC LIQUOR AND MAKING UNLAWFUL CERTAIN ACTS AND TRANSACTIONS IN CONNECTION THEREWITH AND ADOPTING STATE PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH INCLUDING ORDINANCE NO. 166A AND CONTAINING A SAVING CLAUSE AND DECLARING AN EMERGENCY.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. Defining Alcoholic Liquor. The words "alcoholic liquor" as herein used 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 Volume 3, Title 24, Oregon Compiled Laws Annotated, Chapters 1 to 5 inclusive and Oregon laws of 1941, 1943, 1945, 1947, 1949 and 1951 as amended, repealed and added to, relating to the acquisition, possession, or disposition of alcoholic liquors, and any other laws of the State of Oregon pertaining to alcoholic liquor and all duly promulgated rules and regulations of the Oregon Liquor Control

Commission, 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 Warrenton.

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 Warrenton, 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. Places of Business - Requirements. It shall be unlawful for any licensee holding a state license for the sale or disposal of any alcoholic liquor 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 5. Licenseses - 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 the license.

Section 6. 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, provided, however, that partitions, subdivisions or panels not higher than four (4') feet 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 7. 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 other public grounds in the City of Warrenton.

Section 8. Public Dance Halls. It shall be unlawful for any person to keep, possess, sell, give away, or otherwise dispose of or consume any alcoholic liquor in any public dance hall, or in any room or building used for public dancing.

Section 9. Sale to Minors. It shall be unlawful for any person to sell alcoholic liquor to any person under the age of twenty-one (21) years or to an Indian and it shall be unlawful

for any person other than a parent, guardian or relative to give or supply any minor with alcoholic liquor at any time.

Section 10. It shall be unlawful for any person not being licensed under this act to sell, solicit or take orders for or peddle alcoholic liquor.

Section 11. It shall be unlawful for any person under an order of interdiction to possess, purchase, or offer or attempt to purchase any alcoholic liquor.

Section 12. It shall be unlawful for any person under the age of 21 years to purchase alcoholic liquor.

Section 13. It shall be unlawful for any person under the age of 21 years to acquire or have in his or her possession alcoholic liquor in a manner other than provided for in this act.

Section 14. Unlawful to permit Minors in Certain Places of Business. It shall be unlawful for any person under the age of twenty-one (21) years to frequent or loiter in any place of business operating under any license or permit as issued under the Oregon Liquor Control Act, and any licensee operating under such license who shall permit minors to frequent or loiter in such places of business shall be guilty of a violation of this ordinance; except that this section shall not apply to restaurants or hotels which may have issued to them a license by the City of Warrenton to operate a restaurant or hotel.

Section 15. 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 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 Commissioners 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 16. Driving While Drunk. It shall be unlawful for any person, while in an intoxicated condition, or under the influence

of alcoholic liquor, to drive, operate or run upon or over any street or other thoroughfare within the City of Warrenton any automobile, truck, motorcycle or other motor vehicle.

Section 17. Inspection of Premises. The Chief of Police, or any police officer, or the City Health Officer shall have the right at any or all times to make an examination of any licensed premises to ascertain if the licensee of such place is conforming with the provisions of the ordinances of the City of Warrenton and the laws of the State of Oregon and the United States. It shall be unlawful for anyone to interfere with or hinder any police officer or health officer or other competent authority in the inspection of any such premises.

Section 18. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the Municipal Court of the City of Warrenton be punished by a fine not exceeding \$300.00 or by imprisonment in the city jail for a period not exceeding 100 days, or by both such fine and imprisonment, provided that no fine or imprisonment shall exceed the maximum fine and imprisonment as provided by the laws of the State of Oregon for the same offense. The Police Department shall keep a complete record of all complaints and the termination thereof brought under this ordinance.

Section 19. Repeal of Conflicting Ordinances. That all ordinances and parts of ordinances in conflict herewith, are hereby repealed, including Ordinance No. 166A.

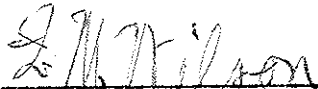
Section 20. Saving Clause. If any section, subsection, provision, clause, or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance, and it hereby is 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 21. Emergency Clause. Inasmuch as it is necessary to provide a means whereby the Municipal 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 City Commissioners.

Passed by the Commissioners of the City of Warrenton this 17th day of December, 1951.

Approved by the Mayor of the City of Warrenton this 17th day of December, 1951.



Mayor

Attest:



City Auditor and Police Judge.