

Ordinance. Bill No. 76.

Repealed 1

Ordinance No 73.

An Ordinance. to regulate and Prohibit the sale, barter and Giving away of intoxicating Liquors within the corporate limits of the City of Lebanon, Linn County, Oregon, and to provide for the search of any Premises within the City of Lebanon, Oregon. where such Intoxicating Liquors are believed to be kept for the violation, or in violation of law and to Provide for the Search and Seizure of such Intoxicating Liquors kept in violation of law and to Provide for the disposition of such Intoxicating Liquors so seized, To provide and Regulate the manner of issuing prescriptions by Physicians for the sale of Intoxicating liquors for medicinal purpose and prescribing what the prescription shall contain, To Prescribe the duties of Officers in the enforcement of the said law regarding the sale of Intoxicating Liquors, and to Provide for the punishment by fine or imprisonment or both for any violations of this Ordinance, The People of the City of Lebanon Do Ordain as follows

Repealed by Ordinance No 89

Section 1- It shall be unlawful for any person, firm, company, association, or corporation to sell, barter or give away to any person whomsoever within the City of Lebanon, Linn County, Oregon, any malt, vituous,, spiritous or intoxicating liquors of any kind, Provided that nothing in this section or in this ordinance shall be construed to prohibit the sale of pure alcohol for scientific and manufacturing purposes, or wines to Church officials for sacramental purposes, nor alcoholic stimulants as medicine in cases of actual sickness, but such stimulants shall only be sold upon the written prescription of a regular licensed and practicing Physician of the State of Oregon, dated and signed by him, and certified, on his honor, that he, the physician, has personally examined

the applicant, naming him, and that he finds him or her actually sick and in need of the stimulant prescribed as medicine; provided that a physician who does not reside in Oregon, and does not follow the practice of medicine as a principal and usual calling shall not be authorized to give the prescription or make such certificate provided for in this ordinance; and provided further, that no person shall be permitted to sell more than once on the same prescription, nor shall any person be permitted to sell at all on a prescription of a physician not herein authorized to give it as herein provided, nor on a prescription which is not dated, signed and certified as herein prescribed and required; provided, that every person selling such stimulants upon the prescription herein provided for shall at the time of filling the same cancel such prescription by endorsing thereon in plain letters the word "Cancelled" and the date of such cancellation, and file the same away, Nothing in this Ordinance shall be construed to prevent one registered and licensed Pharmacist selling such alcoholic liquors to another registered and licensed Pharmacist.

Every person upon conviction before the Recorder's Court of the City of Lebanon for any violation of this section shall be punished by a fine of not less than \$25.00 or more than \$200.00 or by imprisonment in the City Jail for less than 12 days or more than 100 days or by both such fine and imprisonment in the discretion of the Court.

Section 2 - That it is hereby provided all Pharmacists, druggists and vendors of spirituous venous or alcoholic liquors for medicinal purposes shall keep a record of all prescription on which such liquors are sold or given away to any person, and that they shall preserve all such prescription and that the same be numbered consecutively beginning with number one and the same shall be kept separate and apart from all other prescriptions and the said

record and prescriptions shall be open to the inspection of any officer whose duty it is to see that this ordinance is enforced or observed, at any time during business hours, Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorder's Court shall be punished by a fine of not less than \$25⁰⁰ or more than \$200⁰⁰ or by imprisonment in the City Jail not less than 12 days or more than 100 days.

Section 3- Any Physician who shall issue any prescription for any intoxicating liquors without giving the certificate as herein provided, or without dating and signing the same, or without making the examination as herein provided, or who shall make a false certificate as to the physical condition of the applicant at the time of issuing the said certificate and the giving of the said prescription, or who shall do any other act in violation of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof before the Recorder's Court shall be punished by a fine of not less than \$25⁰⁰ or more than \$200⁰⁰ or by imprisonment in the City Jail not less than 12 days or more than 100 days, or by both such fine and imprisonment in the discretion of the Court.

Section 4- Any sale of intoxicating liquors in, or from any public drinking place, soft drinking parlor, cigar store, Billiard or Pool room, restaurant or other place within the corporate limits of the City of Lebanon, by any clerk, bartender keeper, or other employee in such place, shall be deemed the act of the employer as well as that of the employee or person actually making the sale, and every such person and employer shall be liable to all the penalties provided by this ordinance for such sale equally with the person actually making such sale,

Section 5- Every person who shall as owner, agent or lessee let or sublet any building, premises or part thereof, knowing that the same is intended to be used in whole or in part for the selling, or giving away of intoxicating liquors, or with such knowledge assigns any lease to any person for such purpose, or who shall knowingly permit any such building, premises or part thereof of either, or any room in any building belonging to him or under his control to be used as a place for the sale or giving away of intoxicating liquors contrary to law or contrary to the provisions of this ordinance shall upon conviction thereof before the Recorder's Court be punished by a fine of not less than \$25⁰⁰ nor more than \$200⁰⁰ or by imprisonment in the city jail not less than 12 days nor more than 100 days or by both such fine and imprisonment in the discretion of the Court.

Section 6- That all places within the City of Lebanon where intoxicating liquors are sold bartered or given away in violation of law or this ordinance, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter or to be given away in violation of law or of this ordinance, and all intoxicating liquors, bottles, glasses, kegs and other property kept in or used in maintaining such place, are hereby declared to be a common nuisance, and any person, firm, company, association or corporation maintaining any such nuisance within the City of Lebanon, Linn County, Oregon, shall upon conviction thereof before the Recorder's Court of said City be punished by a fine of not less than \$25⁰⁰ nor more than \$200⁰⁰ or by imprisonment in the city jail for not less than 12 days nor more than 100 days or by both such fine and imprisonment in the discretion of the Court.

Section 7 - Upon the filing of a complaint in the Recorder's Court of the City of Lebanon, Linn County, Oregon, duly sworn to as by law required charging that a place within the City limits of the City of Lebanon is kept or maintained by any person, persons, firm company, or corporation and that intoxicating liquors are kept therein for sale, barter or delivery or to be given away in violation of law or of this ordinance, a warrant shall be issued thereon commanding the Marshall or other police officer or other officer to whom it shall be directed and delivered to arrest the person or persons charged or described as a keeper thereof and to search the place described in said complaint and seize and take into his custody all intoxicating liquors which he may find and safely keep the same, subject to the order of the Recorder's Court, it shall be the duty of the officer receiving the warrant to demand admission into such place and upon being refused admission he is hereby authorized to force open the same and execute the said warrant. The complaint shall describe the place to be searched with sufficient particularity to identify the same, and shall describe the intoxicating liquors kept in said place as particular as practicable, but any description however general that will enable the officer executing the warrant to identify the place to be searched and the property to be seized shall be deemed sufficient. The officer making such search or seizure, or arrest shall make return of said warrant to said Court with his doings and proceedings endorsed thereon. Officers without a warrant may seize intoxicating liquors when ever found under circumstances which would have justified a search for and seizure of the same, if armed with a warrant, and they shall arrest any person found in the act of unlawfully selling or giving away any intoxicating liquors, but shall within a reasonable time thereafter make a complaint on oath, against the person,

arrested, procure a warrant thereon and make due return of his proceedings thereon, as in cases where arrest, search and seizures are made upon a warrant already issued.

Section 8 - The words "give away" where they occur in this ordinance shall not apply to the giving away of intoxicating liquors by a person at his home, or in his private dwelling unless such private dwelling be a common nuisance as defined in this ordinance.

Section 9 - The Sheriff of Linn County, Oregon, and his duly appointed deputy residing in Lebanon, Oregon, are hereby constituted and appointed ex-officio peace officers of the city of Lebanon, Oregon, and they are hereby vested with the authority and same powers as the Marshall and Police officers of the city of Lebanon, for the enforcement of this ordinance.

Section 10 - It is hereby made the duty of the police officers and City Marshall of the city of Lebanon to make complaint against any person, or person, firm, company, association and corporation found violating any of the provisions of this ordinance and see that the same and all provisions hereof are strictly enforced.

Section 11 - All ordinances or parts thereof in conflict herewith are hereby repealed.

Section 12 - This ordinance shall be in full force and effect from and after thirty days from its passage and approval by the common council and Mayor of the city of Lebanon.

Passed by the Council of the City of Lebanon,
Lincoln County, Oregon, this 3rd day of ~~February~~ ^{March}, 1908

~~Approved by the Mayor on the day of Feb 11th 1908~~

This Ordinance was passed by the City Council
on the 3rd day of March 1908, submitted to the
Mayor on the 3rd day of March 1908, returned by
the Mayor without his approval on the 12th day
of March, 1908; and passed by the City
Council, over the veto of the Mayor, on the
17th day of March 1908. (1700 words)

Attest

E. Lovelee

Recorder of the City of Lebanon.

Ordinance Bill No 77 ^{copied}
Ordinance No 74

An Ordinance to provide for the material
to be used in, and the manner of building
sidewalks in the City of Lebanon, Oregon,
and providing that the same shall be placed
on the grade, and providing for the kind
and quality of cement to be used in cement
side walks, and for the specifications
and material to be used in and the
manner of constructions of cement and wood
side walks in the City of Lebanon and
to repeal all ordinances in conflict herewith.

The People of the City of Lebanon do Ordinance as follows:-

Section 1- That all sidewalks hereafter made
or constructed in the City of Lebanon, Oregon,
shall be made and constructed in the manner
as in this ordinance provided and of the
material as herein provided and of the width
and dimensions as herein provided, and all