

ORDINANCE NO. 451

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 LEBANON 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 alcohol 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 Lebanon, Oregon.

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 Lebanon, Oregon, 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. Licensees--hours of Sale. No licensee holding a state license for the sale or disposal of alcoholic liquor not over 14 per cent of alcohol by volume shall, directly or indirectly, sell, give, dispose of, deliver, solicit the sale of, or otherwise dispose of any alcoholic liquor between the hours of 1 o'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 liquor not over 14 per cent of alcohol by volume 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. Licensees--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 sixty-five inches from the floor shall not be constructed 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 other public grounds in the city of Lebanon, Oregon.

Section 9. 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, provided that all restaurants and hotels shall be exempt from the provisions hereof, when no charge is made for such dancing privilege.

Section 10. 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 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 11. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the City Court be punished by a fine of not to exceed \$100.00 or by imprisonment in the city jail for a period not exceeding fifty days, or by both such fines and imprisonment. The police department shall keep a complete record of all complaints and the termination thereof brought under this ordinance.

Section 12. Repeal of Conflicting Ordinances. That Ordinances No. _____ and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 13. 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 14. Emergency Clause. In as much as it is necessary to provide a means whereby the city 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 is hereby declared to exist, and this ordinance shall become immediately operative from and after its passage by the Council.

Passed by the Council this 20th day of March, 1934.

Approved by the Mayor this 20th day of March, 1934.

T. H. W. W. W.
Mayor.

Attest:

C. H. Wetman
Recorder.

City of Lebanon

ORDINANCE BILL NO. 4 for 1934

ORDINANCE NO. 451

RESOLUTION NO. _____

Title: Alcoholic Liquor
Control

Read first time Mar 20th, 1934

Read second time Mar 20th, 1934

Read third time Mar 20, 1934

Passed by Council Mar 20th, 1934

Approved by Mayor _____, 193_____

Filed _____, 193_____

City Recorder

F. D. MAYER
City Attorney