

Read and revise.

May 4-53

2d - June 1-53

3d - July 6-53

A BILL

FOR

283

AN ORDINANCE relating to alcoholic liquor, and providing penalties for violations.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF STAYTON, OREGON.

Section 1. DEFINITIONS. (a) The words "alcoholic liquor" mean any alcoholic beverage containing more than one half of one per cent alcohol by volume.

(b) The words "Oregon Liquor Control Act" mean the state law so designated in Section 24-101 O. C. L. A. and any and all amendments made to such Oregon Liquor Control Act.

(c) The words "liquor Control commission" mean the Oregon Liquor Control Commission provided for by Section 24-104 O. C. L. A. and amendments thereof.

(d) The word "person" includes an individual, partnership corporation, association or club, and the singular includes the plural, and the masculine includes the feminine.

(e) The word "minor" means any person under the age of 21 years.

(f) The words "licensed premises" means the room or enclosure at the address within the corporate limits of the City of Stayton for which a license has been issued by the liquor control commission for the serving, mixing, handling or selling of alcoholic liquor.

(g) The words "to sell" includes: to solicit or receive an order for, to keep or expose for sale, to deliver for value, or in any way other than gratuitous, to peddle, to keep with intent to sell, to traffic in, for any consideration, promised or obtained, direct or indirect, or under any pretext or by any means whatsoever, to procure or allow to be procured for any other person.

Section 2. It shall be unlawful for any person to sell, give, furnish or serve any alcoholic liquor to any minor, or to any person visibly intoxicated, or to any person interdicted by any court.

Section 3. It shall be unlawful for any minor to purchase, acquire or have in his or her possession any alcoholic liquor.

Section 4. Nothing in this ordinance contained shall be construed as prohibiting a parent, guardian or other responsible relative of a minor from giving such minor alcoholic liquor and permitting him to consume the same within the home of such parent, guardian or responsible relative of the minor, or at such other private place not in view of the public where the parent, guardian or responsible relative is present.

Section 5. It shall be unlawful for any person to allow or permit any minor, or a person who is visibly intoxicated, or a person who is under an order of interdiction issued by any court pursuant to the provisions of the Oregon Liquor Control Act, to drink or consume any alcoholic liquor upon any licensed premises.

Section 6. It shall be unlawful for any minor, whether or not he or she is accompanied by a parent, guardian or other person, to loiter on any licensed premises, or to enter or remain on any licensed premises or portion thereof posted by the liquor control commission as being prohibited to the use of minors.

Section 7. It shall be unlawful for any licensee of the liquor control commission to permit any minor to consume any alcoholic liquor upon any licensed premises, whether or not such liquor is given to said minor by a parent or guardian, or to loiter on such premises, or to remain upon such premises or portion thereof posted by the liquor control commission as being prohibited to the use of minors. Accompaniment of a minor by a parent, guardian or other person shall not constitute a defense to any charge brought for violation of this section.

Section 8. The provisions of sections 6 and 7 hereof shall not be construed as prohibiting any minor to enter any licensed premises, or portion thereof, for the transaction of any business relating to the regular or authorized duties of such minor in pursuing the course of his lawful employment; nor prohibiting a minor spouse from entering and remaining on licensed premises or any portion thereof when he or she is in the immediate company of his or her spouse who is 21 years of age or older.

Section 9. It shall be unlawful for any minor, either for himself or as agent or employee of another, to sell, offer for sale, or deliver any alcoholic liquor, and it shall be unlawful for any person to employ, hire or engage any minor to sell, offer for sale, or deliver any such liquor.

Section 10. It shall be unlawful for any minor to represent falsely that he or she is of any age other than his or her true age, or to produce any evidence that would falsely indicate his or her age, for the purpose of securing any right, benefit or privilege denied minors by this ordinance.

Section 11. It shall be unlawful for any person to represent falsely a minor to be 21 years of age or older for the purpose of securing or assisting such minor in securing any right, benefit or privilege denied minors by this ordinance.

Section 12. It shall be unlawful for any person under an order in interdiction to possess, purchase or offer or attempt to purchase any alcoholic liquor.

Section 13. It shall be unlawful for any person to sell, solicit or take orders for or peddle liquor unless such person have a license from the liquor control commission, or for any person having a license from such commission to sell or offer for sale alcoholic liquor of a kind, or in a manner, or to a person, other than his license permits.

Section 14. It shall be unlawful for any licensee of the liquor control commission to allow, permit or suffer any loud, lewd, noisy, disorderly or boisterous conduct on the licensed premises for which his license was issued, or to permit any visibly intoxicated person to enter or remain upon such licensed premises.

Section 15. It shall be unlawful for any person or licensee of the liquor control commission holding a license from such commission permitting only the sale and consumption of malt beverages to knowingly permit any alcoholic liquor containing more than four per cent of alcohol by weight to be brought upon or be consumed upon the licensed premises.

Section 16. It shall be unlawful for any licensee of the liquor control commission for any licensed premises within the Town of Stayton

to permit empty or discarded containers of alcoholic liquor to be in public view on the exterior of his licensed premises or in parking areas maintained in connection with such premises.

Section 17. It shall be unlawful for any person to sell for consumption on the premises any alcoholic liquor during the time the polls are opened on any day on which an election is held throughout the state.

Section 18. It shall be unlawful for any person to sell, dispense or allow the consumption of any alcoholic liquor on any licensed premises, or for any licensee of the liquor control commission to deliver or permit the removal of any alcoholic liquor to, on or about any licensed premises between the hours of 1 o'clock in the morning and 7 o'clock in the morning of any day, except that licensees of the liquor control commission in lawful possession of a club or restaurant license may permit the privileges granted by such licenses between the hours of 7 o'clock in the morning and 2:30 o'clock in the morning of the day following, and may allow, after closing hours, any person who is not visibly intoxicated to remove from the club or restaurant premises alcoholic liquor lawfully brought upon the licensed premises by such person.

Section 19. Whenever any officer shall arrest any person for violation of this ordinance, such officer shall take into his possession all alcoholic liquor and other property which the person arrested has in his possession, or on his premises, which apparently is being used or kept in violation of this ordinance. In case the person arrested is convicted, and the court finds the alcoholic liquor and other property has been used or kept in violation of this ordinance, the alcoholic liquor shall be forfeited to the Oregon Liquor Control Commission and the other property to the Town of Stayton.

Section 20. Each licensee of the liquor control commission for licensed premises within the corporate limits of the Town of Stayton shall be responsible and liable to prosecution for any violation of any provision of this ordinance pertaining to his licensed premises and for any act or omission of any servant, agent or employe of such licensee in violation of any provisions of this ordinance.

Section 21. Whenever any licensee of the liquor control commission

shall be prosecuted in the municipal court under this ordinance for selling alcoholic liquor to a minor, or permitting a minor to consume alcoholic liquor, or to enter or loiter upon the licensed premises, it shall be permissible for such licensee to offer in his defense any written statement made by or for such minor prior to the violation which statement made and taken pursuant to the laws of Oregon and the rules and regulations of the liquor control commission, but such statement shall not constitute a conclusive defense and the judge or jury as the case may be, may consider and weigh the same.

Section 22. Any person violating any provision of this ordinance shall, upon conviction in the municipal court, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the city jail not exceeding six months, or by both such fine and imprisonment.

Passed by the Common Council of the Town of Stayton, Marion County, Oregon, this 6 day of July, 1953.

M. J. Martin
MAYOR

ATTEST

W. A. J. J. J.