

ORDINANCE NO. 244

*Sections 1 & 18 amended by 344
Sect 3 amended by 374
Sect 2, 3, 5, 12, 15, 17, 21, 23 amended by 452
Sect 22 amended by 561*

5-4.2

AN ORDINANCE RELATING TO ALCOHOLIC LIQUOR; PROVIDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

The city of Willamina, Oregon, ordains as follows:

Section 1. Unless the context requires otherwise, the following mean:

Amended by 344

- (1) Alcoholic liquor. An alcoholic beverage containing more than one-half of one per cent of alcohol by volume.
- (2) Licensed premises. A room or enclosure at the address within the city for which a license has been issued by the liquor control commission for the serving, mixing, handling, or selling of alcoholic liquor.
- (3) Liquor control commission. The Oregon Liquor Control Commission provided by the Oregon Liquor Control Act.
- (4) Minor. A person under the age of 21 years.
- (5) Oregon Liquor Control Act. The state law so designated by ORS 471.027 as now or hereafter amended and supplemented and includes the Oregon Distilled Liquor Control Act as defined by ORS 472.020 as now or hereafter amended or supplemented.
- (6) Person. An individual, partnership, corporation, association, or club.
- (7) Responsible relative.
 - (a) An adult who is the spouse of a minor.
 - (b) An adult, related to the minor, who has taken over the parental duties of governing the minor's actions.
 - (c) A duly appointed, qualified, and acting guardian who has taken over the parental duties of governing the minor's actions.
- (8) Sell. Soliciting or receiving an order; keeping, offering, or exposing for sale; delivering for value or in any way other than gratuitously; peddling; keeping with intent to sell; traffic in, for any consideration, promised or obtained, directly or indirectly, or under any pretext or by any means; to procure or allow to be procured for any other person. [Section 1 as amended by Ordinance No. 344, passed July 10, 1969.]

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. [Section 2 as amended by Ordinance No. 452, §2, passed July 27, 1978.]

Amended by 452

Section 3. It shall be unlawful for any minor to attempt to purchase, acquire or have in his or her possession any alcoholic liquor. [Section 3 as amended by Ordinance No. 374, passed July 13, 1972; and Ordinance No. 452, §2, passed July 27, 1978.]

*Ordinance 374
x 452*

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, to drink or consume any alcoholic liquor upon any licensed premises. [Section 5 as amended by Ordinance No. 452, §3, passed July 27, 1978.]

Ordinance 452

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 Section 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 employe 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. [Section 12 repealed by Ordinance No. 452, §4, passed July 27, 1978.] *Repealed by 452*

Section 13. It shall be unlawful for any person to sell, solicit or take orders for or peddle alcoholic liquor unless such person has 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. No licensee of the commission, nor any agent or employe of such a licensee, shall keep or knowingly permit to be kept, brought or consumed upon the licensed premises any alcoholic liquor not allowed to be sold or served on the premises. [Section 15 as amended by Ordinance No. 452, §5, passed July 27, 1978.] *Amended by 452*

Section 16. It shall be unlawful for any licensee of the liquor control commission for any licensed premises within the city of Willamina 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. [Section 17 repealed by Ordinance No. 452, §6, passed July 27, 1978.]

Section 18. No person shall sell, dispense, deliver, or allow the consumption of any alcoholic liquor on any licensed premises, or deliver or permit the removal of any alcoholic liquor to, on, or from, any licensed premises between the hours 1:00 a.m. and 7:00 a.m.; provided, however, that a restaurant or dispenser licensee may exercise the privilege granted by such license between the hours of 7:00 a.m. and 2:30 a.m. [Section 18 as amended by Ordinance No. 344, passed July 10, 1969.]

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 city of Willamina.

Section 20. Each licensee of the liquor control commission for licensed premises within the corporate limits of the city of Willamina 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 provision of this ordinance.

Section 21. If a licensee or his employe or his agent is 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, the licensee or his employe or agent may offer in his defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the commission; and such statement shall constitute a prima facie defense. [Section 21 as amended by Ordinance No. 452, §7, passed July 27, 1978.]

Section 22. Any person violating any provision of this ordinance shall, upon conviction in the municipal court, be punished by a fine not exceeding \$100.00, or by imprisonment in the city jail not exceeding 30 days, or by both such fine and imprisonment.

Section 23. [Section 23 repealed by Ordinance No. 452, §8, passed July 27, 1978.]

Section 24. Inasmuch as the subject matter herein involves the peace, health, safety and public welfare of the city of Willamina, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the council and approval by the mayor.

Passed by the council April 28, 1953, and approved by the mayor April 30, 1953.