

ORDINANCE NO. 55-O-070

AN ORDINANCE FOR THE PREVENTION OF INTOXICATION IN PUBLIC PLACES, REGULATING THE POSSESSION OF ALCOHOLIC LIQUOR, PREVENTING THE DRINKING OF ALCOHOLIC LIQUOR IN PUBLIC PLACES, STREETS OR ALLEYS OR WITHIN A MOTOR VEHICLE, PROVIDING PENALTIES, REPEALING SECTION 22 OF ORDINANCE NO. 51-O-013 OF THE CITY OF BROOKINGS, AND DECLARING AN EMERGENCY. [Effective April 12, 1955]

## Sections:

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The city of Brookings ordains as follows:

Section 1. Definitions.

A. The words "alcoholic liquor" as used in this ordinance mean any alcoholic beverage containing more than one-half of one percent of alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.

B. The words "motor vehicle" as used in this ordinance mean any vehicle which is, in any statute of the state of Oregon or in the vehicle code of the state of Oregon, defined and included as a motor vehicle in said statutes or code.

C. The words "public place" as used in this ordinance mean any public auditorium, public park, public baseball stadium, grandstand or bleachers, any field or open space, whether fenced or not, in which the public congregates, or public building wherein a dance, social event, or assembly is conducted or held. The words "public place" as used in this ordinance shall not mean, apply to, or include a building enclosure wherein a dance, social event, or assembly is held or conducted by a lawfully organized civic, religious, social or fraternal organization; and entrance or admission to this said building enclosure is limited exclusively to the membership of the said civic, religious, social, or fraternal organization and its privately invited guests. The words "building enclosure" shall mean, apply to, and include all of the area within the outside walls of a building.

Section 2.            Intoxication in public places. No person shall be intoxicated or under the influence of alcoholic liquor upon any street or alley, or in a public place, or in a motor vehicle within the corporate limits of the city of Brookings, Oregon.

Section 3.            Drinking alcoholic liquor upon a street or alley, in a public place, or in a motor vehicle. No person shall drink alcoholic liquor upon a street or alley, in a public place, or in a motor vehicle within the corporate limits of the city of Brookings, Oregon.

Section 4.            Giving, offering, or selling alcoholic liquor to another. No person shall give, offer, or sell to another person any alcoholic liquor upon a street or alley, or in a public place, or in a motor vehicle within the corporate limits of the city of Brookings, Oregon. This Section 4 shall not apply to or include any premises which have been duly licensed under the provisions of ORS 471.220 to 471.285 and which are subject to the regulations and restrictions of the Liquor Control Commission of the state of Oregon and the provisions of the Liquor Control Act of the state of Oregon.

Section 5.            Possession of alcoholic liquor in motor vehicles. No person while within a motor vehicle, at the time being operated or parked upon any street or alley within the corporate limits of the city of Brookings, Oregon, shall have in his possession or within the said motor vehicle, any opened or unsealed container, can, bottle, carton, or jug which is either completely or partly filled with alcoholic liquor.

Section 6.            Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500.00, by imprisonment in the city jail for not more than six months, or by both such fine and imprisonment.

Section 7.            Confiscation of alcoholic liquor. Whenever any person is arrested by any police officer of the city of Brookings, Oregon, for the violation of any of the provisions of this ordinance No. 55-O-070, or for the violation of any of the provisions of any other ordinance of the city of Brookings, it shall be the duty of said police officer to immediately seize and take into his possession any and all alcoholic liquor in the possession of said arrested person at the time of the said arrest. The said police officer shall store the said liquor so seized in a safe place of storage in the city jail, and so continue to keep the said alcoholic liquor safely stored until otherwise ordered by the municipal judge of the city of Brookings, Oregon.

Section 8.            Effect on other ordinances of the city of Brookings. It is here declared that the city of Brookings, Oregon, adopts a new ordinance, and to accomplish its purpose it is necessary to repeal Section 22 of Ordinance No. 51-O-013, but that not other section of said Ordinance No. 51-O-013 is repealed, altered, or amended by this Ordinance No. 55-O-070, and that no other ordinance, or any of the provisions thereof, of the city of Brookings, Oregon, is repealed, altered, or amended by this Ordinance No. 55-O-070. The violation of the provisions, or any of them, of this Ordinance No. 55-O-070 shall be another offense separate and apart from the violation of the provisions, or any provisions of any other ordinance of the city of Brookings, Oregon, in effect as of the date of the effectiveness of this Ordinance No. 55-O-070.

Section 9.            Repeal clause. Section 22 of Ordinance No. 51-O-013 of the city of Brookings, Oregon, is hereby repealed.

Section 10.   [Severability clause]

Section 11.   [Emergency clause]

Effective April 12, 1955