

An Ordinance licensing, regulating and controlling the manufacture, sale and distribution of nonintoxicating malt and vinous beverages; fixing the amount of license fees; providing for revocation of licenses; providing other terms and conditions; providing for violation thereof, and declaring an emergency.

The Town of Milwaukie does ordain as follows:

Section 1. Definitions:

1. Non-intoxicating Beverages:

As used in this ordinance the words "non-intoxicating Beverages" shall be construed to mean and embrace all malt and/or vinous beverages, including beer, lager beer, ale, porter and wine, and brewed or fermented beverages which have a content of one-half per cent or more alcohol by volume but not more than 3.2 per cent alcohol by weight.

2. Non-intoxicating Beverage Business: As used in this ordinance

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non-intoxicating beverage business" shall mean and include manufacture or production, distribution, bottling, selling or for sale, either by keg, barrel or bottle, at wholesale or for the giving away or serving or permitting the serving of or vinous beverages which have a content of one-half of percent or more of alcohol by volume but not more than 3.2 per alcohol by weight.

Person: The word "person" as used in this ordinance shall mean include any person, firm or corporation; the singular number understood to include the plural and the masculine pronoun include the feminine.

Manufacturer: The word "manufacturer" as used in this ordinance mean any person who manufactures or produces non-intoxicating beverages, which beverages are not to be consumed on the premises.

Wholesale Dealer: The term "wholesale dealer" as used in this ordinance shall mean any person who sells or in any manner disposes non-intoxicating beverages in the original package and not to be on the premises, or for resale purposes.

Retail Dealer: The term "retail dealer" as used in this ordinance mean any person maintaining and operating a store and offering or selling from the store non-intoxicating beverages.

The word "store" as used in this ordinance shall be con- to mean and include any store or mercantile establishment in goods, wares or merchandise of any kind are sold.

2. Sale of non-intoxicating beverages -- Licenses required:

It shall be unlawful for any person to manufacture, produce or to sale, sell, serve, or in manner dispose of or keep for sale in Town of Milwaukie, Oregon, non-intoxicating beverages as by Section 1 of this ordinance, without first obtaining a therefor in accordance with the provisions of this ordinance.

3. Application for license:

Any person desiring to secure a license to engage in the manufacture, on, sale or to serve any non-intoxicating beverages in the shall first make application therefor, in writing, to the Recorder prepared and furnished by said Recorder, which application contain such reasonable information touching and concerning the and the proposed location of his place of business as the providing a may require.

4. Investigation of applicant:

Upon receiving an application for a license the Recorder shall investi- statements contained in the application, the premises where applicant proposes to do business, and make such other and further tions as he may deem proper to ascertain whether the applicant to all of the requirements of this ordinance and within five from the date of application report his findings, together with

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the original application, to the Council. All applications and reports of the Recorder shall be by the Recorder placed on file at the next regular meeting of the Council. The Council shall review all applications and reports and may grant or refuse to grant a license. Upon the granting of a license by the Council, the Recorder shall cause to be issued a permit, on a form to be furnished and provided for that purpose by the Recorder and signed by him on behalf of the applicant upon the payment to the Town Treasurer of the license fee required by this ordinance.

Section 5. Licenses not granted to certain persons: Regularly No licenses shall be granted to the following persons:

1. A person who is not of good moral character;
2. A person who is not a citizen of the United States, the State of Oregon and the Town of Milwaukie, Oregon, and who is incapable of understanding the laws of the United States, State of Oregon and ordinances of the Town of Milwaukie;
3. A person under twenty-one years of age;
4. To a person to sell or dispose of non-intoxicating beverages by peddling;
5. To any person conducting a restaurant or public dining room in connection with a hotel in which there are screens, boxes, booths, stalls, high backed seats over 4½ feet in height, or other obstruction to a complete view of the interior thereof;
6. To any person to sell or serve non-intoxicating beverages at any place within 100 feet, measured on street lines, of any building in which a public school building is located.

Section 6. All licenses shall be subject to the regulations and regulations by this ordinance: Regulations--

1. It shall be unlawful for a retailer to sell or give away non-intoxicating beverages to any person under the age of twenty-one years;
2. It shall be unlawful for any manufacturer, producer, or wholesaler, or the officers, agents or representatives of such manufacturer, producer or wholesaler to own or have any interest in any hotel, restaurant or store licensed under the provisions of this ordinance or to provide or guarantee any promises, lease or equipment on the premises by such licensee upon the premises for which a license has been granted under the provisions of this ordinance.
3. Nothing in this ordinance contained shall be construed to deprive any vested right in any person to the assignment, renewal, or continuance of any license or the right to assign any license or the right to issue a power of attorney over a license.
4. No license shall be assigned or transferred nor power of attorney issued over a license.
5. The Marshal or any police officer, or any officer of the State's Treasury Department, or any official of the Town of Milwaukie shall have the right at any time to make an examination of any licensed premises to ascertain if the licensee of such premises is conforming to the provisions of this ordinance or the laws of the State of Oregon.

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States applicable thereto, or to check the alcoholic content of non-intoxicating beverage being kept for the purpose of sale or distribution on said premises.

licenses shall be posted in a conspicuous place on the premises and shall remain posted during the full period of time for which the license is valid.

in the event of a change of ownership, or in the event of a change of name, or in the event of a change of address, or in the event of a change of any other material fact, the licensee shall file with the Recorder a certified copy of the change, together with a copy of the certificate of appointment of the receiver, assignee, trustee, guardian, or administrator, if any, and the Recorder shall file with the Recorder a certified copy of the change.

A licensee desiring to change his place of business from one place to another shall file with the Recorder an application for a new license. The Recorder shall make an investigation of the new proposed place of business and within ten (10) days make his report thereon to the Council, accompanied by the Application. Such application and report of the Recorder shall be, by the Recorder, placed upon the agenda of the next regular meeting of the Council. The Council shall consider and determine said application.

It shall be unlawful for a retailer to suffer or permit any person to consume non-intoxicating beverages on or in his premises unless said person consumes said non-intoxicating beverages at a table. It is hereby declared to be unlawful for a retailer to permit or suffer any person to consume non-intoxicating beverages over a bar, counter or similar fixture and it shall further be unlawful for a retailer to sell or furnish non-intoxicating liquor over a bar, counter or similar fixture.

7. License Fees:

The purpose of this ordinance the year shall be divided into two periods as follows: The first half extending from the first day of June to midnight of the 30th day of June. The second half extending from the first day of July to midnight of the 31st day of December. A license granted shall be issued so as to expire on midnight of the 31st day of June or midnight of the 31st day of December. The license fee shall be paid semi-annually in advance of the expiring date of the then existing license to the Town Treasurer. If the license fee is not paid as above specified the license shall be null and void without any further action or proceeding on the part of the Council. The Recorder shall forthwith cancel the original license and report such fact to the Council at its next regular meeting.

License fees for the sale in the Town of Milwaukie of non-intoxicating beverages, as defined in Section 1 of this ordinance, shall be as follows:

Wholesaler.....	Annually,	\$100.00
Retailer.....	Semi-annually,	12.50
Manufacturer.....	Semi-annually,	\$100.00

The license fees required by this ordinance shall be in addition to any other license fees required by other ordinances of the Town of Milwaukie.

8. Revocation of License:

The power of the Council shall be and remain at all times vested in the Council, and the Council may, as hereinafter provided, revoke and cancel any license issued by it for any of the following reasons:

- 1. For fraud and misrepresentation in its procurement,
- 2. For a violation of any of the provisions of this ordinance, or
- 3. For a violation of any ordinance of the city or laws of the state or the laws of the United States regulating intoxicating liquors, or for

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any conduct or act of the licensee or his employees or any other person engaged in such business or act permitted by him or them on the premises where such business is conducted, or in connection therewith or adjacent thereto, which shall constitute a public nuisance or a menace to the health, peace, safety or general welfare of the city.

Section 9. Whenever information shall come to the Recorder or the Marshall, that any licensee has committed any act rendering his license subject to revocation it shall be the duty of the Recorder or the Marshall having such information to forthwith submit the facts in writing to the Council. Such report shall be filed with the Recorder and a copy thereof served upon the licensee, together with a notice requiring him to appear before the Council for investigation of said act at a time and place fixed and stated in such notice. In case a hearing or service cannot be made upon the licensee, the notice shall be served upon the licensee, addressed to his last known business address. No further pleadings shall be necessary. Such hearing and investigation shall be informal. If upon such hearing or investigation the Council finds that cause exists for the revocation of such license, the same may be revoked by the Council.

Section 10. Penalty:

Any person violating any of the provisions of this ordinance upon conviction thereof in the Municipal or Recorder's Court shall be punished by a fine not exceeding Two Hundred Fifty Dollars or by imprisonment in the city jail for a period not exceeding (6) months, or by both such fine and imprisonment.

Section 11. Repealing Clause:

All parts of ordinances in conflict with this ordinance are hereby expressly repealed.

Section 12. Saving Clause:

If any provision, section, sub-section, subdivision, sentence or phrase of this ordinance shall for any reason be adjudged to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance, but shall be confined in its operation to the provision, section, subsection, subdivision, sentence, clause or phrase directly involved in the controversy.

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loyes or any other person whose judgment or decision shall have been rendered, and it is
 es where such person has expressly declared that every other provision, section,
 adjacent thereto, or any portion, subdivision, sentence, clause or phrase hereof would
 the same is hereby enacted irrespective of the enactment or validity of the
 peace, safety or health thereof declared or adjudged to be unconstitutional or invalid.

13. Inasmuch as this ordinance is necessary for the immediate
 the Recorder of the public health, peace and safety of the Town of
 any act rendered in this: That the act of Congress defining and legalizing
 duty of the non-intoxicating beverages goes into effect on April 7, 1933, and
 e facts in view to give the people of the Town of Milwaukie immediate legal
 the Recorder to manufacture, sell and consume such non-intoxicating beverages,
 with a notice of emergency is hereby declared to exist and this ordinance
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