

**CITY OF PHILOMATH
ORDINANCE #814**

**AN ORDINANCE AMENDING CHAPTERS 5 AND 9 OF THE PHILOMATH MUNICIPAL CODE,
AUTHORIZING THE CHIEF OF POLICE TO ISSUE PERMITS ALLOWING ALCOHOLIC
BEVERAGES TO BE SERVED AND CONSUMED IN PUBLIC PLACES WITHOUT
SCREENING, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.**

The City of Philomath ordains as follows:

Section 1. Subsection 9.10.060(J) of the Philomath Municipal Code is amended to read as follows:

J. Drinking Alcoholic Beverage in Public Place. No person shall dispense or consume alcoholic liquor in a public place, to wit, in a street, alley, mall, parking lot or structure, motor vehicle, public grounds, or in any room or building used for public dancing, or other places open to the public unless such place has been licensed for that purpose by the Oregon Liquor Control Commission and a permit has been obtained from the chief of police. No premises licensed by the Oregon Liquor Control Commission shall serve alcoholic liquors without either:

(1) first screening from public view the place where the alcohol is to be served and consumed; or

(2) first receiving a permit to allow the dispensing and consumption of alcoholic liquor in a public place without screening from the chief of police. The fee for such permit shall be set by the city council.

(3) Notwithstanding that the Oregon Liquor Control Commission does not provide a license for the consumption of alcoholic liquor in a city park, the consumption of alcoholic liquor in a city park shall be prohibited unless a permit therefor has been received from the chief of police. The fee for such permit shall be set by the city council.

Violation of this subsection shall be punishable as a Class C misdemeanor.

Section 2. Chapter 5.25 of the Philomath Municipal Code is amended to include new Section 5.25.100 as follows:

5.25.100 Permit for dispensing or consuming in a public place.

A. A person may apply to the chief of police for a permit to allow the dispensing or consuming, or both, of alcoholic liquor in a public place without screening. The person shall provide a map or drawing of the proposed area dispensing or consuming would take place, clearly showing the location and its relationship to neighboring properties. The chief of police may issue the permit, deny the permit, or issue the permit upon certain conditions, taking into account the nature and history of the establishment seeking the permit, the nature of neighboring properties, and other factors relevant to the public peace, safety, health and welfare.

B. An applicant for a permit dissatisfied with the decision of the chief of police may appeal that decision to the City Council by filing with the City Recorder a statement of appeal setting out concisely the reasons the applicant believes screening would not be appropriate. The appeal must be filed no more than five business days after the decision of the chief of police. The decision of the City Council shall be final.

Section 2. Emergency Clause

The earliest imposition of the provisions of this ordinance is necessary to preserve the peace, health, and safety of the public. Accordingly, an emergency is declared, and this ordinance will take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council this 24th day of October 2016.

APPROVED by the Mayor this 24th day of October 2016.

SIGNED:
Rocky Sloan, Mayor

ATTEST:
Ruth A. Post, MMC, City Recorder