CITY OF PHOENIX
PHOENIX, OREGON

ORDINANCE NO. 961

AN ORDINANCE AMENDING THE MUNICIPAL CODE, TITLE 9, BY ADDING A NEW SECTION, 9.120, DRINKING IN PUBLIC

NOW, THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

Section 1.: Drinking in public is hereby added to Title 9, Chapter 9.12 of the Phoenix Municipal Code as follows:

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE

Sections:

9.12.010 Drinking in public
9.12.020 Loitering on school premises

9.12.010 Drinking in public:

(1) Except as provided in subsections (2) through (4), no person shall consume alcoholic liquor in or on a street, sidewalk, alley, public right-of-way, public park, other publicly-owned facility, or premises open to the general public for the use of motor vehicles or pedestrian traffic, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.

(2) Alcoholic liquor may be sold and consumed at a sidewalk café permitted under Section 10.358(c) of this code and in accordance with a license issued by the Oregon Liquor Control Commission.

(3) An Organization may apply for a special events permit to include alcohol sales as part of an event.

(4) The following conditions shall apply to events approved under subsection (3) of this section:

(a) The applicant shall submit a written application to the City Manager and pay a fee of $25.00.

(b) The applicant must obtain a permit from the Oregon Liquor Control Commission.

(c) The applicant must provide licensed private security guards in sufficient numbers to maintain order. The Chief of Police shall recommend to the City Manager the number of officers reasonably needed to maintain order under the circumstances existing.

(d) Wine and malt beverages may be sold and consumed only under a canopy, shelter, or within a tent or other enclosure.

(e) Only wine and malt beverages purchased on the premises may be consumed.

(f) The City Manager shall grant the permit only if the Manager finds the noise created by the event would not be unreasonable considering the hours and location.

(g) The City Manager or the City Council may prescribe any additional conditions which it deems necessary to protect the public health, safety, and welfare. The City Manager may also suspend or revoke a special event permit for violation of any provision of this chapter, failure to comply with a permit condition, or to protect public health and safety.

(5) Violation of this section constitutes a violation punishable by a fine not to exceed $500.00.

Section 2. Severability: In the event any section, subsection, paragraph, sentence or phrase of this ordinance or any administrative policy adopted pursuant hereto is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder to the ordinance shall continue to be effective.

Section 3. Effective Date: This ordinance shall become effetive thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council and signed by me in authentication of its passage this 3rd day of March, 2015.

Jeff Bellah, Mayor

ATTEST:

Janette Boothe, City Recorder