**ORDINANCE NO. 28**

**AN ORDINANCE TO TAX, LICENSE AND REGULATE THE SALE OF SPIRITUOUS, MALT, FERMENTED, OR VINOUS LIQUORS, FERMENTED CIDER, COMMONLY KNOWN AS HARD CIDER, AND ALL INTOXICATING LIQUORS.**

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF LOSTINE OREGON AS FOLLOWS:

SECTION 1.

That each applicant for license shall, at the time of his application present to the council a bond payable to the City of Lostine, Oregon, in the sum of One Thousand Dollars per annum, which said bond shall be executed with two or more sureties, residents of the city, who shall qualify as for bailor arrest, and be conditioned that the applicant will keep an orderly house, comply with all the requirements of the ordinance of the city in this behalf passed, and for the payment of all fines for violation of any ordinance, or laws in relation to such business. Such applicant, upon making application, shall pay to the Recorder or City Treasurer the sum of Two hundred fifty Dollars, which shall be the Quarterly License fee; no license shall be issued for a period longer than three months. The council shall have authority, in its discretion at any time for any reason it deems fit, to annul and revoke any license actually issued under its order upon refunding to the person granted such license a proportionate amount of the fee paid by him for the unexpired term. Provided further, that after any license shall have been granted, a person to whom it has been granted, or person in his employ, or in any way acting for him, shall give or sell or in any manner sell or dispose of such liquors to any common drunkard, or to any intoxicated person, or to any person who is in the habit of becoming intoxicated, or to any women or girl, or any minor, or shall permit any woman or girl, or minor or loafer or vagrant to frequent, visit or loiter in or around his place of business or shall employ any woman or girl, or minor, wither as servant, waiter or waitress, dancer, singer, actor, or musician, or shall permit the use of any screens, shades or other device, before or in front of any door or window of his bar-room, or any room or rooms connected therewith, or shall use any colored, frosted, tinted, or other glass on any door or window of his barroom, or any room connected therewith, or use any other device, whereby the inside of said bar-room or room or rooms connected therewith, may not and shall not at all times be visible to passers by on the outside of such bar-room, or room or rooms connected therewith, weather during the night time or the day time or on the first day of the week, commonly called Sunday, or any other day, or shall permit in said bar-room, or room, or rooms connected therewith any chairs, stools or other means whereby any person or persons, except the proprietor or one actually in his employ, may sit or loiter, or remain in and about his bar-room, or room, or rooms connected therewith, or shall permit any box or boxes to be connected with such bar-room, room, or rooms connected therewith or adjacent thereto, whether such boxes be builded and extended from the floor or rest thereon directly or indirectly, or be suspended from the ceiling, or shall be found guilty before any court having jurisdiction thereof of violating any provision of any ordinance that is now or may hereafter in this behalf be passed, such judgment of conviction shall be a revocation and forfeiture of the license of such person or persons in the discretion of the Council, and he or they shall not be granted another license for a period of one year thereafter and in all prosecutions under any ordinance in this behalf passed, oi shall not be necessary to show knowledge of the principal to convict for the act of any agent or servant; and provided further, that the revocation and forfeiture of such license, as herein provided, shall not in any manner operate to relieve the person, or persons, to whom the same has been granted from such penalty or punishment as may by ordinance be prescribed for the violation or any of the provisions of such ordinance.

SECTION 2.

All persons granted a license under this ordinance are hereby prohibited from opening or keeping open any bar-room, room or rooms connected therewith, or selling any manner disposing of intoxicating beverages or liquors on the first day of the week, commonly called Sunday, or any election day; all bar-rooms shall close not later than 10:00 O’clock P.M. and open not earlier than 5:30 O’clock A.M. and no gambling shall be allowed with dice, cards, or any other device therein, even playing for drinks or cigars or any thing what-soever, and it shall also be unlawful to display or permit to be displayed any lewd or indecent picture, or pictures, statue or image in any such bar-room or room connected therewith. All bar rooms are to be provided with open fronts, the openings to begin at three feet from the sidewalk. And provided further, that any license granted under this ordinance shall not be transferable with out the written consent of the council.

SECTION 3.

The penalty for the violation of any offence against the liquor license law or for violation of any of the requirements of the ordinances of the city in this behalf passed or to be passed, shall be for the first offence, a minimum fine of $100.00 or in default of the payment of the same to imprisonment for not less than thirty days, and at the discretion of the council the revocation of the license; for the second offence, a minimum fine of $250.00 or in default of the payment of same, to imprisonment for not less than sixty days, and at the discretion of the council, the revocation of the license; and for the third offence, a minimum fine of $500.00, or in default of the payment of the same, to imprisonment for not less than 90 days and the absolute revocation of the license.

SECTION 4.

Every applicant for a license shall make application to the City Council in the writing at least two weeks before date of granting such license, and there shall accompany each application sufficient money to pay the license fee for one quarter, and if applicant is refused a license, the money deposited wit application shall be returned without unnecessary delay. It shall be lawful for any ten or more freeholders who are resident voters to remonstrate in writing against the granting of such license upon the ground of disqualification or ineligibility of the applicant, or upon the impropriety of granting such license on account of the proximity of the proposed location to churches or schoolhouses, or on account of the proposed location being within the residential district. Written notice of such remonstrance together with a copy thereof shall be served upon the applicant, who shall be given ten days time within which to answer same. All costs of such hearing, including the attendances of the witnesses, shall be taxed by said license committee, (provision for which committee is made herein) in the same amount as would be taxed in the Courts of the State of Oregon, and losing party shall pay the costs of the same.

SECTION 5.

There shall be appointed by the Mayor a committee of three members of the Council to be known as the liquor license committee, which said committee shall fix the times and places for hearing of applications for liquor licenses and to give public notice thereof.

SECTION 6.

Each applicant for a liquor license must be an American citizen and must make affidavit before such license is granted that he has never been convicted of a felony.

SECTION 7.

This Ordinance shall be in full force and effect from and after ten days from the date of it’s passage by the Common Council, and it’s approval by the Mayor.

Passed by the Common Council of the City of Lostine, Oregon this 6th day of February 1914.

Yeas…Wm. Bonner….. A.D. Smith. Geo Childers.

Nays…. None

Absent .. S.L. Magill

Submitted to the Mayor this 7th. Day of February 1914.

Approved by the Mayor this 7th. Day of February 1914.