

AN ORDINANCE AMENDING AMC 7.08.040 TO PROHIBIT POSSESSION OF AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE IN A PUBLIC PLACE AND DECLARING AN EMERGENCY

WHEREAS, the persons in possession of open containers of alcoholic beverages lack the supervision or control available on licensed premises or private property; and

WHEREAS, the possession of open containers of alcoholic beverages on public property contributes to the availability of alcoholic beverages to underage minors; and

WHEREAS, open alcoholic beverage containers on public property are frequently discarded unlawfully contributing to litter, trash, and a reduction in cleanliness and beautification of the City and/or public access ways.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Amendment of AMC 7.080.040, Drinking in Public Places. AMC 7.080.040 is amended to read as follows:

“7.080.040 Consumption or possession of alcoholic beverages Drinking in public places.

1. It is unlawful for any person to drink or consume any alcoholic beverage while in or intoxicating liquor upon any street, alley, public grounds, building, or place open and available to the general public, or while in a motor vehicle on premises on open to the public in any public place; provided, however, that nothing in this section contained shall be deemed to apply to the drinking of any intoxicating liquor in any establishment wherein the same may be sold for premises consumption under the laws of the State.
2. It is unlawful to possess on ones person any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or upon which a seal has been broken, or from which the contents have been partially removed while in or upon any street, alley, public grounds, building, or place open and available to the general public, or while in a motor vehicle on premises open to the public.
3. The prohibitions of Sections 1 and 2 above shall not apply to any place wherein the possession or consumption of alcoholic beverages is subject to the control or regulation of the Oregon Liquor Control Commission, where otherwise permitted by State law, or where otherwise authorized by the City of Albany or in any City park wherein the possession or consumption of alcoholic beverages is not prohibited by other provisions of this code.
4. A violation of this Section is a misdemeanor punishable under the general penalty provided in AMC Chapter 1.04.
- 4-5. For purposes of this Chapter, an alcoholic beverage is defined as any beverage containing more than ½% of alcohol by volume and every liquid or solid, patented or not, containing alcohol, and capable or being consumed by a human being.”


Section 2: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: 8/14/2013

Approved by the Mayor: 8/14/2013

Effective Date: 8/14/2013

ATTEST:


Mary A. Stabile
City Clerk

S. Stanapa
Mayor