Chapter 472

1959 REPLACEMENT PART

Sale of Alcoholic Liquor by Individual Drink

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GENERAL PROVISIONS

472.010 Definitions. As used in this chapter and unless the context indicates a different meaning:

(1) The words "alcoholic liquor" mean any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

(2) The word "boat" shall mean any waterborne vessel carrying passengers for hire to and from ports in this state.

(3) The words "commercial establishment" mean a place of business where food is cooked and served and having adequate and sanitary kitchen facilities for the preparation and serving of meals to the general public and having for that purpose proper and sanitary dining space.

(4) The word "commission" means the Oregon Liquor Control Commission created by ORS 471.705 and Acts amendatory and supplemental thereto.

(5) The words "distilled spirits" or "distilled liquor" mean any alcoholic beverage containing more than 14 percent of alcohol by volume, including sweet wines and all spirituous liquor.

(6) The word "hotel" means every building or other structure, kept, used, maintained, advertised or held out to the public to be a place where food is cooked and served and sleeping accommodations are offered for pay to transient guests, in which 20 or more rooms are used for sleeping accommodations of such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings.

(7) The word "person" includes an individual, partnership, corporation, association or club.

(8) The words "premises" or "licensed premises" used in connection with a location licensed under this chapter shall mean the room or enclosure at the address for which the license is issued; providing, however, that a license granted to any hotel operator shall apply to all portions of the hotel controlled or operated by the person to whom the license is issued.

(9) The words "private clubs, fraternal organizations, or veterans' organizations" mean an association of persons, whether incorporated or unincorporated for the promotion of some common object (not including associations organized for any commercial or business purpose the object of which is money profit), owning, hiring or leasing a building, or space in a building, of such extent and character as in the judgment of the commission may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate space and equipment, implements and facilities, and employing a sufficient number of servants or employes for serving food and meals for its members and their guests; provided, that no member or any officer, agent or employe of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at annual meetings by the members, directors or other governing body of the club, and which, in the judgment of the commission, shall be reasonable and proper compensation for the services of such member, officer, agent or employe.

(10) The word "railroad" shall mean any railroad corporation operating interstate trains. [1953 c.176 §3]

472.020 Citation of chapter as "Oregon Distilled Liquor Control Act." This chapter may be cited as the "Oregon Distilled Liquor Control Act." [1953 c.176 §1]

472.030 Purpose of chapter. This chapter shall be deemed an exercise of the police powers of the state for the protection of the safety, welfare, health, peace and morals of the people of the state; to provide for the sale of alcoholic liquor as provided for by section 39, Article I, Constitution of Oregon, adopted by the legal voters at the general election, November 4, 1952; to eliminate the evils of unlicensed disposing of distilled alcoholic liquor; and to prevent abuses associated with saloons or resorts for the consumption of distilled alcoholic liquors. [1953 c.176 §2]

472.040 Repeal of inconsistent provisions of charters and ordinances. Inasmuch as this statute has been hereinbefore declared to be a subject of general law, and designed to operate uniformly throughout the state, it hereby is declared that the provisions herein contained shall be paramount and superior to and shall fully replace and supersede any and all municipal charter en-

actments or local ordinances inconsistent herewith, and such charters and ordinances hereby are repealed. [1953 c.176 §18]

472.050 Chapter as dependent upon section 39, Article I, Oregon Constitution. This chapter is dependent and is conditioned upon the terms and provisions of section 39, Article I, Constitution of Oregon and should said section be repealed by the registered voters of the State of Oregon in the manner provided for amendments to the Constitution of Oregon, this chapter shall, from and after the first day of January next succeeding such repeal, be of no further force or effect, nor shall any of its provisions have any validity whatsoever from and after such date. [1953 c.176 §30]

472.060 Powers and duties of commission. (1) For all purposes in connection with this chapter, the commission shall have and exercise all of the powers and be subject to the duties conferred upon it by the Oregon Liquor Control Act and Acts amendatory thereof and supplemental thereto, and constitutional provisions, and the commission is hereby authorized and directed to administer and perform the duties provided by this chapter within and in accordance with the powers and duties prescribed in the Oregon Liquor Control Act and Acts amendatory thereof and supplemental thereto, and constitutional provisions, so far as is applicable.

(2) In addition to the functions, duties and powers vested with and possessed by the commission, the commission is hereby vested with the following functions, duties and powers:

(a) To grant, refuse, suspend or cancel licenses for the sale upon licensed premises, by licensees, of distilled liquor for consumption on the premises;

(b) To collect taxes and duties imposed by Acts relating to the sale of distilled liquors, and to issue, and to provide for the cancelation of, revenue stamps and other devices evidencing payment of such taxes or duties;

(c) To investigate and aid in the prosecution of each violation of this chapter and other Acts relating to alcoholic liquors, to make seizure of distilled liquors, manufactured, sold, kept, imported or transported in contravention of this chapter, and to apply for the confiscation thereof, whenever required by this chapter, and to cooperate in the prosecution of offenders before any court of competent jurisdiction;

(d) To adopt such regulations as are necessary and feasible for carrying out the provisions of this chapter and to amend or repeal such regulations, and to exercise all such other powers, duties and functions covered by this chapter, and all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of this chapter. [1953 c.176 §§4,5]

472.070 to 472.100 [Reserved for expansion]

DISPENSERS' LICENSES

472.110 Issuance of dispenser's license; licensee's bond. (1) A dispenser's license may be issued to private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served, and shall be in three classes, designated as "Class A", "Class B" and "Class C".

(2) Class "A" dispenser's license. A Class "A" dispenser's license may be issued to private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served. Such license shall permit the licensee to purchase, from the commission only, distilled spirits as defined in this chapter at regular listed retail prices and to store the same on the licensed premises and to sell the same from the original container by the individual glass or drink for consumption on the licensed premises and shall allow the licensee to sell malt beverages and wine for consumption on the premises. Such malt beverages and wine shall be purchased only from licensees duly authorized to sell at wholesale under ORS 471.220 to 471.287. A Class "A" dispenser's license shall not permit dancing or any entertainment on the licensed premises other than radio, television or phonograph.

(3) Class "B" dispenser's license. A Class "B" dispenser's license may be issued to private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served. Such license shall permit the licensee to purchase, from the commission only, distilled spirits as defined in this chapter at regular

listed retail prices and to store the same on the licensed premises and to sell the same from the original containers by the individual glass or drink for consumption on the licensed premises and shall allow the licensee to sell malt beverages and wine for consumption on the premises. Such malt beverages and wine shall be purchased only from licensees duly authorized to sell at wholesale under ORS 471.220 to 471.287. In the absence of municipal ordinance or local regulation to the contrary, Class "B" dispensers' licensees shall be permitted to allow dancing and to have and permit other proper forms of entertainment upon the licensed premises.

(4) Class "C" dispenser's license. A Class "C" dispenser's license may be issued to private clubs, fraternal organizations and veterans' organizations holding or qualified to hold a club license under ORS 471.255. Such license shall permit the licensee to purchase, from the commission only, distilled spirits as defined in this chapter at regular listed retail prices and to store the same on the licensed premises and to sell the same from the original container by the individual glass or drink to members of the club and their guests for consumption on the licensed premises and shall allow the licensee to sell malt beverages and wine for consumption on the premises. Such malt beverages and wine shall be purchased only from licensees authorized to sell at wholesale under ORS 471.220 to 471.287. In the absence of any municipal ordinance or local regulation to the contrary, licensees hereunder shall be permitted to allow dancing and have other proper forms of entertainment for members and their guests on the licensed premises.

(5) The total number of licensed premises dispensing distilled liquor pursuant to ORS 471.250 and 471.255 and this chapter shall not in the aggregate at any time exceed one such licensed premise for each 2,000 population in the state, determined according to the last available federal census figures. [1953 c.176 §6; 1955 c.434 §1; 1957 c.223 §3]

472.120 Recommendation of local governing body regarding applicant for license. The commission may require of every applicant for a license the recommendation in writing of the county court, or board of county commissioners, in the event the place of business of the applicant is outside of an incorporated city, or of the city council if the place of business of the applicant is within an incorporated city, and the commission may, in its discretion, take such recommendation into consideration before granting or refusing such license. The applicant shall pay to such recommending authority a fee of $10 for each application for a license. [1953 c.176 §7]

472.130 Incorporated cities as licensees. Any incorporated city or town may, without further charter authority, obtain and hold a "dispenser's license." [1953 c.176 §8]

472.140 [1953 c.176 §11; repealed by 1957 c.220 §5 (ORS 472.141 enacted in lieu of ORS 472.140)]

472.141 Characteristics of license. (1) A license granted under this chapter shall:

(a) Be a purely personal privilege.

(b) Be valid for the year in which issued and expire December 31 of each year at 12 midnight, except as provided in ORS 472.195.

(c) Be renewable in the manner provided in ORS 472.150, except for a cause which would be grounds for refusal to issue such license under ORS 472.160, and in case of refusal to renew a license notice shall be given and an appeal granted in the manner provided in ORS 472.185 and 472.190.

(d) Be revocable or suspendible as provided in ORS 472.180, subject to appeal as provided in ORS 472.190.

(e) Cease upon the death of the licensee, except as provided in subsection (2) of this section.

(f) Not constitute property.

(g) Not be alienable.

(h) Not be subject to attachment or execution.

(i) Not descend by the laws of testate or intestate devolution.

(2) The commission may, by order, provide for the manner and conditions under which:

(a) Alcoholic liquors left by any deceased, insolvent or bankrupt person or licensee may be disposed of; or

(b) The business of any deceased, insolvent or bankrupt licensee may be operated for the unexpired term of the license. [1957 c.220 §6 (enacted in lieu of ORS 472.140)]

472.150 Application for initial license or renewal of license; license fees. (1) Any person desiring a license or renewal of a license shall make a sworn statement to the commission, upon forms furnished by the commission, showing the name and address of the

applicant, his citizenship, location of the place of business which is to be operated under such license, and such other pertinent information as the commission may require. No license shall be granted or renewed until the provisions of this chapter and the regulations of the commission shall have been complied with.

(2) The annual license fee which shall be paid by every applicant upon the granting of a license shall be as follows:

Class "A" dispenser's license.....$250
Class "B" dispenser's license.....$400
Class "C" dispenser's license:
For clubs with fewer than 500 members $100
For clubs with 500 to 1,000 members $200
For clubs with 1,000 or more members $300

The annual license fee for Class "A" or Class "B" dispenser's license for railroad corporations shall be $400 which shall permit dispensing of alcoholic liquors in accordance with this chapter.

(3) The license fee payable on any license granted subsequent to January 1 of any year shall be proportionate to the remainder of the year computed on a quarterly basis. [1953 c.176 §9; 1955 c.434 §2]

472.160 Grounds for refusing license. The commission may refuse any applicant if it has reasonable grounds to believe:

(1) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience.

(2) That the applicant has not furnished an acceptable bond.

(3) That any applicant to sell at retail for consumption on the premises has been financed or furnished with money or property by, or has any connection with, or is a manufacturer of, or wholesale dealer in, alcoholic liquor.

(4) That the applicant is in the habit of using alcoholic beverages or habit-forming drugs to excess.

(5) That the applicant has made false statements to the commission.

(6) That the applicant is not a citizen of the United States, or is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(7) That the applicant has been convicted of violating any of the alcoholic liquor laws of this state, general or local, including the provisions of this chapter, or has been convicted at any time of a felony.

(8) That the applicant has maintained a noisy, lewd, disorderly or insanitary establishment.

(9) That the applicant is not of good repute and moral character.

(10) That the applicant did not have a good record of compliance with the alcoholic liquor laws of this state and the regulations of the commission when previously licensed.

(11) That the applicant is not the legitimate owner of the business proposed to be licensed or that other persons have ownership interests in the business, which interests have not been disclosed.

(12) That the applicant is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(13) That the applicant is unable to read or write the English language or to understand the Oregon Liquor Control Act or regulations of the commission. [1953 c.176 §10]

472.170 Examinations of books and premises of licensees. The commission shall have the right at any time to make an examination of the books and premises of any licensee, or to check the alcoholic content of liquors carried by the said licensee, for the purpose of determining whether this chapter, and the regulations of the commission, are being complied with. [1953 c.176 §13]

472.180 Grounds for suspension or revocation of license. The commission may cancel or suspend any license granted if it finds:

(1) That the licensee, or any of its principal officers, has violated any provision of this chapter or Acts amendatory hereof or any regulation of the commission hereto.

(2) That the licensee has made any false representation or statement to the commission in order to induce or prevent action by the commission.

(3) That the licensee is not maintaining an acceptable bond.

(4) That any person licensed under this chapter is acting as an agent of, or is a manufacturer or wholesaler of, alcoholic liquors, or has borrowed money or property, or has accepted gratuities or rebates, or has obtained the use of equipment from any manufacturer or wholesaler of alcoholic liquor or any agent thereof.

(5) That the licensee maintains a noisy, lewd, disorderly or insanitary establishment or has been supplying impure or otherwise deleterious beverages or food.

(6) That the licensee is insolvent or incompetent or physically unable to carry on the management of his establishment.

(7) That the licensee is in the habit of using alcoholic liquor or habit-forming drugs to excess.

(8) That the licensee knowingly has sold alcoholic liquor to persons under 21 years of age, to persons known to be drunkards or interdicted persons, or to persons visibly intoxicated at the time of sale.

(9) That the licensee has misrepresented to a customer or the public any alcoholic liquor sold by him.

(10) That the licensee, or any of its principal officers, since the granting of his license has been convicted of a felony or has been convicted of violating any of the liquor laws of this state, general or local, or has been convicted of any misdemeanor or violation of any municipal ordinance where such misdemeanor or violation of municipal ordinance was committed on the licensed premises.

(11) That there is any other reason which, in the opinion of the commission based on public convenience or necessity, warrants canceling or suspending such license. [1953 c.176 §12; 1957 c.220 §7]

472.185 Notice of refusal to renew, cancelation or suspension. Notice of refusal to renew under ORS 472.160 or cancelation or suspension under ORS 472.180, stating the reason therefor, shall be served upon the licensee or the person in charge, temporarily or otherwise, of the licensed premises, or affixed to the outside of a door of the licensed premises, or sent by registered mail addressed to the licensee at the licensed premises. Notice of refusal to renew a license shall be affixed, served or delivered not later than 10 days prior to the expiration of the license. Cancelation or suspension shall take effect 10 days after the affixing, service or delivery of such notice. [1957 c.220 §8]

472.190 Appeal from refusal to renew, suspension or revocation. (1) In case the commission shall refuse to renew, suspend or revoke any license or permit, the person thereby affected may, within 10 days after receiving notice from the commission, appeal from such adverse decision to the circuit court of the county in which he resides, assigning the errors alleged to have been committed on the part of the commission in the refusal to renew, suspension or revocation of such license or permit.

(2) Upon such appeal, the reasons of the commission in refusing to renew, suspending or revoking the license or permit may be received as evidence. In case of such appeal, the hearing shall be as in equity cases. No injunction shall be issued against the commission pending such hearing, but the court shall advance the cause on the calendar and hear the same as early as possible. Costs shall be taxed in favor of the prevailing party as in civil actions.

(3) If the court shall decide upon the trial of said appeal that the commission abused its discretion in refusing to renew, suspending or revoking the license or permit, it shall enter a decree accordingly; a copy of said decree shall be transmitted forthwith by the clerk of said court to the commission, and the commission shall renew the license or cancel the suspension or revocation. [1953 c.176 §14; 1957 c.220 §9]

472.195 Special dispenser's license. A special dispenser's license may be issued to holders of dispenser licenses as defined in ORS 472.110. A special dispenser's license shall entitle the holder to dispense as permitted by his license under ORS 472.110 for a period not to exceed five days at a designated place other than set forth in his license granted under ORS 472.110; provided, however, that the commission may excuse the licensee from compliance with such license requirements as may be found not inconsistent with the purposes of the Act. The fee for a special dispenser's license shall be $25 per license day, a license day for the purposes of this privilege being the consecutive hours of operation designated by commission regulation to apply to licenses as defined in ORS 472.110. [1955 c.701 §2; 1957 c.223 §4]

472.200 Disposal of license fees collected; refunds. (1) All license fees collected by the commission under this chapter shall be remitted to the State Treasurer who shall credit such fees to an unreceipted license fee account of the Oregon Liquor Control Commission, and when such fees become earned the commission may direct the State Treasurer to transfer such funds to a special license fee account. After computing the

amount of fees due to the various cities, towns and counties, the commission shall distribute such moneys as follows:

(a) Sixty percent of all license fees collected from licensees whose place of business is in an incorporated city or town shall be paid to the treasurer of such city or town and 60 percent of all license fees collected from licensees whose place of business is outside an incorporated city or town shall be paid to the county treasurer of the county in which such place of business is located.

(b) The balance of such fee shall be paid to and accredited as revenue of the General Fund of the state available for general governmental purposes.

(2) The commission shall compute on a calendar basis the amount of fees due to the various cities, towns and counties on or before April 10 following the preceding calendar year; provided, that whenever it shall appear to said commission that any license fee or deposit is properly refundable to any applicant, said commission hereby is authorized and directed to make refund of said fee or deposit by check drawn upon the State Treasurer and charged to the unreceipted license fee account of the Oregon Liquor Control Commission.

(3) Any city that has by election determined to prohibit the sale of distilled spirits, as defined in this chapter, shall not be entitled to and shall not participate in what would otherwise be its proportionate share of the funds herein described, so long as such prohibition shall be in force. [1953 c.176 §19]

472.210 to 472.300 [Reserved for expansion]

PROHIBITIONS; DISPOSAL OF FINES

472.310 Prohibitions. It shall be unlawful:

(1) For any person to peddle or deliver alcoholic liquor to or at any place where, without a license, alcoholic liquor is sold or offered for sale, or for any licensee to sell or offer for sale, any alcoholic liquor of a kind, in a manner, or to a person other than his license permits him to sell.

(2) For any licensee under this chapter to sell or dispense any distilled liquor, or to purchase, possess, transport or import any distilled liquor for the purpose of dispensing same, except such as shall have been procured from or through the commission.

(3) For any person to serve, sell or dispense alcoholic liquor to any person under the age of 21 years, to a person who is visibly intoxicated, or to a person who has been interdicted from purchasing same.

(4) For any person to maintain or assist in maintaining a common nuisance.

(5) For any licensee under this chapter or for any dealer in, manufacturer or distiller of, intoxicating liquor to make any monetary contribution to any candidate for political offices or to any political party or engage in any political activity on the licensed premises; provided, however, that nothing herein contained shall be construed to prevent any such licensee or his agent or officer of a corporation from being a candidate for or holding any public office or contributing to his own campaign for such public office.

(6) For any person to make false representation or statement to the commission in order to induce or prevent action.

(7) For any licensee of the commission to maintain a noisy, lewd, disorderly or insanitary establishment or to supply impure or otherwise deleterious alcoholic beverages.

(8) For any licensee of the commission to misrepresent to a customer or to the public any alcoholic liquor sold by such licensee.

(9) For any person under an order of interdiction to possess, purchase or offer or attempt to purchase any alcoholic liquor.

(10) For any person under the age of 21 years to purchase alcoholic liquor.

(11) For any person knowingly to suffer or permit a nuisance as defined by ORS 471.620 to exist or be kept or maintained in any room, house, building, boat, structure or place of any kind of which he is the owner, manager or lessor. [1953 c.176 §15; 1959 c.399 §2]

472.320 Disposal of fines collected. All fines imposed by any judge, magistrate or court in the enforcement of this chapter shall be forwarded immediately to the county treasurer of the county in which such conviction is had, and it shall be the duty of such county treasurer to keep the same in a separate fund which shall be designated as an enforcement fund, and against which fund shall be drawn all warrants for any expenditures in the enforcement of this chapter which shall have been approved by the district attorney of said county. All claims shall be verified by the claimants or persons

having knowledge or supervision of the expenditures thereof, and shall be audited by the county court in the usual manner before presentation for the payment thereof; when such enforcement fund shall exceed the amount paid to satisfy the total of all claims made against such fund during the calendar year immediately preceding, the excess amount thereof shall be paid over to the general fund of such county semiannually by the county treasurer on June 30 and December 31 of each and every year; provided, that any fine imposed or collected by police or municipal judge, or recorder of any city or town, within the State of Oregon may be retained by said municipality and shall be paid over and become a part of the general fund of such city or town. [1953 c.176 §17]

472.330 to 472.400 [Reserved for expansion]

LOCAL OPTION

472.410 Filing petition for local option. Whenever a petition therefor, signed by not less than 15 percent of the registered voters of any county in the state, or of any incorporated city having a population of 500 or more in the last official U. S. census in any county of the state, is filed with the county clerk of such county, or the clerk or auditor of such city, as prescribed in ORS 472.420, the officer with whom the petition is filed shall order an election to be held at the time prescribed in ORS 472.420, and in the county or city mentioned in the petition, to determine whether or not the sale by the individual glass of distilled liquor shall or shall not be prohibited in such county or city. In determining whether the petition contains the requisite percentage of legal voters, the percentage shall be based on the number of registered voters in such counties or cities at the last preceding general election. [1953 c.176 §20]

472.420 Date and place of election; notice of filing of petition; effective date of election result. (1) Elections ordered under ORS 472.410 shall be held only upon the next regular November biennial election day.

(2) The petition therefor shall be filed with the county clerk or city clerk or auditor not less than 60 days before the day of election. Where the petition is filed with a city clerk or auditor, he shall, within three days thereafter, mail to the county clerk of the county in which the petition is filed, a notice of the filing, giving the date thereof. The county clerk shall keep such notice in a convenient and separate file open for public inspection and shall post a copy of it in a public place.

(3) In any county or city that returns a majority vote for or against the sale by the individual glass of alcoholic liquor containing more than 14 percent of alcohol by volume, the law shall take effect on January 1 following the day of election.

(4) Elections provided for by this section shall be held at the regular voting places within the proposed limits, and by the judges and clerks of election appointed and qualified under the general election laws of the state. [1953 c.176 §21]

472.430 Form of petition; circulator's affidavit. (1) The form of petition shall be substantially as follows:

Petition for Local Option Election

We, the undersigned, legal voters of (here insert name of county or city), respectfully petition that on the ———— day of November, 19——, an election be held to determine whether the sale by the individual glass of alcoholic liquor containing more than 14 percent of alcohol by volume shall be prohibited in (said county or city), and each for himself says: I have personally signed this petition and my residence, postoffice, voting precinct and date of signing are clearly written after my name. My residence (if in city, street and number, if any), postoffice, precinct and date of signing: (Here follows 20 numbered lines for signatures.)

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(2) Each sheet shall be signed at the bottom thereof with the name, address and street and house number, if any, of the circulator thereof, who shall append to each sheet his affidavit in the following form:

State of Oregon }
County of ———— } ss.

I, ————————, being first duly sworn, say that every person who signed this sheet of the foregoing petition, signed his or her name thereto in my presence; I believe that each has stated his or her name, postoffice address and residence correctly, and that each signer is a legal voter of the State of Oregon and County of ————.

Signature of circulator of this sheet of petition ————————.

Postoffice address of circulator of this sheet of petition, with street and number, if in a city or town ————————.

Subscribed and sworn to before me this ——— day of ————, A.D. 19——.

Notary Public for Oregon ————.

Postoffice address of notary, including street and number if in a city or town ————————.

My commission expires:————.

[1953 c.176 §24]

472.440 Maximum number of signatures per sheet; filing of signature sheets; validation of names; petition subject to public inspection. (1) If any sheet filed with the petition contains more than 20 names, none of the names on such sheet shall be counted. No signature is valid unless signed within 180 days prior to the filing of the petition, which must affirmatively appear upon the petition. When the petition has been filed it shall not be withdrawn, or any name thereof, nor any names added thereto. It shall be a public document subject to inspection by the public.

(2) The sheets upon which the signatures appear shall be fastened together into one petition and filed as a whole. Upon receipt of the petition, the county clerk, or city clerk or auditor, shall immediately file it and thereupon compare the signatures of electors signing it with their signatures on the registration books of the election then pending; or if none is pending, then with the signatures on the registration books and blanks on file in his office for the preceding general election. If the requisite number of qualified electors has signed the petition and it has been filed as provided for in this chapter, it shall go upon the ballot as provided in ORS 472.410. [1953 c.176 §25]

472.450 Form of election notice. At least 20 days prior to any election ordered under ORS 472.410, the county clerk, or city clerk or auditor, shall deliver to the sheriff of the county at least three notices of the election at every election board in each county or city voting on the election. The notices shall be substantially in the following form:

LIQUOR ELECTION NOTICE

Notice is hereby given that on the —— day of ————, 19——, in precinct ———, in the county of ————, an election will be held from (here insert the hours in which the general election is held) to determine whether the sale by the individual glass of alcoholic liquor containing more than 14 percent of alcohol by volume shall be prohibited in (here insert the name of the county or city, to comply with the petitions duly filed).

Dated this ——— day of ————, 19——.

————————

County Clerk of ———— County, Oregon, or

City Clerk or Auditor of ————.

[1953 c.176 §26]

472.460 Posting of election notices; recording compliance with statutes. The sheriff, at least 12 days before any election ordered under ORS 472.410, shall post the notices provided for in ORS 472.450 in such places in the vicinity of the polling places. Thereupon the county clerk, or city clerk or auditor, and the sheriff shall each enter of record their compliance with the provisions of ORS 472.450 and this section, and such record shall be prima facie evidence that all such provisions have been complied with. [1953 c.176 §27]

472.470 Form of ballot. Before the election ordered under ORS 472.410 is held, the county clerk shall arrange the ballots and have them printed in the following form (with the proper number as prescribed by ORS 254.090 to 254.104 in the space occupied by the number "51" in the ballot form set out in this section):

	PROHIBITING THE SALE OF ALCOHOLIC LIQUOR BY THE INDIVIDUAL GLASS.	YES ☐
51	Shall the sale by the individual glass of alcoholic liquors containing more than 14 percent of alcohol by volume be prohibited within the limits of (name of the county or city)?	NO ☐

[1953 c.176 §28; 1955 c.106 §1]

472.480 Furnishing ballots to precincts. The county clerk, or city clerk or auditor, shall furnish each precinct voting on the question, as set out pursuant to ORS 472.470, official and sample ballots equal in number

to that required at general elections by the general election laws of the state and in the manner therein required. [1953 c.176 §29]

472.490 Application of general election laws. The general election laws, so far as they are applicable, apply to all elections held under this chapter. No person is qualified to vote at such election who is not qualified to vote at that election for the county or city officers in the district in which he proposes to vote. [1953 c.176 §22]

472.500 Certification and recording of vote. The county clerk, or city clerk or auditor, upon canvass of the election returns, shall certify to the county court the vote for and against the sale of distilled liquor by the individual drink, whereupon the same shall be entered in the journal of the county court. [1953 c.176 §23]

472.510 to 472.980 [Reserved for expansion]

PENALTIES

472.990 Penalties; jurisdiction. (1) Any person or persons who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $500, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, in the discretion of the court, and for a second or subsequent violation of any kind of the provisions of this chapter, such person shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than one year, or both, in the discretion of the court.

(2) All police or municipal judges or recorders of any city or town, or justices of the peace, or district courts or circuit courts shall have concurrent jurisdiction of all violations of the provisions of this chapter committed within their respective city, town, county or district. [1953 c.176 §16]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel