

Bond Case Briefs

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MUNICIPAL ORDINANCE - OREGON

State v. Uroza-Zuniga

Supreme Court of Oregon - April 18, 2019 - P.3d - 364 Or. 682 - 2019 WL 1723584

Following denial of his suppress motion, defendant was convicted, after a trial on stipulated facts, in the Circuit Court, of possession of methamphetamine after police arrested him for violating a municipal public drinking ordinance.

The Court of Appeals affirmed. Defendant petitioned for certiorari review, which petition was granted.

The Supreme Court held that municipal public drinking ordinance fell within exception to state law prohibiting municipalities from making public drinking an offense subject to sanctions and penalties and, thus, was not preempted by state law.

Municipal ordinance prohibiting the drinking of alcohol in public places fell within exception to state law prohibiting municipalities from making public drinking an offense subject to sanctions and penalties and, thus, was not preempted by state law; state statute carved out exception for creation and enforcement of local laws or regulations making public drinking an offense for “places where any consumption of alcoholic beverages is generally prohibited,” and ordinance at issue generally prohibited consumption of alcohol while in or upon any public place.