

## CHAPTER 10.16

### ALCOHOL AND TOBACCO RELATED OFFENSES

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**10.16.011: Purpose - Definitions:** It is the purpose of this Chapter to implement the provisions of RCW 66.44.010 by providing ordinance violations for various State and local liquor regulations. The definitions used throughout title 66 of the Revised Code of Washington apply to the words and phrases contained in this Chapter and the provisions of this Chapter should be construed in light of said chapter of the Revised Code of Washington and the interpretations placed upon its provisions by the Washington Liquor Control Board and the courts of the State. The definitions in Chapter 6.64 apply to cigarette and tobacco products. (Ord. 3723 Sec. 6, 1997; Ord. 3096 Sec. 1, 1987; Ord. 2857 Sec. 1, 1984)

**10.16.020: Minor Frequenting Taverns or Cocktail Lounges:** Except as otherwise provided by law, it is unlawful for any person under the age of twenty one (21) to enter or remain on the premises of a tavern or cocktail lounge portion of any public class H licensed premises. (Ord. 2857 Sec. 2, 1984; Ord. 2089 Sec. 2 (part), 1977)

**10.16.030: False Identification to Obtain Liquor or Tobacco:** It is unlawful for anyone knowingly to transfer any identification of age to a person under the age of twenty one (21) years for the purpose of permitting such person to obtain liquor or under the age of eighteen (18) for the purpose of obtaining cigarette or tobacco products, or for such person to use such identification, or to make false representations as to his age, for the purpose of obtaining liquor, cigarettes or tobacco products. (Ord. 3723 Sec. 7, 1997; Ord. 2089 Sec. 2 (part), 1977)

**10.16.035: Forged Identification:** No person may forge, alter, counterfeit, otherwise prepare to acquire and supply to a person under the age of twenty one (21) years a facsimile of any of the officially issued cards of identification that are required for presentation under RCW 66.16.040. A violation of this Section is a gross misdemeanor. A minimum fine of two thousand five hundred dollars (\$2,500.00) shall be imposed. (Ord. 3106 Sec. 2, 1987)

**10.16.040: Unlawful to Allow Minor Where Intoxicants Served:** It is unlawful for any person having charge of any tavern or cocktail lounge portion of any class H license premises to allow any person under twenty one (21) years of age to remain on the premises except as otherwise provided by State law. (Ord. 2857 Sec. 3, 1984; Ord. 2089 Sec. 2 (part), 1977)

**10.16.051: Opening or Consuming Liquor in a Public Place:** Except as otherwise permitted by law, no person may open the package containing liquor or consume liquor in any public place. A violation of this section is a civil infraction and subject to a civil penalty up to \$500.00. (Ord. 5057 Sec. 20, 2004; Ord. 2857 Sec. 4 (part), 1984)

**10.16.061: Alcohol in City Parks:** No person may consume or possess any liquor in any City park except in accord with a permit issued by the Washington Liquor Control Board and, in the case of special events, with the written approval of the Director of Park and Recreation or, in the case of concessions, with the written approval of the City Manager. (Ord. 2857 Sec. 4 (part), 1984)

**10.16.071: Keg Registration:**

(1) It is unlawful for any person to sell or offer for sale kegs or other containers containing four (4) gallons or more of malt liquor to consumers without first complying with the provisions of RCW 66.28.200 and RCW 66.28.210 or when the kegs or containers are not identified in compliance with the rules and regulations of the Washington State Liquor Control Board.

(2) Except as provided in subsection (c) below, a violation of this Section is punishable by a fine of not more than five hundred dollars (\$500.00).

(3) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four (4) or more gallons of malt liquor to a minor is liable, on conviction, for a first offense, for a penalty of not more than five hundred dollars (\$500.00) or for imprisonment for not more than two (2) months, or both; for a second offense, for a penalty of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months or both; and for a third or subsequent offense, for a penalty of not more than five hundred dollars (\$500.00) or imprisonment for more than one year, or both. (Ord. 3609 Sec. 1, 1995; Ord. 3239 Sec. 1, 1990)

**10.16.080: Consumption of Liquor by Minor:**

(1) It is unlawful for any person under the age of twenty one (21) years to acquire in any manner, consume, or have in his possession, any intoxicating liquor.

(2) It is unlawful for any person under the age of 21 to be in a public place or a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For the purposes of this section, exhibiting the effects of having consumed liquor means that the person has an odor of liquor on his or her breath and either is in possession of or in close proximity to a container that has or recently had liquor in it or by, speech, manner, appearance, behavior, lack of coordination or otherwise exhibits that he is under the influence of liquor.

(3) This section does not apply to liquor given, or permitted to be given, to a person under the age of twenty one (21) years by his parent or guardian, which shall be consumed in the presence or premises of the parent or guardian, or liquor administered to him by his physician or dentist for medicinal purposes, or liquor used in connection with religious services. (Ord. 3794 Sec 1, 1998; Ord. 3481 Sec. 1, 1993; Ord. 2089 Sec. 2 (part), 1977)

**10.16.085: Possession or Use of Tobacco by Minors:**

(1) It is unlawful for any person under the age of eighteen (18) to acquire, possess, smoke, chew or otherwise use or consume any tobacco product or cigarette as defined by KMC 6.64.030.

(2) It shall also be unlawful for any person to sell, give, or otherwise deliver any cigarettes or tobacco products to any person under the age of eighteen (18). (Ord. 3794 Sec. 2, 1998; Ord. 3723 Sec. 8, 1997; Ord. 3236 Sec. 1, 1990)

**10.16.090: Supplying Liquor to Minors:** It is unlawful for any person to give, or otherwise supply, intoxicating liquor to any person under the age of twenty one (21) years, or to permit any person under twenty one (21) years of age to consume intoxicating liquor on or in his premises, automobile, trailer, or vehicle, or on or in any premises, automobile, trailer, or vehicle under his control, except as provided in Section 10.16.080 of this Chapter. (Ord. 2089 Sec. 2 (part), 1977)

**10.16.100: Unlawful Purchase of Liquor:** It is unlawful for any person to knowingly purchase or attempt to purchase liquor at a time or place prohibited or not specifically authorized by the laws of the State or the rules and regulations of the Washington State Liquor Control Board. (Ord. 2962 Sec. 1, 1986)

**10.16.110: Sales to or Purchase by Persons Under the Influence:**

(1) No person shall sell any liquor to any person apparently under the influence of liquor.

(2)(a) No person who is apparently under the influence of liquor may purchase or consume liquor on any premises licensed by the board.

(b) A violation of this subsection is an infraction punishable by a fine of not more than five hundred dollars.

(c) A defendant's intoxication may not be used as a defense in an action under this subsection.

(3) An administration action for violation of subsection (1) of this section and an infraction issued for violation of subsection (2) of this section arising out of the same incident are separate actions and the outcome of one shall not determine the outcome of the other. (Ord. 3818 Sec. 1, 1998).

**10.16.900: Violation a Misdemeanor:** Any person who violates or fails to comply with any provisions of this Chapter is guilty of a misdemeanor, except violations of Subsection 10.16.080(1) and Section 10.16.090 are gross misdemeanors and punishable accordingly. The minimum fine for violation of Sections 10.16.030 and 10.16.090 shall be two hundred fifty dollars (\$250.00). Any person violating Subsection 10.16.085(1) is guilty of a class 3 civil infraction and the court may order participation in up to four hours of community service or both. The court may also require participation in a smoking cessation program. The custodial parent of any person under the age of eighteen (18) who violates any of these provisions is guilty of a class 2 infraction. (Ord. 3794 Sec. 3, 1998; Ord. 3631 Sec. 2, 1995; Ord. 3255 Sec. 1, 1990; Ord. 3236 Sec. 2, 1990; Ord. 3106 Sec. 1, 1987; Ord. 2089 Sec. 2 (part), 1977)