

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 9.44 RELATING TO OFFENSES BY OR AGAINST JUVENILES; SPECIFICALLY ADOPTING BY REFERENCE SECTION 66.44.270 OF THE REVISED CODE OF WASHINGTON

WHEREAS, the City has an interest in protecting minors from the harmful effects and consequences of intoxication; and

WHEREAS, the City's current code provision does not adequately address circumstances where a minor is intoxicated but is not in possession of alcohol; and

WHEREAS, RCW 66.44.270 sets forth in greater detail the behavior that the City wishes to prohibit;

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other applicable authority;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 9.44. Chapter 9.44 of the Olympia Municipal Code is hereby amended to read as follows:

**Chapter 9.44
OFFENSES BY OR AGAINST JUVENILES**

9.44.000 Chapter Contents

Sections:

- 9.44.010 Definitions.
- 9.44.020 Offenses in taverns.
- 9.44.030 Person under twenty-one prohibited where intoxicants are served.
- 9.44.040 ~~Intoxicating liquor—Possession by and sale to person under twenty-one.~~
State statutes adopted by reference.
- 9.44.050 False identification to obtain liquor.
- 9.44.060 Firearms.
- 9.44.070 Tobacco to minor.

9.44.010 Definitions

For the purpose of this chapter, certain words and terms are defined as follows:

- A. "Liquor" means liquor as defined in the Washington State Liquor Act (RCW 66.040.010(16)).
- B. "Minor" means any person less than eighteen years of age, unless otherwise specifically designated.

C. "Tavern" means any establishment with special space and accommodations for sale by the glass, and for consumption on the premises, of beer; except, that bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as a tavern during the hours such food service is made available to the public.

9.44.020 Offenses in taverns

It is unlawful for any person, firm or corporation within the city:

- A. To serve or to allow to remain on the premises in a tavern any person under twenty-one;
- B. For any person under twenty-one to enter or remain on the premises of any tavern.

9.44.030 Person under twenty-one prohibited where intoxicants are served

- A. It is unlawful for any person having charge of a public place in the city where intoxicating liquors are served to admit or to allow any person under twenty-one to remain on the premises contrary to the laws of the state.
- B. It is unlawful for any person under the age of twenty-one to enter or remain in any public place where intoxicants are served.

~~9.44.040 Intoxicating liquor—Possession by and sale to person under twenty-one~~

~~A.— It is unlawful for any person under twenty-one to acquire in any manner, consume or have in his possession any intoxicating liquor; provided that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under twenty-one by his parents or guardians for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes.~~

~~B.— It is unlawful for any person to give, sell, or otherwise supply intoxicating liquor to any person under twenty-one or permit any person under twenty-one to consume intoxicating liquor on his premises or on any premises under his control, except as exempted in subsection A of this section.~~

9.44.040 State statute adopted by reference

The following section of the Revised Code of Washington (RCW), as it appears now or is hereafter amended, is hereby adopted by reference as though fully set forth in this chapter:

RCW 66.44.270- Furnishing Liquor to Minors - Possession, use – Penalties – Exhibition of effects – Exceptions

9.44.050 False identification to obtain liquor

It is unlawful for anyone knowingly to transfer any identification of age to a person under the age of twenty-one years for the purpose of permitting such person to obtain liquor, or for such person to use such

identification or make false representation as to his age for the purpose of obtaining liquor or gaining admittance to a tavern.

9.44.060 Firearms

A. It is unlawful for anyone to sell, give, furnish or cause to be furnished, or permit to be sold, given, furnished or cause to be furnished to a minor a pistol, rifle, shotgun or similar firearm, or any ammunition for the same.

B. It is unlawful for a minor to purchase, possess, or use any firearm or any ammunition for the same.

C. In any prosecution under this section it is an affirmative defense that the firearm is being used or is about to be used immediately at a rifle range or that such minor is to immediately embark on a lawful animal hunt and such minor possesses a lawful hunting license and is accompanied by a person over the age of eighteen years.

9.44.070 Tobacco to minor

It is unlawful for any person to sell, give, furnish or cause to be furnished to any minor any cigarette, cigar or tobacco in any form, or for a minor to possess same.

Section 2. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be unaffected.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: