

ORDINANCE NO. 1472

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY MAKING CERTAIN HOUSEKEEPING CHANGES TO TITLE 9 OF THE LACEY MUNICIPAL CODE, AMENDING SECTIONS 9.40.020, 9.40.030, 9.40.040, AND 9.40.080, AND APPROVING A SUMMARY FOR PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 9.40.020 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.020 Minors frequenting off limits areas.

Except as otherwise provided in Revised Code of Washington 66.44, ~~it shall be a misdemeanor~~ is unlawful:

- A. To serve a minor or allow a minor to remain in any area classified by the Washington State Liquor Control Board pursuant to Revised Code of Washington 66.44 as off limits to any person under the age of twenty-one years;
- B. For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a class H club license;
- C. For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the board as off-limits to such a person.

Section 2. Section 9.40.030 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.030 Furnishing liquor to minors.

~~A person is guilty of a gross misdemeanor if he~~ It is unlawful for any person to:

- A. Sells, gives or otherwise supplies liquor to any minor; or
- B. Permits a minor to consume liquor on his or her premises or on any premises under his or her control; or
- C. Invites a minor into a public place where liquor is sold and treats, gives or purchases liquor for such minor, or permits a minor to treat, give or purchase liquor for him, or holds out such minor to be over the age of twenty-one years of age or older to the owner or employee of the liquor establishment, a law enforcement officer, or liquor enforcement officer.
- D. For purposes of Section 9.40.030.A and 9.40.030.B, “premises” includes real property, houses, buildings and other structures, and motor vehicles and watercraft.

Provided, however, that Sections 9.40.030.A and 9.40.030.B, shall not apply to liquor given or permitted to be given to a minor by his parent or guardian for beverage or medicinal purposes and consumed in the presence of a parent or guardian; or administered to him by his physician or dentist for medicinal purposes; or used in connection with a religious service and the amount consumed is the minimal amount necessary for the religious service. This provision shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under Revised Code of Washington Chapter 66.24.

Section 3. Section 9.40.040 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.040 Minors purchasing and possessing liquor.

~~A person is guilty of a misdemeanor if he is a minor and he:~~ It is unlawful for a minor to:

- A. Purchases or attempts to purchase any liquor; or
- B. Acquires, possesses or consumes any liquor; or

~~1. liquor; or~~

~~2C.~~ ~~is~~ ~~Bbe~~ in a public place or in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. Exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either:

~~a1.~~ is in possession of or close proximity to a container that has or recently had liquor in it; or

~~b2.~~ by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor.

~~ED.~~ Provided, however, that Section 9.40.040.B shall not apply to liquor given or permitted to be given to a minor by his parent or guardian for beverage or medicinal purposes and consumed in the presence of a parent or guardian; or administered to him by his physician or dentist for medicinal purposes; or used in connection with a religious service and the amount consumed is the minimal amount necessary for the religious service.

~~DE. Violation of Section 9.40.040.A is a misdemeanor. A fine not less than two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service.~~

Section 4. Section 9.40.080 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.080 Penalties.

A. Every person guilty of a violation of Lacey Municipal Code 9.40.020 and 9.40.040 ~~(B)(A)~~ is guilty of a misdemeanor.

B. Every person guilty of a violation of Lacey Municipal Code 9.40.030, ~~and~~ 9.40.040 (B), ~~and~~ 9.40.040 (C) is guilty of a gross misdemeanor.

~~C. Every person guilty of violation of Lacey Municipal Code 9.40.020 through 9.40.040 for which no penalty has been specifically provided shall be liable, on conviction, for a first offense to a penalty of not more than \$500, or to imprisonment for not more than two months, or both; for a second offense to imprisonment for not more than six months; and for a third or subsequent offense to imprisonment for not more than one year. If the offender convicted of an offense referred to in this section is a corporation, it shall for a first offense be liable to a penalty of not more than \$5,000, and for a second or subsequent offense to the penalty of not more than \$10,000, or to forfeiture of its corporate license, or both.~~

Section 5. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 6. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 7. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 25th day of June, 2015.

CITY COUNCIL

By: Rocky D. Snyder

Mayor

Approved as to form:

[Signature]

City Attorney

Attest:

Carol Tate

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1472

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 25, 2015, Ordinance No. 1472 entitled “AN ORDINANCE OF THE CITY OF LACEY MAKING CERTAIN HOUSEKEEPING CHANGES TO TITLE 9 OF THE LACEY MUNICIPAL CODE, AMENDING SECTIONS 9.40.020, 9.40.030, 9.40.040, AND 9.40.080, AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance clarifies the penalty classifications for criminal purchase and possession of liquor by minors under the Lacey Municipal Code.
2. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: June 29, 2015.