

Chapter 9.36

ALCOHOLIC BEVERAGES

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9.36.010 **Exercise of police power.** This chapter is in exercise of the police power of the city as an aid to the enforcement of the liquor control statutes of the state and shall be liberally construed for that purpose. (Ord. 325, 1978.)

9.36.020 **Definitions.** When used in this chapter, the following words or phrases shall have the meaning given for them in this section, unless the context clearly requires a different meaning:

- A. "Board" means the State Liquor Control Board or its successor agency.
- B. "Licensed premises" means any place in which liquor is legally sold for consumption on the premises. It includes all parts of the premises to which the general public or, in the case of a club, the membership thereof is ordinarily admitted and in which liquor is served, and any part of the premises in which liquor is stored or prepared. It excludes portions of the premises from which the general public is excluded (or, in the case of a club, from which members of the club are excluded) and in which liquor is not stored or prepared.
- C. "Liquor" means any substance, whether liquid, semisolid, or solid, that contains more than one percent of ethyl alcohol by weight.

- D. "Person" includes any natural person, and any partnership, firm, association or corporation, whether acting as agent or principal.
- E. "Public place" includes: streets and alleys; buildings and grounds used for school purposes; public dance halls and adjacent grounds; any part of any of the following to which the public is permitted unrestricted access and which is usually open to and generally used by the public places in which beer may be sold under Title 66 of the Revised Code of Washington, soft drinks establishments, public buildings, public meeting halls, theaters, stores, garages, filling stations, and the lobbies, halls, and dining rooms of hotels; public conveyances of any kind, and the depots and waiting rooms used in conjunction therewith; publicly owned bathing pools, parks, or playgrounds; and any other places similar to or like any of the foregoing to which the public is permitted unrestricted access and which is usually open to and generally used by the public.
- F. "Sell" includes exchange, barter, and traffic; and also includes the selling or supplying or distributing, by any means whatsoever to any person, including a sale or selling within the city to a foreign consignee or his agent in the city.
- G. "Spirits" means any beverage that contains ethyl alcohol obtained by distillation and any beverage that contains more than seventeen percent of ethyl alcohol by weight. (Ord. 325, 1978.)

9.36.030 **License to sell--Required.**

- A. No person shall offer to sell, or possess or keep with intent to sell, any liquor, unless he is duly licensed by the State Liquor Control Board to sell the same at the time and place where sold, offered, possessed or kept, and licensed to sell the liquor to a class of person to which any person to whom he sells or offers to sell belongs.
- B. The possession of spirits in a place not licensed to sell spirits but licensed to sell other liquor shall be presumptive evidence that the spirits are kept for the purpose of sale.
- C. The possession of liquor by a principal or an agent on premises registered with the Federal District Director of Internal Revenue as a place at which any branch of retail liquor trade is conducted shall be presumptive evidence of intent of such person to sell liquor at such place. (Ord. 325, 1978).

9.36.040 **Acting without license--Unlawful.** It is unlawful for any person to do any act for which a license is required by Title 66, Revised Code of Washington, or by any regulation of the board without having such license. (Ord. 325, 1978.)

9.36.050 **Possession of contraband.** Except as permitted by statute or by the board, no liquor shall be kept or had by any person unless the package containing the liquor has been sealed with the official seal of the board at a time in which the package contained that liquor. This provision shall not apply to liquor manufactured for home consumption or kept for personal use and not for sale. (Ord. 325, 1978.)

9.36.060 **Operating still--Restricted.** Except as permitted by statute, no person shall manufacture liquor, except for home consumption. No person shall operate any still for the manufacture of liquor. (Ord. 325, 1978.)

9.36.070 **Purchase or possession by minors.**

- A. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or used in connection with religious services, no person shall give or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his premises or on any premises under his control.
- B. No person under the age of twenty-one years shall acquire or have in his possession or purchase, drink, or consume liquor, except in the case of liquor given or permitted to be given to such person by his parent or guardian for beverages or medicinal purposes or administered to him by his physician or dentist for medicinal purposes, or used in connection with religious services.
- C. No person under the age of twenty-one years shall attempt to obtain any liquor contrary to the provisions of this section.
- D. Any person under the age of twenty-one years who is found to have consumed liquor shall be presumed to have consumed the same within the city limits. Such presumption shall apply throughout any criminal prosecution alleging a violation of this section, unless and until the same is rebutted by other competent evidence. (Ord. 325, 1978.)

9.36.080 **Selling to inebriate.** No person shall sell liquor to any person apparently intoxicated. (Ord. 325, 1978.)

9.36.090 **Procuring liquor for the ineligible.** Except in the case of liquor administered by a physician or dentist or sold under prescription in accordance with RCW Title 66, no person shall procure, supply, or assist directly or indirectly in procuring or supplying liquor for or to anyone whose right to purchase liquor is suspended or has been cancelled or who for any other reason is forbidden by

law to purchase liquor. (Ord. 325, 1978.)

9.36.100 **Taking orders.** Except as provided in RCW 66.26.050, no person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor. (Ord. 325, 1978.)

9.36.110 **False identification.** No person shall use or present any false, forged, or counterfeited identification or other papers or things or any identification papers issued to identify another person inducing any other person to sell any liquor to him. (Ord. 325, 1978.)

9.36.120 **Public consumption.** Except as permitted by Title 66 of the Revised Code of Washington and this chapter and any amendments hereof, no person shall in any public place open any package containing liquor or consume liquor, or break any seal used by the board to seal a container of liquor. (Ord. 325, 1978.)

9.36.130 **Age of employees.** No person under the age of twenty-one years shall be employed in any service in connection with the sale, handling, or serving of any liquor, either on a paid or voluntary basis, in, on, or about any licensed premises. (Ord. 325, 1978.)

9.36.140 **Inspections.** All licensed premises shall at all times be open to inspection by any authorized police officer. (Ord. 325, 1978.)

9.36.150 **Allegation of violation.**

- A. In describing any offense under this chapter, it shall be sufficient to state the offense in the words of this chapter or in any words of like effect; no exception, exemption, provisions, excuse, or qualification whether it occurs by way of provision or in the description of the offense need be specified or negated in the complaint, although it may be provided by defendant; if it is specified or negated in the complaint it shall be treated as surplusage.

- B. In describing in any complaint, summons, warrants, or other process or legal papers any offense under this chapter respecting sale, possession, consumption, purchase, or disposition of liquor, it shall be sufficient to state the sale, possession, consumption, purchase, or disposition without stating the name or kind of such liquor, or the price thereof, or to whom it was sold or disposed of, or by whom consumed, or from whom it was purchased or received; and it shall not be necessary to state the quantity of liquor so sold, possessed, consumed, purchased, or disposed of, except in the case of offenses where the quantity is essential, and in such case it shall be sufficient to allege the sale or disposal of more or less than the quantity, as the case may be. (Ord. 325, 1978.)

9.36.160 **Penalty.** It is unlawful for any person to violate any provision of this chapter. Every person convicted of a violation of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 325, 1978.)