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Title 66 LIQUOR CONTROL

Chapters:

Chapter 66.05 LIQUOR REGULATIONS RELATING TO MINORS

Sections:

66.05.010 INTOXICATING LIQUOR DEFINED.

The terms "Liquor" or "intoxicating liquor" as used in this Ordinance are hereby defined to mean alcohol, spirits, wine and beer, and all fermented, spiritous, vinous, or malt liquor, or combinations thereof, and mixed liquor, or otherwise intoxicating; and every liquor or solid or semi-solid, or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, or other substance, which contains more than one percent (1%) of alcohol by weight, shall be conclusively deemed to be intoxicating.

66.05.020 PERSON UNDER TWENTY-ONE PURCHASING, DRINKING, CONSUMING, OR POSSESSING LIQUOR.

It shall be unlawful for any person under the age of twenty-one (21) years, to purchase, drink, consume, or possess intoxicating liquor or liquors within the limits of Wahkiakum County, except in case of liquor given or permitted to be given to a person under the age of twenty-one (21) years by his parents or guardian for medicinal or beverage purpose, to be consumed on the premises of said parent or guardian, or administered to him by his physician or dentist for medicinal purposes only, and except when such liquor is being used in connection with religious services.

66.05.030 UNLAWFUL TO AID AND ABET VIOLATIONS.

It shall be unlawful for any person to aid, abet, assist, counsel, encourage, or advise any person under the age of twenty-one (21) years to purchase, drink, consume, or possess intoxicating liquor or liquors in violation of Section 2 of this Ordinance.

66.05.040 MINOR APPEARING IN PUBLIC PLACES AFTER HAVING CONSUMED INTOXICATING LIQUOR.

- A. It is unlawful for any person under the age of twenty-one years of age to appear on the public roads or public places, or in any motor vehicle on a public road, within the unincorporated area of Wahkiakum County after having consumed intoxicating liquor in violation of the provisions of this chapter, regardless of where such intoxicating liquor may have been consumed; PROVIDED, that at the time of the appearance as aforesaid, evidence exists as to the consumption of intoxicating liquor; PROVIDED FURTHER that the exception provided in RCW 66.44.270 relative to the consumption of intoxicants at religious services shall be an applicable defense to a charge of violation of this section.
- B. For purpose of this section, the presence of the odor of intoxicating liquor, beer or wine on the breath of any person under the age of twenty-one years of age shall be prima facie evidence of consumption of intoxicating liquors, in violation of the provisions of this chapter. This provision shall not be construed as

limiting the introduction of any other competent evidence of the consumption of intoxicating liquor in violation of this section.

- C. Any person charged with a violation of this chapter shall be afforded the opportunity to preserve evidence by submitting to a breathalyzer test if such test is requested, and shall be provided the opportunity to obtain at his or her expense a blood test by competent medical personnel if such test is requested.

(Ord. 100-1982 § 1; Ord. 88-1974; j. ref. L-350; 11-25-74)

66.05.050 PENALTY.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined in the sum of not less than \$50.00 nor more than \$500.00 and/or be imprisoned in the Wahkiakum County Jail for not more than ninety (90) days, or both.

66.05.060 CONSTRUCTION.

Wherever the singular is used in this Ordinance, it shall be deemed to include the plural and wherever the masculine is used, it shall be deemed to include the feminine.

66.05.070 REPEALER OF CONFLICTING ORDINANCES.

All ordinances or orders and parts of ordinances or orders conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance, including the Ordinance recorded at page 469 of Volume J of the Commissioners' Journal of Wahkiakum County, Washington, entitled "An Ordinance prohibiting the purchase, use or possession of intoxicating liquor by persons under the age of twenty-one (21) years, and providing penalties for the violation thereof".

66.05.080 SEVERABILITY.

Should any section, paragraph, sentence, clause or phrase of the Ordinance or its applications to any person or circumstance be declared to be unconstitutional, whether because of conflict or with general law or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

(Ord. 88-1974; j. ref. L-350; 11-25-74)

Chapter 66.20 SALE OF MALT LIQUOR KEGS

Sections:

66.20.010 DEFINITIONS.

As used in this chapter, the term "malt liquor" means beer, strong beer, ale, stout and porter.

(Ord. 96-1980 § 1)

66.20.020 SALES OF MALT LIQUOR—REGULATIONS.

Any person who, within the unincorporated limits of Wahkiakum County, sells or offers for sale kegs or other containers containing seven gallons or more of malt liquor to consumers who are not licensed under RCW 66.24 shall:

- A. Require the purchaser to sign a receipt for the beverage and provide the following:
 - 1. Two pieces of identification, one of which is a motor vehicle operator's license number or a Washington State identification card;
 - 2. The location, date and time where the beverage will be consumed; and,
 - 3. A sworn statement provided that the purchaser is of legal age to purchase, possess or use malt liquor, that the purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided in RCW 66.44.270 of the Laws of the State of Washington, and that the purchaser will not remove or obliterate the numbered label affixed to the container.
- B. Record the identification of the keg or container for the purpose of tracing the items if the contents are consumed in violation of this chapter in the following manner:
 - 1. Record the serial number of the keg or container on the receipt;
 - 2. Identify the keg of container purchased by affixing a numbered label to the keg or container; and,
 - 3. Record the identification number of the receipt.
- C. Notify the Wahkiakum County Sheriff's Office immediately in the event that the purchase exceeds twenty gallons of malt liquor.
- D. Retain for a period of one year the original copy of the receipt completed pursuant to the provisions of this chapter, said receipts to be available during all regular business hours to inspection by the Sheriff's Department of the County of Wahkiakum, or to such other law enforcement officers as may be designated by the Wahkiakum County Sheriff. A copy of such receipt shall also be provided to the purchaser.

(Ord. 96-1980 § 2)

66.20.030 FORM OF RECEIPT.

The receipt and sale information provided in Section 66.20.020 shall be in essentially the following form, to-wit:

RECEIPT FOR SALE OF MALT
LIQUOR IN KEGS OR CONTAINERS
TO UNLICENSED PERSONS

Date of Sale_____ Invoice No. _____
Keg Identification Number(s) _____
Brand _____Keg Capacity _____
No. of Kegs Total Gallons _____
Name of Purchaser _____
Address _____
Location, Time and Date Where Beverages will be Consumed _____
Motor Vehicle Operator's License Number _____
Washington State Identification Card _____
Other Identification _____

I declare that under penalty of violation of Wahkiakum County Ordinance codified as RCWC Chapter 66.20, that the information provided in this receipt is true and correct and that I am over the legal age to purchase, possess or use malt liquor, that I will not allow the malt liquor purchased and identified by this receipt to be consumed by any person who is under the age of twenty-one (21) except as provided in RCWC Chapter 66.20, and that I will not remove or obliterate the numbered identification label affixed to the container.

Signature of Purchaser

Identity of Seller
Address of Licensed Premises

NOTICE

It is unlawful for any person under the age of twenty-one (21) years to acquire in any manner, consume or have in his or her 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 the age of twenty-one (21) years by his parent or guardian for beverage or medicinal purposes in the home or administered to him by his physician or dentist for medicinal purposes. A person who signs this receipt with knowledge that any information in the receipt is false does so in violation of the Wahkiakum County Code 66.20. Violations of any of the provisions of that chapter is a misdemeanor punishable by a fine of not more than \$250.00.

(Ord. 96-1980 § 4)

66.20.040 SHERIFF TO AUDIT ANNUALLY—PROVIDE FORMS.

Not less than once annually, the Sheriff of Wahkiakum County shall be responsible to audit and investigate the records of each licensed seller of malt liquor within the unincorporated area of Wahkiakum County prescribed by Section 66.20.020 and to file a copy of his report thereof with the Prosecuting Attorney and Board of County Commissioners not later than December 31st of each year. It shall be the responsibility of the Sheriff to provide the forms prescribed by Section 66.20.030 to the sellers subject to this chapter.

(Ord. 96-1980 § 5)

66.20.050 VIOLATIONS—PENALTY.

Any person or persons violating any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred fifty dollars.

(Ord. 96-1980 § 3)