

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-32

SUBJECT: Amend PMC Chapter 9.10, Alcoholic Beverages

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 9/24/2007
- (X) Passed by the City Council: 10/3/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 10/~~17~~²⁰/2007
- (X) Effective: 10/~~22~~²⁵/2007

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City Clerk *kj*

10-5-2007
Date

ORDINANCE NO. 2007-32

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO ALCOHOLIC BEVERAGES; AMENDING THE NAME OF CHAPTER 9.10 TO ALCOHOLIC BEVERAGES; AND ADOPTING BY REFERENCE VARIOUS SECTIONS OF TITLE 66 OF THE REVISED CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES UNDER THE CITY'S MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO DO ORDAIN AS FOLLOWS:

Section 1. Amending the name of Chapter 9.10 of the Poulsbo Municipal Code to read as follows: 9.10 ALCOHOLIC BEVERAGES.

Section 2. PMC 9.10.010 and Ordinance 2004-01 Section 5 are hereby amended to read as follows:

9.10.010 General Provisions

Wherever the word "title" of words "this title" are used therein the same shall be construed to mean and refer to RCW Title 66 and "this act" shall mean and refer to the Washington State Liquor Act.

Section 3. PMC 9.10.020 and Ordinance 97-33 Section 1 are hereby amended to be read as follows:

9.10.020 Alcoholic beverage control - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 66.04 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 66.04.010 Definitions
- 66.04.011 "Public place" not to include certain parks and picnic areas
- 66.08.095 Liquor for training or investigation purposes
- 66.12.010 Wine or beer manufactured for home use
- 66.12.060 Pharmaceutical preparations, patent medicines, denatured alcohol
- 66.12.070 Medicinal, culinary, and toilet preparations not usable as beverages – sample and analysis-clearly labeled
- 66.12.120 Bringing alcoholic beverages into state from another state

- 66.12.130 Alcohol for use as fuel in motor vehicles, farm implements, machines, etc., or in combination with other petroleum products for use as fuel
- 66.12.140 Use of alcoholic beverages in culinary, restaurant, or food fermentation courses
- 66.12.150 Beer or wine offered by hospital or nursing home for consumption on the premises
- 66.12.160 Manufacture or sale of confections or food containing liquor
- 66.12.170 Obtaining liquor for manufacturing confections or food products
- 66.12.190 Wine shipments from out of state – limitations
- 66.12.200 Out-of-state wine shipments – labeling
- 66.12.210 Wine shipments from out of state from unlicensed shipper – penalties

Section 4. PMC 9.10.030 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.10.030 Liquor stores– statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 66.16 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 66.16.060 Sealed packages may be required, exception
- 66.16.070 Liquor cannot be opened or consumed on store premises

Section 5. A new section is added to Chapter 9.10 of the Poulsbo Municipal Code to be read as follows:

9.10.040 Liquor permits – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 66.20 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 66.20.200 Unlawful acts relating to card of identification and certification card
- 66.20.210 Licensee’s immunity to prosecution of suit – certification card as evidence of good faith
- 66.20.020 Permits not transferable – false name or address prohibited – sacramental liquor, wine
- 66.20.100 Physician may prescribe or administer liquor – penalty
- 66.20.110 Dentist may administer liquor – penalty
- 66.20.120 Hospital, etc. may administer liquor – penalty
- 66.20.300 Alcohol servers – definitions
- 66.20.330 Alcohol servers – violation of rules - penalties

- 66.20.310 Alcohol servers – permits – requirements – suspension, revocation
– violations – exemptions
- 66.20.340 Alcohol servers – violation of rules – penalties

Section 6. A new section is added to Chapter 9.10 of the Poulsbo Municipal Code to read as follows:

9.10.050 Licenses – stamp taxes – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 66.24 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 66.24.010 Issuance, transferability, refusal, suspension, or cancellation, etc.
- 66.24.380 Special occasion license – fee - penalty
- 66.24.481 Public place or club – license or permit required – penalty

Section 7. A new section is added to Chapter 9.10 of the Poulsbo Municipal Code to read as follows:

9.10.060 Miscellaneous regulatory provisions – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 66.28 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 66.28.040 Giving away of liquor prohibited - exceptions
- 66.28.080 Permit for music and dancing upon licensed premises
- 66.28.090 Licensed premises or banquet permit premises open to inspection – failure to allow, violation
- 66.28.200 Keg registration – special endorsement for grocery store licensee – requirements of seller
- 66.28.210 Keg registration – requirements of purchaser
- 66.28.230 Keg registration – furnishing to minors – penalties

Section 8. A new section is added to Chapter 9.10 of the Poulsbo Municipal Code to read as follows:

9.10.070 Search and seizure and abatement – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 66.32 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 66.32.010 Possession of contraband liquor
- 66.32.020 Search warrant – search and seizure

- 66.32.030 Service of warrant
- 66.32.040 Forfeiture of liquor directed if kept unlawfully
- 66.32.050 Hearing
- 66.32.060 Claimants may appear
- 66.32.070 Judgment of forfeiture
- 66.32.080 Forfeiture action no bar to criminal prosecution
- 66.32.090 Seized liquor to be reported to board
- 66.36.010 Places where liquor unlawfully kept declared a nuisance

Section 9. A new section is added to Chapter 9.10 of the Poulsbo Municipal Code to read as follows:

9.10.080 Enforcement – penalties – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 66.44 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 66.44.010 Local officers to enforce law
- 66.44.040 Sufficiency of description of offenses
- 66.44.050 Description of offense in words of statutes
- 66.44.060 Proof of unlawful sale establishes prima facie intent
- 66.44.070 Certified analysis is prima facie evidence of alcoholic content
- 66.44.080 Service of process on corporation
- 66.44.090 Acting without license
- 66.44.100 Opening or consuming liquor in public place – penalty
- 66.44.120 Unlawful use of seal
- 66.44.130 Sales of liquor by drink or bottle
- 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – unlawful operation, possession of still or mash
- 66.44.150 Buying liquor illegally
- 66.44.160 Illegal possession, transportation of alcoholic beverages
- 66.44.170 Illegal possession of liquor with intent to sell
- 66.44.175 Violations of law
- 66.44.180 General penalties
- 66.44.200 Sales to persons apparently under the influence of liquor
- 66.44.210 Obtaining liquor for ineligible person
- 66.44.240 Drinking in public conveyance – penalty against carrier
- 66.44.250 Drinking in public conveyance – penalty against individual
- 66.44.265 Candidates giving or purchasing liquor on election day prohibited
- 66.44.270 Furnishing liquor to minors
- 66.44.280 Minor applying for permit
- 66.44.290 Minor purchasing or attempting to purchase liquor – penalty
- 66.44.292 Sales to minors by licensee or employee

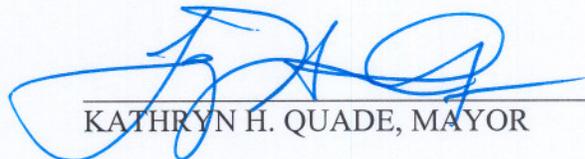
- 66.44.300 Treats, gifts, purchases liquor for or from minor, or holding out minor as at least twenty-one, in public place where liquor sold
- 66.44.310 Minors frequenting off-limits area – misrepresentation of age – penalty
- 66.44.316 Certain persons eighteen years and over permitted to enter and remain upon licensed premises during employment
- 66.44.318 Employees aged eighteen to twenty-one stocking, merchandising, and handling beer and wine
- 66.44.325 Unlawful transfer to minor of age identification
- 66.44.328 Preparation of acquisition and supply to persons under age twenty-one of facsimile of official ID card – penalty
- 66.44.340 Employees eighteen years and over allowed to sell and handle beer and wine for certain licensed employers
- 66.44.350 Employees eighteen years and over allowed to serve and carry liquor, clean up, etc. for certain licensed employers
- 66.44.370 Resisting or opposing officers in enforcement of title

Section 10. Severability

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional 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 11. Effective Date: This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

APPROVED:



 KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:

Karol Jones

 CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
 OFFICE OF THE CITY ATTORNEY:

BY James E. Haney

 JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007
PASSED BY THE CITY COUNCIL: 10/3/2007
PUBLISHED: 10/20/2007
EFFECTIVE DATE: 10/25/2007
ORDINANCE NO. 2007-32

SUMMARY OF ORDINANCE NO. 2007-32

of the City of Poulsbo, Washington

On the 3rd day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-32. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO ALCOHOLIC BEVERAGES; ADOPTING BY REFERENCE VARIOUS SECTIONS OF TITLE 66 OF THE REVISED CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES UNDER THE CITY'S MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 5th day of October, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC