

City of Lynnwood  
DEC 15 2000  
SCANNED

CITY OF LYNNWOOD  
ORDINANCE NO. 1772

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AN ORDINANCE CREATING CHAPTER 10.60 OF THE LYNNWOOD MUNICIPAL CODE DEFINING AND RELATING TO CRIMES WITHIN THE CITY OF LYNNWOOD WHICH INVOLVE ALCOHOL, PROVIDING PENALTIES FOR VIOLATIONS, AND AMENDING CHAPTER 10.04 OF THE LYNNWOOD MUNICIPAL CODE AND ORDINANCE NOS. 178, 195 AND 482 OF THE CITY OF LYNNWOOD.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added a new section to the Lynnwood Municipal Code, LMC 10.60.010, to read, as follows:

10.60.010 - Statutory Provision - Adopted by Reference - Scope. The following statutes are adopted by reference as and for a portion of the criminal ordinance of this City as if set forth in full herein, with the exception of the penalty provisions thereof which are superseded by the penalty provisions of this chapter.

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|---------------|--|
| RCW 66.44.010 | Local Officers to Enforce Law - Authority of Board - Liquor Enforcement Officers.    |
| RCW 66.44.175 | Violations of Law.   |
| RCW 66.44.180 | General Penalties - Jurisdiction for Violations.                                     |
| RCW 66.44.200 | Sales to Persons Apparently Under the Influence of Liquor.                           |
| RCW 66.44.250 | Drinking in Public Conveyance - Penalty Against Individual - Restricted Application. |
| RCW 66.44.300 | Treating Minor, etc., in Public Place Where Liquor is Sold.                          |
| RCW 66.44.320 | Sales of Liquor to Minors a Violation.   |
| RCW 66.44.325 | Unlawful transfer to a Minor of an Identification of Age.                            |

**Section 2.** There is hereby created a new section, LMC 10.60.015, as follows:

**10.60.015 - Statutory Provisions -- Amendments or Changes Included.** The amendment, addition or repeal by the Washington Legislature of any section of any of the adopted statutes shall be deemed to amend this chapter, and the statutes contained in this chapter which are adopted by reference in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this City to take any action with respect to such addition, amendment, or repeal as provided by RCW 35A.12.140.

**Section 3.** There is hereby created a new section, LMC 10.60.020, as follows:

**10.60.020 - Closing Hours.** It is unlawful for a retail licensee, as defined by Chapter 314-16 of the Washington Administrative Code, or an employee thereof to sell, deliver, offer for sale, serve or allow to be consumed upon the premises intoxicating liquor, including beer, or permit the removal of any intoxicating liquor or beer from the premises in any manner whatsoever between the hours of 2:00 a.m. and 6:00 a.m., except New Year's Day, when the hour of closing shall not be later than 3:00 a.m.

**Section 4.** LMC 10.04.550, Minor Frequenting Taverns - Misrepresentations of Age - Classification of Licenses, is hereby recodified as 10.60.030.

**Section 5.** LMC 10.04.560, Proprietor Allowing Minors to Remain Where Liquor is Sold, is hereby recodified as LMC 10.60.040.

**Section 6.** LMC 10.04.570, Supplying Liquor to Minors, is hereby recodified as 10.60.050.

**Section 7.** Section 11 of Ordinance No. 178, which reads as follows, to wit:

**Section 11. Unlawful Possession of Alcohol by Minors.** It shall be unlawful for any person

under the age of twenty-one years to have in his possession or control any intoxicating liquor or beer except as provided in RCW 66.44.190.

IS HEREBY REVISED AND AMENDED TO READ AS FOLLOWS:

**10.60.060 - Unlawful Possession of Alcohol by Minors.** It is unlawful for any person under the age of twenty-one (21) years to have in his possession or control any intoxicating liquor or beer except as provided in RCW 66.44.270.

**Section 8.** Section 1 of Ordinance No. 482 which reads as follows, to wit:

**Section 1.** Chapter 10.04 of the Lynnwood Municipal Code should be and the same is hereby amended by adding thereto the following section:

**Section 10.04.581 - Purchase or Consumption by Minors -- Exceptions.** It shall be unlawful for any person under the age of twenty-one (21) years to purchase, drink or consume intoxicating liquor or liquors within the City limits of the City of Lynnwood, excepting as provided in RCW 66.44.190.

IT IS HEREBY REVISED AND AMENDED TO READ AS FOLLOWS:

**10.60.070 - Purchase or Consumption by Minors - Exceptions.** It is unlawful for any person under the age of twenty-one (21) years to purchase, drink or consume intoxicating liquor or beer within the City limits of the City of Lynnwood, excepting as provided in RCW 66.44.270.

**Section 9.** LMC 10.04.590, Minor Falsifying Age, is hereby recodified as LMC 10.60.080.

**Section 10.** LMC 10.04.711, Unlawful Possession of Liquor, is hereby recodified as LMC 10.04.090.

**Section 11.** LMC 10.04.712, Drinking Liquor in Public

Prohibited - Exception, is hereby recodified as LMC 10.60.100.

Section 12. LMC 10.04.713 - Public Place Defined - Exclusions, is hereby recodified as LMC 10.60.110.

Section 13. LMC 10.04.720, Drinking in Public Conveyance Prohibited, is hereby recodified as LMC 10.60.120.

Section 14. There is hereby created a new section, LMC 10.60.130, as follows:

10.60.130 - Penalties for Violations. Any person who shall violate or fail to comply with any provision of Chapter 10.60 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00), or by imprisonment for a term not exceeding sixty (60) days, or both such fine and imprisonment; Provided, however, that any person who has had less than two prior convictions for any of the offenses enumerated in this chapter within the past five years, shall be punished by a fine only in any sum not exceeding Five Hundred Dollars (\$500.00).

Section 15. Section 1 of Ordinance No. 195 and Ordinance No. 1732 which reads as follows, to wit:

Penalties for Violations.

- A. Except as provided in paragraph B of this subsection, any person who shall violate or fail to comply with any provision of chapter 10.04 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00), or by imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment. Each separate day or portion thereof during which any violation of this Ordinance occurs or continues shall be deemed to constitute a separate violation hereof and a separate offense hereunder, and upon conviction thereof shall be punished as herein provided.

- B. Any person who violates any of the following provisions of Chapter 10.40:

LMC 10.04.580 Possession of Liquor by Minors;  
LMC 10.04.581 Purchase or Consumption by Minors;  
LMC 10.94.712 Unlawful Possession of Liquor;  
LMC 10.04.712 Drinking Liquor in Public Prohibited;

who has had less than two prior convictions for such offense within the past five years, shall be punished by a fine only in any sum not exceeding Three Hundred Dollars (\$300.00).

- c. For purposes of paragraph B, a conviction means a plea or a finding of guilty or a bail forfeiture on the charge.

This section is intended to supersede the penalty provisions of any and all previously adopted city ordinances in conflict with this section and in event of conflict with this section, the previously adopted ordinances shall be deemed amended to conform with the penalty provisions of this section.

**IS HEREBY REVISED AND AMENDED and shall be codified LMC 10.04.920, to read as follows:**

**10.04.920 - Penalties for Violations.**

- A. Any person who shall violate or fail to comply with any provision of Chapter 10.04 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00), or by imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment. Each separate day or portion thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate violation hereof and a separate offense hereunder, and upon conviction thereof shall be punished as herein provided.

This section is intended to supersede the penalty provisions of any and all previously adopted city ordinances in conflict with this section and in event of conflict with this section, the previously adopted ordinances shall be deemed amended to conform with the penalty provisions of this section.

**Section 16. - Savings Clause:**

Any ordinances amended or repealed by this ordinance, are amended and repealed except to rights and duties which matured, penalties which were incurred, and proceedings which were done before the effective date of this ordinance.

**Section 17. - Severability:**

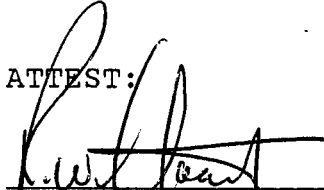
If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence,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

**Section 18.** This Ordinance shall take effect five (5) days after its passage, approval and publication.

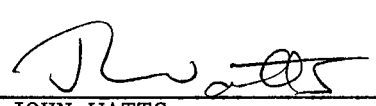
PASSED this 14th day of May, 1990,  
and signed in authentication of its passage this 15th day of  
May, 1990.

  
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M.J. HRDLICKA - Mayor, City of Lynnwood

ATTEST:

  
\_\_\_\_\_  
H.W. NEACK, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOHN WATTS  
Lynnwood City Attorney

PUBLISHED: MAY 21, 1990