AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RELATED TO UNDERAGE GATHERINGS AND ADOPTING A NEW CHAPTER 8.20 OF THE SAMMAMISH MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council has the authority to enact laws that promote the public health, safety and general welfare of its residents; and

WHEREAS, underage persons consuming alcoholic beverages at gatherings held at private residences, rented residential premises, or privately rented commercial premises constitutes a threat to the public peace, health, safety, quiet enjoyment of property by neighboring residents, and the general welfare of the public. Underage persons who have consumed alcoholic beverages are at greater risk of automobile accidents, suicide, and physical and sexual assault; and

WHEREAS, persons with the means to prevent the occurrence of these types of gatherings include those that control such private property and have failed to ensure that alcoholic beverages are not served to or consumed by underage persons at these gatherings; and

WHEREAS, RCW 66.44.270 establishes a gross misdemeanor crime for any person to knowingly permit any person under the age of twenty-one to consume alcoholic beverages on any premises under his or her control; and

WHEREAS, problems associated with gatherings involving underage persons drinking alcohol can be difficult to prevent and deter. Law enforcement requires additional methods to deal with underage drinking and its attendant problems;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Underage Drinking of Alcoholic Beverages. A new Chapter 8.20 of the Sammamish Municipal Code, entitled Underage Drinking of Alcoholic Beverages, is hereby adopted as set forth below:

8.20.010. Definitions. For the purposes of this Ordinance, the following definitions shall apply:
1. "Alcoholic Beverage" shall mean alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer that contain one half of one percent or more of alcohol by volume; and is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

2. "Property" shall mean private property, rented residential premises, or private rented commercial spaces, including but not limited to a home, yard, garage, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, or used for a party or other social function, and whether owned, leased, rented, or used with or without compensation.

3. "Responsible Person" includes:
   a. The person(s) with the right to actually control the Property at the time that an Underage Gathering occurs, whether such actual control arises by ownership, lease, or other legal right;
   b. The person(s) in immediate control of Property at which an Underage Gathering takes place; or
   c. The person(s) who organizes, supervises, sponsors, conducts, allows, controls, or controls access to the Underage Gathering.

4. "Underage Gathering" means a party or gathering of four or more persons at a Property at which Alcoholic Beverages are being or have been consumed or possessed by one or more Underage Persons, or at which one or more Underage Persons are exhibiting effects of consuming Alcoholic Beverages.

5. "Underage Person" shall mean any person less than twenty-one years of age.


1. An Underage Gathering constitutes a public nuisance, and is prohibited.

2. As a public nuisance, any Underage Gathering may be abated by any legal means.

8.20.030. Exemptions.

This Ordinance shall not apply to:

1. Any location regulated by a permit or license issued by the Washington State Liquor Control Board;

2. Underage Gatherings where Underage Persons consuming Alcoholic Beverages are supervised in person by their parent or guardian while any such Underage Persons are consuming
Alcoholic Beverages or while any such Underage Persons are exhibiting the effects of consuming Alcoholic Beverages;

3. Alcoholic Beverages given for medicinal purposes to an Underage Person by a parent, guardian, physician, or dentist; or

4. Alcoholic Beverages given to an Underage Person when used in connection with religious services.

8.20.040. Civil Penalty. In addition to public nuisance abatement, the first violation of this ordinance by any Responsible Person shall constitute a civil infraction subject to a fine of $500 for each day that any violation occurs. The second and each succeeding violation of this ordinance by any Responsible Person within the five-year period beginning from the date of the first such violation shall constitute a civil violation subject to a fine of $1,000 for each day that any violation occurs.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect five days after passage and publication in the official newspaper of the City.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 3rd DAY OF FEBRUARY, 2015.

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk
Approved as to form:

Michael R. Kenyon, City Attorney

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