**ORDINANCE NO. 2013-4**

**AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE TITLE 8 TO INCLUDE A NEW CHAPTER 8.68 TITLED “UNDERAGE GATHERINGS”**

**THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON DOES ORDAIN AS FOLLOWS:**

**SECTION 1**. Othello Municipal Code Title 8 is amended to include a new chapter 8.68 titled “Underage Gatherings” to provide as follows:

**8.68.010 Definitions.**

For the purpose 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 contains 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, party or other social function, and whether owned, leased, rented, or used with or without compensation.

1. “Responsible person” includes:
2. The person(s) who owns, rents, leases, or otherwise has a right to control property at which an underage gathering takes place,
3. The person(s) in immediate control of property at which an underage gathering takes place, or,
4. The person(s) who organizes, supervises sponsors, conducts, allows, or controls access to the underage gathering.

If the property is rented or lease, the landlord or lessor is not covered by this chapter unless they fall within the category of persons described under subsections (C)(2) or (3) of this definition.

1. “Underage gathering” means a party or gathering of two or more persons at a property at which alcoholic beverages or controlled substances are being consumed or possessed by one or more underage persons or one or more underage persons are exhibiting effects of consuming alcoholic beverages or the use of a controlled substance.
2. “Underage persons” shall mean any person under age 21 of age.

**8.68.020 Underage gatherings prohibited.**

1. An underage gathering constitutes a public nuisance, is an immediate threat to public health and safety, and is prohibited.
2. As a public nuisance, the underage gathering may be summarily abated by law enforcement by all reasonable means, singularly or in combinations, including, but not limited to:
3. Issuance of notice of civil infraction as authorized by RCW 7.80;
4. Public nuisance abated pursuant to OMC Chapter 8.26;
5. Any other remedy provided by law.

**8.68.030 Exemptions.**

1. This ordinance shall not apply to any location or place that is regulated by permit or license issued by the Washington State Liquor Control Board.
2. This ordinance shall not apply to underage gatherings where the only underage persons consuming alcoholic beverages are being closely supervised in person by their parent or guardian while consuming the alcoholic beverages.
3. The ordinance does not apply to alcoholic beverages given for medicinal purposes to an underage person by a parent, guardian, physician, or dentist, or to controlled substances that given for medicinal purposes to an underage person by a physician or dentist.
4. This ordinance does not apply to alcoholic beverages given to an underage person when such alcoholic beverage is being in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

**8.68.040 Violations –Civil penalty.**

Upon identification of an underage gathering, law enforcement may issue a notice of infraction to any and all known responsible persons with a C-8 penalty to each responsible person.

**SECTION 2.** This ordinance shall be in full force and effect five (5) days after its passage and publication of its summary as required by law.

**PASSED** by the **CITY COUNCIL** of the city of Othello, Washington, this 28th day of July, 2014.

**MAYOR**

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**ATTEST**:

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**APPROVED AS TO FORM**:

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CITY ATTORNEY