

TOWN OF GRANITE FALLS

ORDINANCE NO. 378

AN ORDINANCE OF THE TOWN OF GRANITE FALLS REGULATING
THE SALE AND DISTRIBUTION OF MALT LIQUOR.

BE IT ORDAINED by the Town Council of the Town of Granite Falls,
Washington, as follows:

SECTION 1: A new chapter is added to the Granite Falls Municipal Code
Title 9 as follows:

CHAPTER 9.94

MALT LIQUOR BY THE KEG

9.94.010 Seller's Duty
9.94.020 Purchaser's Duty
9.94.030 Declaration and Receipt
9.94.040 Penalty
9.94.050 Severability

9.94.010 Seller's Duties. Any person who sells or offers for sale
the contents of kegs or other containers containing six (6) gallons or
more of malt liquor, or leases kegs or other containers which will hold
six (6) gallons of malt liquor, to consumers who are not licensed under
Chapter 66.24 RCW shall do the following for any transaction involving
said container:

1. Require the purchaser of the malt liquor to sign a declara-
tion and receipt for the keg or other container and/or beverage in
substantially the form provided herein.
2. Require the purchaser to provide two pieces of identification,
one of which is a motor vehicle operator's license, Washington State
identification card, or military identification card.
3. Require the purchaser to sign a sworn statement, under penalty
of perjury, that:
 - (a) The purchaser is of legal age to purchase, possess
or use malt liquor;
 - (b) That the purchaser will not allow any person under the
age of twenty-one (21) to consume the beverage except as provided
by RCW 66.44.270;
 - (c) That the purchaser will not remove, obliterate, or allow
to be removed or obliterated, the identification number affixed
to the container.

4. Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located.

5. Affix to each keg or container a numbered label, hereafter referred to as the identification number.

6. Record the identification number, and any other number appearing on the keg or container, on any declaration or receipt of purchase.

7. Retain the original copy of the declaration and receipt for a period of one (1) year for inspection by any law enforcement agency. Such inspection shall be allowed upon request of a law enforcement officer having a reasonable belief that a violation of this chapter or related alcohol enforcement laws has or will occur.

8. Provide a copy of the declaration and receipt to the purchaser.

9. Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five (5) feet, and visible without physical barrier from such keg, during the time that the keg or other container is in the purchaser's possession and/or control.

9.94.020 Purchaser's Duty. Any person who purchases the contents of kegs or other containers containing six (6) gallons or more of malt liquor, or purchases or leases the container shall:

1. Be of legal age to purchase, possess or use malt liquor;
2. Not allow any person under the age of twenty-one (21) to consume the beverage except as provided by RCW 66.44.270;
3. Not remove, obliterate, or allow to be removed or obliterated, the numbered affixed to the container;
4. Not move, keep or store keg or its contents, except for transporting to and from distributor, at any place other than that particular address declared on the receipt and declaration;
5. Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five (5) feet, and visible without physical barrier from such keg, during the time that the keg or other container is in the purchaser's possession and/or control.

9.94.030 Declaration and Receipt. The form of the declaration and receipt required herein shall be substantially in the following form and shall require the information contained in the following form:

TOWN OF GRANITE FALLS

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 _____

Address or location where keg will be located _____

Motor Vehicle Operator's License Number _____

Washington State Identification Card _____

Other Identification _____

() I declare under penalty or perjury 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 by RCW 66.44.270, 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 commits perjury. Violations of any of the provisions of the Town of Granite Falls Ordinance which requires this statement and these terms is a misdemeanor punishable by a fine of not more than \$500.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

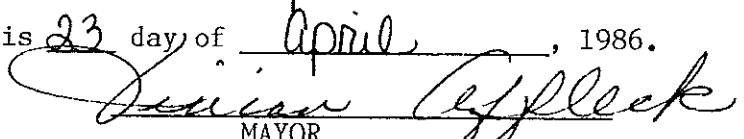
9.94.040 Penalty. The violation of any provisions of this Ordinance shall be a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not to exceed six months, or both such fine and imprisonment.

9.94.050 Severability. If any section, sentence, clause or provision of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

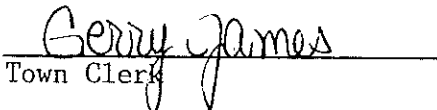
All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect after its passage, posting, and publication according to law.

Said Ordinance was passed in open session by the Town Council of the Town of Granite Falls on the 23 day of April, 1986.

Approved by the Mayor this 23 day of April, 1986.


MAYOR

Attest:


Town Clerk

CERTIFICATE

I, Gerry James, being first deuly appointed, qualified, and acting Clerk of the Town of Granite Falls, Washington, a municipal corporation, do hereby certify that the foregoing Ordinance NO. 378, is a full, true, and correct copy of the original ordinance passed on the 23 day of April, 1986, as said Ordinance appears in the Ordinance Book of the Town and said Ordinance became effective on the 30 day of April, 1986, and the same is published and duly posted on the 30 day of April, 1986, at the following three public places of said Town:

U.S. Post Office

Town Hall

Konnerups