

ORDINANCE NO. 363

**AN ORDINANCE AMENDING SISTERS CITY CODE SECTIONS
9.04.010, 9.04.020 and 9.04.050 CONCERNING ALCOHOL
CONSUMPTION BY MINORS**

Whereas, The City Council for the City of Sisters recognizes that there is a continuing problem of underage alcohol consumption within the City of Sisters; and

Whereas, The City Council desires to assist the efforts of law enforcement, the Juvenile Community Justice program, the Commission on Children & Families, and the numerous other organizations and individuals who are actively involved in addressing these issues on behalf of the families of our community; and

Whereas, The City Council further desires to amend the city code provisions addressing alcohol consumption by minors to clarify the provisions and conform them to existing state law.

Now, therefore, the City of Sisters ordains as follows:

SECTION 1. CODE AMENDMENT:

The Sisters Municipal Code Section 9.04.010, 9.94.929 and 9.04.050 are amended as follows (deleted language is ~~struck through~~ and new language is ***bolded and italicized***)::

9.04.010 Definitions. For purposes of this chapter, the following words and phrases shall have the following meanings:

(1) "Alcoholic liquor" means any alcoholic beverage containing more than one-half (½) of one (1) percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.

(2) "Commission" means the Oregon Liquor Control Commission.

(3) "Distilled spirits" or "distilled liquor" means any alcoholic beverage containing more than fourteen (14) percent of alcohol by volume, including sweet wines and all spirituous liquor.

(4) ***“Guardian” means***

(a) A court appointed guardian of the minor;

(b) An adult who is the spouse of a minor;

(54) "Licensee" means a person who has an alcoholic liquor license from the commission authorizing such person to sell or dispense alcoholic liquor.

(65) "Licensed premises" means the room or enclosure at the address within the corporate limits of the city for which a license has been issued by the commission for the serving, mixing, handling, or selling of alcoholic liquor.

(76) "Liquor control act" means the state law so designated by ORS 471.027 as now or hereafter amended and supplemented, and including the Oregon Distilled Liquor Control Act as defined by ORS 472.020, as now or hereafter amended and supplemented.

(87) "Minor" means any person under the age of twenty-one (21) years.

~~(8) "Other responsible relative" means:~~

~~(a) An adult who is the spouse of a minor;~~

~~(b) An adult, related to a minor, who has taken over the parental duties of governing the minor's actions;~~

~~(c) A duly appointed, qualified and acting guardian who has taken over the parental duties of governing a minor's actions;~~

(9) "Sell" means to solicit or receive an order; to keep or expose for sale; to deliver for value or in any way other than purely gratuitously; to peddle; to keep with intent to sell; to traffic in; or for any consideration, promised or obtained, directly or indirectly, or under any pretext or by any means, to procure or allow to be procured for any other person. (Added during 1979 codification.)

9.04.020 Providing liquor to certain persons prohibited. *Notwithstanding any other provisions of this chapter,* No person shall sell, give, furnish, serve or otherwise make available any alcoholic liquor to:

(1) Any minor except as provided in Section 9.04.050;

(2) Any person who is visibly intoxicated. A parent or guardian violates this subsection if they provide alcohol pursuant to Section 9.04.050 to a visibly intoxicated minor.

9.04.050 Lawful consumption of liquor by minor. ~~Nothing contained in this chapter shall be construed as prohibiting a parent or other responsible relative of a minor from giving such minor alcoholic liquor and permitting him to consume the same within the home of such parent or other responsible relative of the minor, or at such other private place not in view of the public where the parent or other responsible relative is present.~~ No one, other than the person's parent or guardian, shall sell, give or otherwise make available any alcoholic liquor to a person under the age of 21 years. A person, including a parent or guardian, violates this subsection if that person sells, gives or otherwise makes available alcoholic liquor to another person with the knowledge that the person to whom the liquor is made available will violate this code section.

SECTION 2. CODE CONSTRUCTION:

This Code Amendment is intended to conform the Sisters Municipal Code to existing state law, and shall be construed as consistent with existing state law.

ADOPTED by the City Council and signed by the Mayor this 8th day of March, 2007.

Brad Boyd, Mayor

ATTEST:

Kathy Nelson, City Recorder