



**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
TITLE 5 OF THE SUNNYSIDE MUNICIPAL CODE ADDING
CHAPTER 5.58 PERTAINING TO
REGULATION OF ALCOHOLIC BEVERAGES
AND AMENDING TITLE 12 TO CLARIFY PROHIBITED ACTS**

WHEREAS, pursuant to Chapter 35A.13 of the Revised Code of Washington, the City Council is charged with the legislative authority of the City of Sunnyside; and

WHEREAS, the City of Sunnyside ("City") owns and operates the Sunnyside Community Center and Centennial Square facilities that can and are used to hold meetings and other special events; and

WHEREAS, the City receives requests from non-City entities to use those facilities to host events in which alcoholic beverages may be served; and

WHEREAS, use of the City's facilities to include consumption of alcoholic beverages would work most effectively and fairly by establishing uniform procedures for application and authorization of their use; and

WHEREAS, City Council has determined that amending Title 5 of the Sunnyside Municipal Code to add Title 5.58, Regulation of Alcoholic Beverages and amending Title 12 to clarify Prohibited Acts, is in the best interest of the residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

Section 1. A new Section 5.58.010 Alcoholic Beverages of the Sunnyside Municipal Code is hereby enacted to read as follows:

5.58.010 Alcoholic Beverages.

Except as permitted by the Washington Liquor Act, RCW Title 66 and SMC 12.04.020(H), and as set forth in this section, no person, group or organization shall open a package containing liquor or consume liquor in a public place, nor building or park owned or operated by the city without complying with the provisions of this chapter.

Section 2. A new Section 5.58.020 Permission for alcoholic beverages at Sunnyside Community Center and Centennial Square of the Sunnyside Municipal Code is hereby enacted to read as follows:

5.58.020 Permission for alcoholic beverages in Sunnyside Community Center and Centennial Square.

Any organization seeking permission to conduct an activity at the Sunnyside Community Center or Centennial Square involving the consumption of alcoholic beverages of any kind shall first complete an application which can be obtained at City Hall. At no time will it be allowed to have attendees of the event bring in their own alcoholic beverages. Said application shall then be reviewed and approved, denied, or approved with additional conditions by the City Manager or designee and the Police Chief or designee.

Provided, however, that an applicant whose application has been denied may appeal to the City Council by notice to the City Clerk within 10 days of such denial. Upon receipt of an appeal, the City clerk shall place the matter on the next council's agenda. The City Council's decision on appeal shall be final.

Approval of such activity shall be conditional upon the following requirements:

A. The applicants must have a valid permit from the Washington State Liquor Control Board appropriate for the type of activity to be conducted and may not have more than two events per year involving consumption of alcoholic beverages of any kind.

B. The consumption of liquor, as defined by RCW 66.04.010(10), shall be limited solely in the Sunnyside Community Center and Centennial Square and shall be confined to 10 events per year total for all applicants at all locations. Permits shall be granted on a first come first serve basis subject to the requirements of this section. An "event" may not be longer than two days in duration.

C. Approved applicants may serve alcoholic beverages only during those times as approved by the Police Chief or designee, but in no event shall alcohol be served before 2:00 p.m. nor later than 11:30 p.m. regardless of the time of the beginning or completion of the event.

D. Entities or organizations eligible to conduct an activity in the Sunnyside Community Center or Centennial Square involving the consumption of alcoholic beverages, as described in subsection B of this section, shall be limited to responsible groups or organizations as determined by the Police Chief or designee.

E. All alcoholic beverages served at approved events must be served either:

1. In an enclosed building; or
2. In a defined, fenced-off or sight screened area as designated in the application and approved by the Police Chief or his designee.

Any such serving area must have a single ingress and egress where all persons entering such designated area can be identified as being over the age of 21 years. The approved organization shall provide security as is designated by the Police Chief, or his designee, and shall ensure that no one under the age of 21 is allowed into the designated area and that no one is allowed to overindulge while in the area and that no alcoholic beverages leave the designated area. All security personnel used shall be licensed and bonded.

F. All applications for permission to serve alcoholic beverages under this section must be reviewed by the Police Chief or his designee, and he shall assess the application and impose those security regulations that in his opinion are necessary to ensure that the intent of this section is carried out.

In addition to any requirements of the Police Chief, all such organizations approved and, as a condition of approval, shall have, at a minimum, one person who has undergone mandatory alcohol server training (MAST) on duty at the event at all times during its operation. Servers shall receive such training as is approved by the Police Chief or designee, and shall be conducted by an individual who has undergone the mandatory alcohol server training.

G. All organizations granted permission to serve or consume alcoholic beverages must comply with all federal, state and city rules, regulations and ordinances dealing with liquor and with the use of the Sunnyside Community Center and Centennial Square.

H. The city shall require a deposit or other legal instrument to ensure that no damage or expense is borne by the city for such activity, and may set any other reasonable conditions to the use of city facilities.

I. The Police Chief may, upon good cause, cause the permit granted herewith to be withdrawn and, upon notification thereof, said application or organization shall discontinue such activity.

Section 3. Section 12.04.020(H) Prohibited Acts of the Sunnyside Municipal Code which reads as follows:

12.04.020 Prohibited Acts.

H. To consume, possess, or bring cause to be brought wine, beer, and alcoholic beverages in or into any park.

Is hereby amended to read as follows:

12.04.020 Prohibited Acts.

H. To consume, possess, or bring cause to be brought wine, beer, and alcoholic beverages in or into any park, except as provided in SMC 5.58.

Section 4. Except as amended herein, Chapters 5 and 12 of the Sunnyside Municipal Code shall remain unchanged.

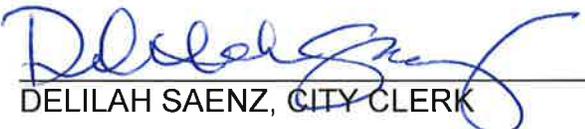
Section 5. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 13th day of November, 2012.



MIKE FARMER, MAYOR

ATTEST:



DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:



KERR LAW GROUP, LLP
Attorneys for the City of Sunnyside