

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 546

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON  
AMENDING SECTION 9.15.200 OF THE BURIEN MUNICIPAL  
CODE (PROHIBITING ALCOHOL IN PUBLIC PLACES) TO ALLOW  
FOR THE SALE AND CONSUMPTION OF ALCOHOL AT CERTAIN  
COMMUNITY EVENTS WHEN AUTHORIZED IN ADVANCE BY  
THE CITY MANAGER RATHER THAN THE CITY COUNCIL,  
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN  
EFFECTIVE DATE**

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WHEREAS, BMC 9.15.200 prohibits the possession of open container(s) of alcohol and the consumption of alcohol in public places; and

WHEREAS, the City Council of the City of Burien desires to amend BMC 9.15.200(2) to provide for the City Manager rather than the City Council to authorize the consumption of alcohol at certain times and at certain places on public property when offered for sale and consumption as part of a community event;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. Burien Municipal Code Section 9.15.200 is amended to read as follows:

(1) Except as permitted by RCW Title 66, no person shall open a package containing liquor or possess an open container of liquor, or consume liquor in a public place; provided this provision shall not apply to containers kept in the trunk of a vehicle or in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(2) This Section shall not prohibit the offering of alcohol for sale and consumption in a public place as part of a community event PROVIDED that the organization seeking to offer alcohol must request in writing authorization from ~~the City Council~~ the City Manager and identify the particular community event or events at which the sponsor wishes to offer alcohol for sale and consumption. The written

request must be made no later than thirty (30) days prior to the first community event for which authorization is sought. Those applying for the City ~~Council~~ Manager's authorization to offer alcohol for sale and consumption must meet the requirements of state law with respect to liquor permits and this chapter. During the course of the community event, the state liquor permit must be displayed within the area. For purposes of this subsection, "community event" shall mean fairs, markets, and festivals held on public property where the public at large is invited to attend, including but not limited to the Farmers Market, the Strawberry Festival, Oktoberfest, and the Fourth of July Festival. As appropriate, the City ~~Council~~ Manager may specify special conditions of use and note the conditions on the authorization.

(3) Violation of this section is a misdemeanor punishable by a fine of not more than \$100.00.

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 be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 4<sup>TH</sup> DAY OF OCTOBER 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 4<sup>TH</sup> DAY OF OCTOBER, 2010.**

CITY OF BURIEN

/s/Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig Knutson, City Attorney

Filed with the City Clerk: October 4, 2010

Passed by the City Council: October 4, 2010

Ordinance No. 546

Date of Publication: October 7, 2010