

TIGARD MUNICIPAL CODE

Chapter 7.36 MINORS

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7.36.010 Misrepresentation of age.

(a) A person commits the crime of "misrepresentation of age by a minor" if:

(1) Being less than a certain, specified age, he knowingly represents himself to be of any age other than his true age with the intent of securing a right, benefit or privilege which by law is denied to persons under that certain, specified age; or

(2) Being unmarried, he knowingly represents that he is married with the intent of securing a right, benefit or privilege which by law is denied to unmarried persons.

(b) Misrepresentation of age by a minor is a Class C misdemeanor. (Ord. 84-65 §2(Exhibit A(part)), 1984).

7.36.020 Sale or gift of liquor prohibited-Exception.

(a) No person shall sell, give or otherwise make available any alcoholic liquor to any person who is visibly intoxicated.

(b) 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 twenty-one years. A person violates this subsection who sells, gives or otherwise makes available alcoholic liquor to a person with the knowledge that the person to whom the liquor is made available will violate this subsection.

(c) A person who violates this section commits a Class A misdemeanor. Upon violation of subsection (b) of this section, the court shall impose at least a mandatory minimum sentence as follows:

(1) Upon a first conviction, a fine of three hundred fifty dollars.

(2) Upon a second conviction, a fine of one thousand dollars.

(3) Upon a third or subsequent conviction, a fine of one thousand dollars and not less than thirty days of imprisonment.

(d) The court shall not waive or suspend imposition of the minimum mandatory sentence required by subsection (c) of this section. In addition to the mandatory sentence the court may require the violator to make restitution for any damages to property where the alcoholic liquor was illegally consumed or may require participation in volunteer service to a community service agency.

(e) The penalty provisions of subsection (c) of this section shall not apply to persons licensed or appointed under the provisions of ORS Chapters 471 and 472.

(f) Nothing in this section prohibits any licensee under this chapter from allowing a person who is visibly intoxicated from remaining on the licensed premises so long as the person is not sold or served any alcoholic liquor. (Ord. 84-65 §2(Exhibit A(part)), 1984).

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7.36.030 Purchase or possession of liquor by person under twenty-one years of age.

(a) No person under the age of twenty-one years shall attempt to purchase, purchase or acquire alcoholic liquor. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, no person under the age of twenty-one years shall have personal possession of alcoholic liquor.

(b) For the purposes of this section, personal possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion thereof or a drink of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(c) Except as authorized by rule or as necessitated in an emergency, no person under the age of twenty-one years shall enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

(d) Any person who violates subsection (a) or (c) of this section commits a violation punishable by a fine of not more than two hundred fifty dollars. (Ord. 84-65 §2(Exhibit A(part)), 1984).

7.36.040 Unattended minor in a vehicle.

(a) It shall be unlawful for any person having the care and custody of a minor under six years of age to leave such minor unattended in a locked vehicle, or to leave such minor unattended in an unlocked vehicle for more than fifteen minutes. A minor is unattended within the meaning of this section if the oldest person with the minor is under the age of ten years.

(b) Leaving an unattended minor in a vehicle shall be a Class B misdemeanor. (Ord. 84-65 §2(Exhibit A(part)), 1984).

7.36.050 Harboring runaway child.

(a) It shall be unlawful for any person knowingly to harbor a runaway child. As used in this section:

(1) "To harbor" means to provide lodging, whether or not for compensation, without first notifying the bureau of police; and

(2) "Knowingly" means with actual knowledge or under circumstances that would lead a person of common intelligence to believe that the child was a runaway; and

(3) "Runaway child" means an unmarried child under eighteen years of age who, without consent of the parent or other person having legal custody of that child, leaves and stays away from the home or other dwelling place provided for the child by that person.

(b) Harboring a runaway child shall be a Class B misdemeanor. (Ord. 84-65 §2(Exhibit A(part)), 1984).

7.36.060 Providing Premises for the consumption of Alcohol by Minors Prohibited.

No person who owns or is in control of premises shall knowingly allow a minor to consume alcoholic liquor on the premises except as provided in TMC 7.36.030.

Providing premises for the consumption of alcohol by minors shall be a Class A misdemeanor. (Ord. 94-04)■