

BEFORE THE COUNTY COMMISSION OF PUTNAM COUNTY, WEST VIRGINIA

RE: Social Host Ordinance

WHEREAS, Section 11, Article IX of the Constitution of West Virginia and West Virginia Code §7-1-3 provide that county commissions have the superintendence and administration of the internal police affairs of their counties;

WHEREAS, West Virginia Code §7-1-3kk authorizes a county commission to enact ordinances and take other appropriate and necessary action for the elimination of hazards to public health and safety and to abate anything which the commission deems to be a public nuisance within a county;

WHEREAS, the County Commission of Putnam County, West Virginia, hereby finds that underage consumption of alcoholic beverages and consumption of illegal substances poses an increased threat to the general public health, safety and welfare in that it leads to alcohol and drug abuse by underage persons, physical altercations, violent crimes, destruction of property, injuries, driving under the influence, vandalism, litter, public intoxication, disorderly conduct and noise and traffic disturbances;

WHEREAS, the County Commission of Putnam County, West Virginia, hereby finds that social parties where underage consumption of alcoholic beverages and consumption of illegal substances occur constitute a public nuisance;

Now, THEREFORE, the County Commission of Putnam County, West Virginia, sitting in regular session this 28th day of July 2015, hereby approves and adopts the following "Putnam County Social Host Ordinance".


The adoption having been moved by R. Joseph Haynes, and duly seconded by R. Andrew Skidmore, the vote on passage of the motion was as follows:

Stephen A. Andes	<u>NAY</u>
R. Joseph Haynes	<u>AYE</u>
R. Andrew Skidmore	<u>AYE</u>

President Skidmore declared the Ordinance duly adopted.

WHEREFORE, it is therefore ADJUDGED and ORDERED that the attached Putnam County Social Host Ordinance be adopted.

ENTERED this 28th day of July 2015.


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Putnam County Clerk
Brian Wood County Clerk
BK **101** PG **969-973**

PUTNAM COUNTY COMMISSION



R. ANDREW SKIDMORE, PRESIDENT



STEPHEN A. ANDES, COMMISSIONER



R. JOSEPH HAYNES, COMMISSIONER

PUTNAM COUNTY SOCIAL HOST ORDINANCE

I. JURISDICTION.

(a) This Ordinance is effective throughout Putnam County, West Virginia, regardless of whether the territory is incorporated or unincorporated.

(b) The Magistrate Court of Putnam County and the Circuit Court of Putnam County shall have concurrent jurisdiction with respect to misdemeanors under this Ordinance.

II. DEFINITIONS.

(a) *Underage person* means a person who has not yet reached the age of twenty-one years.

(b) *Alcoholic beverage* means any liquid substance that is obtained by any of the following methods:

(1) by the fermentation of barley, malt, hops or similar products or substitutes and containing any amount of ethyl alcohol, and commonly referred to as “beer” or “nonintoxicating beer”;

(2) by the fermentation of the natural content of fruits or other agricultural products and containing any amount of ethyl alcohol, and commonly referred to as “wine”; or

(3) by distillation and mixed with potable water and other substances in solution and containing any amount of ethyl alcohol, and commonly referred to as “liquor” or “spirits”.

(c) *Contribute to a social event* means to provide real property, space, area, personal property, money, credit, financing, supervision, food, drinks, decorations, alibi, alcoholic beverages, illegal substances, needles, drug paraphernalia, or any portion thereof, for a gathering of two or more persons.

(d) *Illegal substances* means any substance in any form that consists of any amount of the following, but does not include that which was obtained by the possessor through a valid prescription:

(1) Schedule I, II, III, IV or V drug as defined in West Virginia Code §§60A-2-1, et seq.; or

(2) counterfeit Schedule I, II, III, IV or V drug regardless of its composition.

III. PROHIBITIONS.

- (a) It is unlawful for any person to intentionally contribute to a social event where not all persons in attendance are related by blood or marriage to each other and underage persons consume alcoholic beverages, and the person knew or reasonably should have known that underage persons would be consuming alcoholic beverages.
- (b) It is unlawful for any person to intentionally contribute to a social event where underage persons consume illegal substances and the person knew or reasonably should have known that underage persons would be consuming illegal substances.
- (c) It is unlawful for any person twenty-one years of age or more who observes underage consumption of alcoholic beverages or illegal substances to fail to take the following action:
 - (1) If underage consumption of alcoholic beverages, the person must immediately verbally demand the underage person to stop and then immediately contact the underage person's parent or guardian and report the situation;
 - (2) If underage consumption of illegal substances, the person must immediately verbally demand the underage person to stop and then immediately contact 911 or a local law enforcement agency and report the situation.

IV. PENALTIES.

It is a misdemeanor for any person to violate any provision of Section III of this Ordinance. The penalty for each violation is as follows:

- a. For a first offense, a fine not more than One Hundred Dollars;
- b. For a second offense, a fine not less than One Hundred Dollars nor more than Three Hundred Dollars; and
- c. For a third or subsequent offense, a fine not less than Three Hundred Dollars nor more than One Thousand Dollars.

V. ENFORCEMENT.

This Ordinance may be enforced by any law enforcement agency, including but not limited to, the Putnam County Sheriff's Department.

VI. SEVERABILITY.


If any clause, paragraph, subparagraph, section or subsection of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby, but shall remain in full force and effect.

VII. EFFECTIVE DATE.

This Ordinance is effective upon passage.

Adopted July 28, 2015.

STATE OF WEST VIRGINIA, Putnam
County Commission Clerk's Office
07/29/2015. The foregoing Court Order
together with the certificate of its
acknowledgment, was this day presented
in said office and admitted to record

Teste:  Clerk