

AN ORDINANCE

(Troup County Ordinance No.:_____)

An Ordinance to amend the Troup County Code by adopting a certain text amendments and revisions to Chapter 6 of the Troup County Code; to provide for the prohibition of social hosting; to provide for to provide for an effective date; to repeal all conflicting and inconsistent ordinances and resolutions; to provide severability; and for such other purposes.

WHEREAS, Troup County, Georgia, by and through the Troup County Board of Commissioners, is authorized to regulate of the consumption of alcoholic beverages within unincorporated Troup County, Georgia in a manner consistent with the laws of the State of Georgia; and

WHEREAS, the Board of Commissioners finds that alcohol is a contributing factor in many risky behaviors and crimes committed by persons under the age of 21, and having found that persons under the age of 21 often possess or consume alcoholic beverages at social gatherings held at private residences or upon private property under the control of persons over the age of 21, known as "social hosting," the board of commissioners of Troup County, Georgia finds that it is in the interests of the public safety and welfare of the citizens of Troup County, Georgia to prohibit social hosting.

WHEREAS, the Board of Commissioners, assisted by county staff, has reviewed and wishes to revise Chapter 6 of the Troup County Code and to update and revise said Chapter with respect to social hosting and the consumption of alcoholic beverages by minors within unincorporated Troup County, Georgia.

NOW THEREFORE, BE IT ORDAINED as follows:

SECTION I

Chapter 6 (Alcoholic Beverages) of the Troup County Code is hereby amended by the addition and inclusion of the following new Article VII to be entitled “Social Hosting and Consumption of Alcoholic Beverages by Minors”:

Sec. 6-451. - Definitions.

- (a) An "alcoholic beverage" shall be as defined in Sec. 6-2 of Article I of this chapter.
- (b) A "gathering" is defined as the assembly of three or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.
- (c) A "social host" is a person who:
 - (1) Knows or reasonably should know that a gathering will occur on property owned or controlled by that person;
 - (2) Knows or reasonably should know that alcoholic beverages will be at the gathering; and
 - (3) Knows or reasonably should know that one or more underage person will be present at the gathering.
- (d) An "underage person" is any person under the age of 21 years.

Sec. 6-452. - Prohibited activities and duties of social host.

- (a) No social host shall allow a gathering to occur or continue if an underage person at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know that an underage person has obtained, possesses, or is consuming alcoholic beverages at the gathering.
- (b) Every social host shall take reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to (i) controlling access to alcoholic beverages, (ii) prohibiting and preventing access to alcoholic beverages by any underage

person, (iii) verifying the age of persons at the gathering, (iv) supervising the activities of underage persons at the event, and (v) remaining on the property during the gathering.

- (c) If a social host determines or has reason to believe that an underage person has consumed an alcoholic beverage before or during the gathering, then the social host shall make reasonable efforts to terminate the gathering including, but not limited to, contacting law enforcement to report the suspected underage consumption.
- (d) It shall be an affirmative defense to prosecution under this section if a responsible person (1) gives timely notice to a law enforcement official of the discovery of alcohol at the gathering or (2) reasonably supervises the activities of persons under the age of 21 at the event and prohibits and prevents access to alcoholic beverages by any person under the age of 21.

Sec. 6-453. - Penalties.

- (a) Any person who violates this ordinance shall be punished by a fine of \$200.00 for the first offense.
- (b) Any person who violates this ordinance a second time shall be punished by a fine of \$500.00.
- (c) Any person who violates this ordinance a third or subsequent time shall be punished by a fine of \$1,000.00 and shall be required to perform not less than 100 hours of community service.

Sec. 6-454. - Exceptions.

- (a) This article shall not apply to conduct solely between an underage person and his or her parent while present in the parent's household.

- (b) This article shall not apply to any situation for which state or federal law establishes an exception or exemption.

Sec. 6-455. - Repealer.

All resolutions or ordinances or parts of resolutions or ordinances and any part of the Troup County Code currently in effect in conflict with the terms of this article are hereby repealed, but any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof is hereby adopted as a part hereof.”

SECTION II

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the County of Troup.

SECTION III

(a) It is hereby declared to be the intention of the Troup County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Troup County Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Troup County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the Troup County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Troup County Board of Commissioners that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION IV

All resolutions or ordinances or parts of resolutions or ordinances in conflict herewith are hereby repealed.

SECTION V

This Ordinance is adopted in the manner provided by law this ____ day of _____, 2017 and shall be effective be effective immediately.

TROUP COUNTY BOARD OF COMMISSIONERS

By: _____
Patrick Crews, Chairman

Attest: _____
Cheryl May, Clerk

Clerk's Record of Commission Vote

Ellis Cadenhead, Troup County Commissioner, District 2	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>
Lewis Davis, Jr., Troup County Commissioner, District 3	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>
Morris Jones, Troup County Commissioner, District 4	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>
Richard English, Jr., Troup County Commissioner, District 5	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>
Patrick Crews, Troup County Commission Chairman (District 1) *	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

* Chairman not required to vote except to break a tie.

Cheryl May, Troup County Clerk