

**ORDINANCE OF TOWN OF WOOLSEY**

**NO. 2016-01**

**AN ORDINANCE OF THE TOWN OF WOOLSEY PROHIBITING CONDUCT OF CERTAIN SOCIAL HOSTS CONTRIBUTORY TO UNDERAGE CONSUMPTION OF ALCOHOLIC BEVERAGES, DISORDERLY CONDUCT OR OTHER ACTIONS OR CIRCUMSTANCES DETRIMENTAL TO OR LIKELY TO BE DETRIMENTAL TO THE HEALTH, WELFARE OR SAFETY OF THE INHABITANTS OF THE TOWN OR LIKELY CONDUCTING TO VIOLATION OF LAWS OF OTHER JURISDICTIONS APPLICABLE WITHIN THE TOWN; TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE; TO REPEAL CONFLICTING ORDINANCES; TO SET PENALTIES; TO PROVIDE FOR SEVERABILITY OF ITS PROVISIONS; AN EFFECTIVE DATE FOR ITS APPLICATION, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF WOOLSEY, GEORGIA PURSUANT TO AUTHORITY OF THE SAME, THAT THE FOLLOWING ORDINANCE BE, AND THE SAME HEREBY IS ADOPTED:**

**Section 1.**

**Social Hosts.**

(a) *Statement of Intent.* Having found that alcohol is a contributing factor in many risky behaviors and crimes committed by persons under the age of twenty-one (21), and having found that persons under the age of twenty-one (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 twenty-one (21), herein denominated "Social Hosts", the Town Council of Woolsey, Georgia finds that it is in the interests of the public safety and welfare of the citizens of Woolsey, Georgia to prohibit certain acts by Social Hosts termed broadly, "Social Hosting" but as herein defined and regulated.

(b) *Definitions.* For the purposes of this section, the following definitions shall apply:

- (1) *Alcoholic beverage* shall mean alcohol, spirits, liquor, wine, beer and every liquid, solid, or gas containing alcohol, spirits, liquor, wine or beer.
- (2) *Gathering* shall mean an assembled group of three or more non-related persons, at least one of whom is under the age of twenty-one (21) years.
- (3) *Related persons* shall mean persons that live together in a household or persons related by blood, marriage, adoption or other legal construct.
- (4) *Responsible Person* shall mean any person who is in legal or actual possession or control of any private property where a gathering takes place, regardless of whether such person has actual title to the property, including but not limited to: the property owner, renter, or lessee; the person in charge of the property; or the person who organized or materially directed, supervised, or aided or facilitated the gathering on the property.

(c) *Violation.* No Responsible Person, as defined herein, shall allow a gathering to take place if a person under twenty-one (21) years of age at the gathering obtains, possesses, or consumes any alcoholic beverage and the Responsible Person knows or should have known that a person under twenty-one (21) years of age has obtained, possessed, or consumed any alcoholic beverage at said gathering.

- (1) Said Responsible Person shall be deemed to know or should have

known of the gathering, if:

(a) The gathering takes place within the structure where the Responsible Person is located and the presence of alcohol is reasonably detectable; or

(b) The gathering takes place within sight of the Responsible Person and the presence of alcohol is reasonably detectable; or

(c) The gathering takes place within a reasonable hearing distance of the Responsible Person, and the presence of alcohol is reasonably detectable; or

(d) The Responsible Party actually knows of the gathering taking place anywhere on property under his/her control, and the presence of alcohol is reasonably detectable.

(2) It shall be an affirmative defense to prosecution under this section if a Responsible Person (a) gives timely notice to a law enforcement official of the discovery of alcohol at the gathering or (b) supervises the activities of persons under the age of twenty-one (21) at the event and prohibits access to alcoholic beverages by all persons present and under the age of twenty-one (21) years.

(d) *Penalties*

(1) Any person who violates this section shall be required to appear at The Town's Municipal Court to answer such charge. The punishment imposed upon conviction shall not exceed a fine of \$1000.00 or sixty (60) days imprisonment or both, except as otherwise provided by general

law, and shall not exceed the maximum punishment specified herein. In the event a probated prison sentence is revoked, a defendant shall not serve more than sixty (60) days in jail.

(2) When it appears by probable cause a state law has been violated, the court may bind a defendant over to the appropriate court for trial.

(3) Any person who is found guilty of violating this section, and if serious bodily injury or death resulted from the occurrence of the gathering, shall be sentenced to the maximum allowable jail time of sixty (60) days.

(4) If so authorized by general State of Georgia statute effective upon date of a defendant's commission of an offense punishable hereunder, greater or different penalties shall be permitted.

**Section 2.** This ordinance shall become effective immediately upon its adoption by the Town Council of Woolsey, Georgia.

**Section 3.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.


**Section 4.** In any event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudicated invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were

not a part thereof. The Town Council hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

**DULY ENACTED** this 14 day of NOVEMBER, 2016, by the Town Council of the Town of Woolsey, Fayette County, Georgia.

  
\_\_\_\_\_  
Gary Laggis, Mayor

Attest:

  
\_\_\_\_\_  
Stacey Collins, Town Clerk