

## LIQUOR CONTROL

**CROSS REFERENCE:** Authority to regulate liquor sales see W.VA. Code 8-12-5 (20)  
Non-intoxicating beer - see W. Va. Code Art. 11-16, Local option - see W. VA Code Art. 60.5

### SECTION I

**DEFINITIONS:** In construing the meaning of the words and terms used in this article, the Police Judge shall accept and be controlled by the definitions contained in West Virginia Code 11-16-2, 60-1-5, 60-7-2 and other laws of the State and regulations relating to intoxicating liquor and non-intoxicating beer.

### SECTION II

**PUBLIC INTOXICATION:** No person shall appear in a public place while under the influence of non-intoxicating beer, intoxicating liquor, marijuana or other drug or narcotic in such condition as to be unable to exercise care for his own safety or the safety of others.

### SECTION III

**DRINKING AND POSSESSION PROHIBITED:** No person shall within the corporation limits of the City:

- a. Drink non-intoxicating beer or alcoholic liquor in a public place, except however, that it shall be lawful for a person to drink non-intoxicating beer or alcoholic liquor upon premises operated by a retailer or private club which has been duly licensed to sell non-intoxicating beer or alcoholic liquor by the State Beer Commissioner or the State Alcohol Beverage Control Commissioner.
- b. Drink non-intoxicating beer or alcoholic liquor in a motor vehicle upon any street, parking facility, open space or in a public parking garage.
- c. Tender a drink of non-intoxicating beer or alcoholic liquor to another person in a public place or any place mentioned in subsection b. hereof.
- d. Possess alcoholic liquor in an amount in excess of ten gallon, in containers not bearing stamps or seals of the State Liquor Control Commission, without having first obtained written authority therefor from the Commission.
- e. Possess any non-intoxicating beer or alcoholic liquor which he knows or should know was manufactured or acquired in violation of the provisions of West Virginia Code Chapter 60.
- f. Possess in a public place, carry, or transport non-intoxicating beer or alcoholic liquor in an original container which has been opened or upon which the seal has been broken. An open container cannot be within the immediate access of driver or passengers.

**SECTION IV**

**PERMIT REQUIRED: ISSUANCE**

If any individual or corporation desires to have, distribute or consume non-intoxicating beer or alcoholic liquor in a public place within the corporate limits of the City, such individual or organization shall apply to the Chief of Police or his duly authorized representative/Secretary, for a permit therefor at least three (3) days prior to the date scheduled for using such beverages. No fee shall be charged for granting such permit.

A permit shall be issued only upon the following conditions:

- a. Such individual or organization by its duly authorized officer shall agree in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit and to properly clean up and restore the premises, after use, to its prior condition.
- b. Such individual or organization shall further agree, in writing, that adequate precautions shall be taken to insure that minors will not be served or allowed to consume non-intoxicating beer or alcoholic liquor at the permitted event or gathering.
- c. No non-intoxicating beer or alcoholic liquor shall be distributed or consumed other than on the specified premises described in the permit and only during the time stated therein.
- d. No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions hereof during the period of one (1) year prior to application for permit.
- e. No permit shall be issued for consumption of non-intoxicating beer or alcoholic liquor upon the property under the jurisdiction of the City in violation of any promulgated rule of the Commission.

**SECTION V**

**PENALTY**

Any person who violates any provision of this article shall be fined not less than One Hundred (\$100.00) nor more than Five hundred (\$500.00).

Approved: *Hugh Livingston*  
Mayor  
Date 5/21/01

*Stiffmaphis*  
Recorder  
Date 5/21/01

CITY OF ROMNEY ORDINANCE NO. 2001-3-05

**Revised: February 16, 2001 Committee meeting: Rowzee, Morris, Voit and Chief See 4PM**

**First Reading 3-5-01 Motion by Hicks      Second by Moore, motion carried**

**Second Reading 4-2-01 Motion by Rowzee      Second by Hicks Motion carried**

**Third -Final reading - 5-7-01 Motion by Moore      Second by Morris, Motion carried**