

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2015- 10

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO AMEND THE PROVISIONS PERTAINING TO SOCIAL HOSTS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO OFFENSES AND MISCELLANEOUS PROVISIONS (CHAPTER 16), BE AMENDED AS FOLLOWS:

**Section 1.** By deleting Section 16-10, pertaining to “Social hosts”, from Article I of Chapter 16 in its entirety and by enacting, in lieu thereof, a new Section 16-10, pertaining to Social Hosts to read as follows:

**Sec. 16-10. 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 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 Fayette County, Georgia finds that it is in the interests of the public safety and welfare of the citizens of Fayette County, Georgia to prohibit Social Hosting.

(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 (3) or more non-related persons, at least one of whom is under the age of 21 years old.
- (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 the gathering on the property.

(c) *Violation.* No Responsible Person, as defined herein, shall allow a gathering to take place if a person under 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 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 Person 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 21 at the event and prohibits and prevents access to alcoholic beverages by any person under the age of 21.

(d) *Penalties.*

(1) Any person who violates this section shall be required to appear at Court to answer said charge. The punishment imposed upon conviction shall not exceed a fine of \$1,000.00 or six months' imprisonment or both, provided the judge shall probate not less than 120 days of any sentence imposed, except as otherwise provided by general law, and shall not exceed the maximum punishment specified herein. In the event a sentence is revoked, a defendant shall not serve more than 60 days in jail.

(2) Any person who is found guilty of violating this section shall be punished as follows:

a. For the first offense, up to six (6) months imprisonment all of which may be probated, and a fine up to \$500.00, and community service up to ten (10) hours, and mandatory participation in a victim impact panel, and participation in an alcohol education class at the court's discretion. In the event a sentence is revoked, a defendant shall not serve more than 60 days in jail.

b. For the second offense, up to six (6) months imprisonment all but 24 hours may be probated, and a fine of not less than \$500.00 and not more than \$750.00, and community service up to 20 hours, and mandatory participation in a victim impact panel, and participation in an alcohol education class at the court's discretion. In the event a sentence is revoked, a defendant shall not serve more than 59 days in jail.

c. For the third and subsequent offenses, up to six (6) months imprisonment all but 30 days may be probated, and a fine of no less than \$1000.00, and community service up to 200 hours, and mandatory participation in a victim impact panel, and participation in an alcohol education class at the court's discretion. In the event a sentence is revoked, a defendant shall not serve more than 30 days in jail.

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

§1-7, O.C.G. A. §36-1-20).

**Section 2.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**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 adjudged 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 adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners 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 adjudged invalid or unconstitutional.

SO ENACTED this 10<sup>th</sup> day of September, 2015.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY

By: Charles W. Oddo  
Charles W. Oddo, Chairman



(SEAL)

ATTEST:

Floyd L. Jones  
Floyd L. Jones, County Clerk

Approved as to form:

[Signature]  
County Attorney