

CHAPTER 10

ARTICLE I - Alcoholic Beverages and Controlled Substances

10.1.1 Findings of Fact -- The Council of the Town of Glasgow, West Virginia, after thorough consideration of all factors relevant thereto, does hereby make the following findings of fact:

(a) The Town Ordinance on alcoholic beverages and controlled substances needs to be amended and rewritten to include drinking in motor vehicles and to comply with the laws of West Virginia.

(b) The changes hereinafter contained are just and reasonable; are applied without unjust discrimination or preference; and are based primarily upon the Statutes of West Virginia.

10.1.2 Interpretation -- In construing the meaning of the terms used in this Chapter, the definitions contained in the West Virginia Liquor Control Act shall apply as well as other applicable chapters contained in the West Virginia Code.

10.1.3 Intoxication In A Public Places: Illegal Possession of Alcoholic Liquor – It shall be unlawful for any person to:

(a) Appear in a public place in an intoxicated condition.

(b) Drink or consume alcoholic liquor, including beer, in the open, within a vehicle or otherwise, on any public street, sidewalk, alley, park or other open public place or area visited generally by the public.

(c) Drink alcoholic liquor in a motor vehicle, on any street or in a public garage.

(d) Tender a drink of alcoholic liquor to another person in a public place.

(e) Possess alcoholic liquor in an amount in excess of one gallon, in containers not bearing stamps or seals of the West Virginia Liquor Control Commission, without having first obtained written authority from that commission thereof.

(f) Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of Chapter 60 of the Code of West Virginia.

10.1.4 Unlawful Manufacture or Sale of Alcoholic Liquor -- It shall be unlawful for any person to manufacture or sell in the Town, without a state license, any alcoholic liquor except what is permitted by law or the ordinances of this Town.

10.1.5 Aiding, Abetting Unlawful Manufacture, Sale of Liquor - - It shall be unlawful for any person to aide or abet in the manufacture or sale of alcoholic liquor without a license, except as permitted by law.

10.1.6 Marijuana – Possession of Fifteen Grams or Less of Marijuana; First Offense; Probation; Expungement of Records

(a) It shall be unlawful, under circumstances constituting a first offense under Section 407, Article 4, Chapter 60A of the Code of West Virginia, for any person in the Town to knowingly or intentionally possess fifteen grams or less of marijuana.

(b) Any person who pleads guilty to or is found guilty of a violation of subsection (a) of this Section shall be placed on probation for a period of thirty days.

(c) Upon fulfillment of the terms and conditions of probation, the municipal court shall discharge the person and dismiss the proceedings against him. The effect of such dismissal and discharge shall be to restore such person in contemplation of law to the status he occupied prior to such arrest and trial. No person to whom such dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing or otherwise giving false statement by reason of his failure to disclose or acknowledge such arrest or trial in response to any inquiry made of him for any purpose. There may be only one discharge and dismissal under this Section with respect to any person.

(d) After a period of not less than six months which shall begin to run immediately upon the expiration of a term of probation imposed upon any person under this Section, such person may apply to the municipal court for an order to expunge from all official records all recordation of his arrest, trial and conviction pursuant to this Section. If the Town Judge determines that such person during the period of such probation and during the period of time prior to his application to the municipal court under this Section has not been guilty of any serious or repeated violation of the conditions of such probation, he shall enter such order.

10.1.7 Purporting to Sell Controlled Substances – No person shall at any time sell any substances which that person purports to be a controlled substance, as defined under Schedules I through V of Article II of the Uniform Controlled Substance Act, Chapter 60A of the Code of West Virginia, when in actuality the substance sold contains no controlled substances.

Whoever violates the provisions of this Section shall, upon conviction, be guilty of a misdemeanor and fined not less than \$ 5.00 not more than \$100.00 or be imprisoned for a period not to exceed thirty days, or both. Subsequent violations, upon conviction shall be punished by a mandatory \$100.00 fine and, in the discretion of the court, imprisonment not to exceed thirty days.