

1000
AN ORDINANCE OF THE CITY OF LUMBERPORT AMENDING,
ENACTING AND RE-ENACTING CHAPTER 27 "LIQUOR CONTROL"
OF THE CODIFIED ORDINANCES OF THE CITY OF LUMBERPORT
BY RENAMING CHAPTER 27 TO READ "LIQUOR CONTROL,
CONTROLLED SUBSTANCES AND MARIJUANA"
AND BY ADDING A NEW DEFINITION OF CONTROLLED SUBSTANCES
AND BY ADDING A NEW SECTION (SECTION 2) "REGULATION OF
CONTROLLED SUBSTANCES, MARIJUANA AND PENALTIES"

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LUMBERPORT, HARRISON COUNTY, WEST VIRGINIA, that Chapter 27 of the Codified Ordinances of the City of Lumberport, West Virginia, be amended, enacted and re-enacted by adding thereto the following:

CHAPTER 27

Article 1

Section 1 Definitions

"Controlled Substance" means a drug, substance or immediate precursor in Schedules I through V of the West Virginia Code Chapter 60A, which is inclusive of marijuana.

Section 2 Illegal Possession of a Controlled Substance and Marijuana

No person shall:

- (a) Consume or use any controlled substances, including marijuana, on any public sidewalk, walkway, entranceway, street, lane or other public place.
- (b) Consume or use any controlled substance, including marijuana, in a motor vehicle on any highway, street, alley or in any other public place.
- (c) Tender or sell any controlled substance, including marijuana, to another person in a public place.
- (d) Possess any controlled substance, including marijuana.
- (e) Possess any controlled substance, including marijuana, which was manufactured or acquired in violation of the provisions of West Virginia Code Chapter 60A.
- (f) Possess paraphernalia as listed in West Virginia Code § 60A-4-403(a), typically associated with consumption of any controlled substance, including marijuana.

Section 3 Provisions for Violations of Section 2

Any person who is in violation by possessing any controlled substance, including marijuana, in which the amount recovered is less than 15 gram as referenced in Section 2 (d) and (e) and/or is in violation of the possession of paraphernalia as referenced in Section 2 (f), is guilty of a misdemeanor, and will be referred to the Lumberport Municipal Court.

Section 4 Intoxicating Liquors

It shall be unlawful for any person to purchase, sell, use, transport, acquire, or otherwise have possession of any beer or intoxicating liquor in violation of the laws of the State of West Virginia governing the purchase, sale, use, transportation, and possession of the same.

Article 2

It shall be unlawful for any person to appear upon the street, road or alley or in any other public place in the Town of Lumberport in a state of intoxication.

Article 3

Penalties

Any person convicted of violating this Chapter, upon conviction, shall be fined not more than \$500.00, plus all Court costs.

SEVERABILITY

The invalidity of any section, clause, sentence or provision of this ordinance shall not effect the validity of any other part of this ordinance, which can be given effect without such valid part or parts.

PASSED ON FIRST READING

DATE: Nov 5, 2001

ADOPTED ON SECOND READING
after a public hearing held immediately
prior to regular meeting of Council,
which public hearing was given by
publication

DATE: December 3, 2001

Deane A. Hagan
MAYOR

William A. Keener
CITY RECORDER