

Alcoholic Beverage Control Ordinance

TITLE 24 VSA SECTION 2291 – ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare and convenience, a town, city, or incorporated village shall have the following powers:

(Subsection #14)

To define what constitutes a public nuisance, and to provide procedures and take action for its abatement or removal as the public health, safety or welfare may require.

(Subsection #15)

To provide for penalties for violation of any ordinance or rule adopted under the authority of this section.

ARTICLE I

Section 1 – TITLE

This ordinance shall be known as the Alcoholic Beverage Control Ordinance and is adopted pursuant to Title 24 VSA Section 2291.

Section 2 – DEFINITIONS

A. Alcoholic Beverage. Any beverage which meets the definition of “malt beverage”, “vinous beverage”, “spirits” or “spirituous liquors” as set forth in Title 7 VSA Section 2.

B. Public Place. Shall be “public areas” and “public access areas” as herein defined.

C. Public Areas. Shall include sidewalks, lawns, roads, streets, ways, commons, lots and highways in the Town whether publicly or privately owned, which are open to the public, used by the public, available for use by the public and to which the public has a right to resort.

D. Public Access Areas. Shall include that portion of commercial premises which are used for ingress and egress and for passage by commercial premises by the public and the owners and occupants thereof and their employees.

E. Commercial Premises. Shall include buildings and adjacent lands and premises used for, connected with or related to business, trade and traffic in commerce in general. For the purpose of this ordinance, the property of a church, fraternal organization, school district and railroad corporation shall also be considered a commercial premise.

F. Open Container. Is any vessel, container or device from which an alcoholic beverage may be drunk, poured or otherwise dispensed. There is specifically excluded from this definition any container provided by a bottler, distiller, manufacturer or distributor from which the seal, sealing device, top, cork, cover or closing device provided by such bottler, distiller, manufacturer or distributor has not been opened, broken or removed, provided that no other opening in such container is made by the consumer.

ARTICLE II: PROHIBITED CONDUCT

Section 1: OPEN CONTAINER IN PUBLIC PLACE

It shall be unlawful for any person to have in his possession any open container containing any quantity of alcoholic beverage on or in a public place or while in a motor vehicle, whether moving or stationary, which is on or in a public place.

Section 2: OPEN CONTAINER IN MOTOR VEHICLE

When an open container containing any quantity of alcoholic beverage is found with a motor vehicle located on or in a public place, it shall be presumed that the operator of the vehicle is in possession of the open container. If the operator of the motor vehicle cannot be determined then it shall be presumed that each person entering into or being in the motor vehicle is in possession of the open container.

ARTICLE III: PERMITS

Any community service club, religious, fraternal, veterans or school organizations will upon written request to the Town Manager be issued a permit exempting certain designated public areas from the terms that all necessary permits be obtained and all Town Ordinances, State Laws, and Vermont State Liquor Control Board Regulations are complied with.

ARTICLE IV: PENALTY

A person who is in violation of prohibited conduct set forth in Article II of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00).