

PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES

IN THE TOWN OF MENDON

§1 STATEMENT OF PURPOSE.

Pursuant to the authority granted to the town of Mendon pursuant to 24 V.S.A. §2291, and to promote the public health, safety and welfare and convenience of the town of Mendon, this ordinance is promulgated.

§2 DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

(a) Alcoholic Beverages.

An alcoholic beverage is defined as any of the following:

(1) Alcohol: The product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and includes ethyl alcohol and alcohol which is considered non-potable.

(2) Malt beverage: All fermented beverages of any name or description, manufactured from malt, wholly or in part, or from any substitute therefore, known as beer, porter, ale and stout, containing not less than one percent nor more than six percent of alcohol by volume at sixty (60) degrees Fahrenheit.

(3) Spirits: Beverages containing more than one percent of alcohol obtained by distillation, by chemical synthesis, or through concentration by freezing; and vinous beverages containing more than sixteen percent alcohol and all vermouths of any alcoholic content; malt beverages containing more than six percent of alcohol, in each case measured by volume at sixty degrees Fahrenheit.

(4) Vinous beverages. All fermented beverages of any name or description manufactured or obtained for sale from the natural sugar contents of fruits, or other agricultural products, containing sugar, the alcoholic content of which is not less than one percent nor more than sixteen percent by volume at sixty degrees Fahrenheit.

(b) Person. Individuals, corporations, partnerships, unincorporated association or any other legal entity.

(c) Container. Any glass, plastic or metal bottle or can, animal skin bag, or any other device of a non-porous or semi-porous nature which might be used to hold liquids.

22

(d) Open Container. Shall mean a container other than one with an unbroken seal, or other than one containing a vacuum or pressure obtained during original bottling by a licensed person.

(e) Possession. Having in hand or on person, within immediate control, or relatively accessible for use.

(f) Town Property. Any street, highway, sidewalk, park, building or any other place owned by or under the authority and control of the Town of Mendon.

(g) Public Place. Property to which the general public has a right to resort, including, but not limited to, public lands and buildings, entrances and exits from businesses and religious buildings, recreational areas, public streets and highways, bridges and sidewalks within the town limits.

(h) Private Dwelling. Any structure, including a garage, together with the porch, steps or patio attached or adjacent thereto, not primarily owned, occupied, operated or used for any commercial or business activity, or that portion of a commercial structure primarily used for residential, and not for commercial or business purposes.

#### § 5 REGULATIONS AND PERMIT PROCEDURES

(a) Except as hereinafter provided, it shall be unlawful for any person to possess and/or consume an alcoholic beverage on town property or in a public place in the town of Mendon, both as hereinbefore defined. Possession of an open container of alcoholic beverage in said areas, including motor vehicles located within the aforesaid areas, shall be prima facie evidence of a violation of this ordinance.

(b) Nothing in this section shall be construed to prevent the consumption of alcoholic beverages within any private dwelling, or within any establishment in which the consumption of alcoholic beverages is authorized by federal, state or local law.

(c) Any person, on his own behalf, or on behalf of a group of persons, wishing to possess any alcoholic beverage while on town property or in a public place as hereinbefore defined, shall file with the board of selectmen an application for a permit containing:

- (1) the name, address and phone number of the applicant;
- (2) the hour, date and estimated length of possession;
- (3) the location where said possession will take place;
- (4) the purpose of the activity; and

2/2/88

(5) the applicant's proposed arrangements to ensure the safety of the public and the persons covered under the permit, and the prevention from damage of public and private property.

(d) Applications shall be available at the town clerk's office during those office hours;

(e) The application shall be filed at least fifteen days prior to the proposed activity, and shall be promptly considered by the board of selectmen.

(f) The board must determine whether:

(1) The application is complete and accurate;

(2) That the purpose of the possession is within the intent and purpose of the ordinance; and

(3) Adequate arrangements have been proposed by the applicant to ensure safety of the public and the persons covered under the permit and protection from damage of public and private property.

(g) The board of selectmen shall have the power to revoke or amend the permit if it appears that there has been a change in circumstances under which the permit was granted.

#### §4 PENALTIES

A person who has in his or her possession an open container containing any alcoholic beverage while on town property or in a public place without a permit specifically authorizing the possession, or who violates a term or provision of a permit issued under this ordinance shall be subject to a fine not to exceed \$1,000.00, or imprisonment not to exceed thirty days, or both, for each violation.

#### §5 SEVERABILITY

If any part of this ordinance shall be held to be void, invalid or unconstitutional under the laws or constitution of the state of Vermont or the United States by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect.

Jan. 11, 1988

This ordinance passed unanimously by Mendon Selectmen at the regular meeting above.

Eugene F. Cable, Chairman  
Stuart R. Marceau  
Harold Gorey

Helen J. Lawrence, Mendon Town Clerk

*Helen J. Lawrence*