

TOWN OF FERRISBURGH

ORDINANCE FOR RESTRICTING ALCOHOLIC BEVERAGE USE

ON TOWN PROPERTY

The Board of Selectmen under the authority of Title 24, Vermont Statutes Annotated, Chapter 61, and such other statutes that may be applicable, hereby adopt the following ordinance:

SECTION I - PURPOSE

101. To control the use and possession of alcoholic beverages on Town property, and to preserve the privilege of responsible persons to use and possess alcoholic beverages on Town property in a reasonable fashion thereby assuring the safety of the public and the protecting of property.

SECTION II - DEFINITIONS

201. Alcohol refers to 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.
202. Container means any glass bottle, metal can, animal skin bag, or any other device of a nonporous or semi-porous nature which might be used to hold liquids.
203. Malt Beverage means all fermented beverages of any name or description manufactured for sale from malt, wholly or in part, or from any substitute therefore, known as beer, porter, ale, stout, containing not less than one percent nor more than six percent of alcohol by volume at sixty degrees fahrenheit.
204. Open Container shall mean a container other than one with an unbroken seal, or containing a vacuum or pressure obtained during original bottling by a licensed bottler.
205. Persons includes a corporation, partnership, unincorporated association or any other legal entity.
206. Possession shall mean having an open container in hand or on person, within immediate control, or relatively accessible for use.
207. Spirits means all beverages containing alcohol obtained by distillation, fortified wines or liquors and any other beverage containing more than 14 percent of alcohol by volume at 60 degrees fahrenheit.

208. Town Property shall mean any street, highway, sidewalk, park, building or any other place owned by or under the authority and control of the Town of Ferrisburgh.
209. Vinous Beverages shall include all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits, or other agricultural product, containing sugar, the alcoholic content of which is not less than one percent nor more than 14 percent by volume at 60 degrees fahrenheit.

SECTION III - RESTRICTIONS

301. No person shall have in their possession an open container containing any malt or vinous beverage, spirits or alcohol while on Town property, including any properties leased or rented by the Town, or in any vehicle located on Town property unless a permit has been issued specifically authorizing the possession of malt or vinous beverage, spirits or alcohol on Town property.

SECTION IV - PERMIT PROCEDURE

401. A person either on his own behalf or on behalf of a group of persons, wishing to possess any malt or vinous beverage, spirits, or alcohol while on Town property shall file with the Board of Selectmen an application containing: (a) the name, address and phone number of the applicant; (b) the hour, date and estimated duration of the possession; (c) the location where possession will take place; (d) the purpose of the activity, if any; (e) the applicant's proposed arrangements to insure the safety of the public and the persons covered under the permit, and the prevention from damage of public and private property. A certificate of insurance may be required by the Board of Selectmen. Applications may be obtained during working hours from the Town Clerk's Office.

The application shall be filed at least 15 days prior to the possession. However, the Board of Selectmen may waive this requirement if they determine upon receipt of the application that the applicant has satisfied satisfactorily the requirements of Section 501.

SECTION V - OFFICIAL ACTION ON THE PERMIT

501. The Board of Selectmen shall determine whether the applicant has: (a) submitted a complete and accurate application; (b) set forth a purpose for possessing alcoholic beverages on Town property which is within the intent or purpose of the ordinance; (c) provide for adequate arrangements to insure the safety of the public and persons covered under the permit, and the prevention from damage of public and private property have been provided for.

502. Upon consideration of all items in Section (501), the Board of Selectmen has the authority to approve or disapprove the application, in either case, a decision must be made no later than 14 days after receipt of the application. If the Board of Selectmen fails to respond in the five-day period, then the application shall be deemed granted, subject to whatever terms were contained in the application. If the application is disapproved and the permit is denied, the Board of Selectmen shall provide written reasons to the applicant at the time of notification of disapproval of application and denial of permit.

503. The Board of Selectmen may amend or revoke a permit if it appears that the arrangements contained in the permit will no longer prevent injury to person or property due to a change in the circumstances under which the permit for possession was granted.

SECTION VI - PENALTIES

601. A person who has in his or her possession an open container containing any malt or vinous beverage, spirits or alcohol while on Town property without a permit specifically authorizing such possession or who violates a term or condition of permit issued hereunder shall be subject to a fine not in excess of \$500.00 for each violation.

SECTION VII - SEVERABILITY

701. If any part of this ordinance shall be held to be void, invalid, or unconstitutional either under the laws or constitution of the State of Vermont or the United States by court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and such portion shall be in full force and effect.

SECTION VIII - EFFECTIVE DATE

801. This ordinance shall take effect 60 days from date of adoption by the Board of Selectmen, under 24 V.S.A. 1972.

ADOPTED: 7/18/89
EFFECTIVE: 9/16/89
POSTED: 7/19/89
ADVERTISED: 7/27/89

ATTEST:

Paul L. Hoffman
Town Clerk
7/18/89