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Town of Royalton
County of Windsor
State of Vermont

An ordinance relating to the possession and consumption of alcoholic beverages in public places. This ordinance is designated as a civil ordinance pursuant to 24 VSA §1971(b).

WHEREAS the unrestricted possession and consumption of alcoholic beverages upon town streets and other public places presents an image inconsistent with an orderly, well-mannered community, and...

WHEREAS the resulting congregation of persons has caused congestion on public roads and sidewalks, and contributed to loud and profane conversation within the community and has increased the tendency for disorderly conduct thusly creating an unacceptable risk to the health, welfare and safety of the citizens of the Town of Royalton,

THEREFORE now then does the Selectboard of the Town of Royalton hereby ordain the following:

Article 1. PROHIBITION

It shall be a violation of this ordinance for any person to consume or have in their possession any open or previously opened container containing any alcoholic beverage on, in, under or above any public place within the Town of Royalton.

Article 2. EXCEPTIONS

Section 1. Permits

Upon first obtaining a written permit from the Selectboard or its designee any person or group of persons or organization may be exempted from the provisions of Article 1 under such terms and conditions as the board shall see fit.

Section 2. Applications for Permits

Any applicant desirous of obtaining such a permit shall apply to the Selectboard. Applications shall be furnished and made available by the board. The granting or denial of said permit shall be at the discretion of the Selectboard who may direct the applicant to meet certain conditions including (but not limited to) any or all of the following:

1. limitation as to the number of participants.
2. limitation as to day or dates of permits.
3. requiring the presence of one or more constables.
4. reasonable limitations on time and duration of such activities.
5. any other such condition(s) as they should deem prudent or in the public interest.

Article 3. DEFINITIONS

For the purposes of this ordinance, the following terms, phrases and words shall have the meanings given herein.

1. "Shall" the word shall is to be construed as mandatory and not merely directory.

- 2. "Alcohol" and/or "Alcoholic Beverage" Any product of distillation, fermentation or any other process used to increase the natural alcoholic content thereof, to include all beers, malts, wines and spirituous liquors having a percentage of alcoholic content greater than 1% by volume, and being further defined as any product whose possession and/or sale is regulated by the State Liquor Control Board.
- 3. "Open Container" Is any container, bottle, can or vessel which is, or has been, opened.
- 4. The term "person" Shall mean any individual.
- 5. "Public place(s)" Is any place(s) that the general public has a right to walk, gather or resort to including, (but not limited to) public lands and buildings, the entrances to businesses, recreational areas, streets and/or highways, sidewalks or bridges within the Town of Royalton.

Article 4. Penalty

1. A person who violates any provision of this ordinance shall be charged with a violation of this ordinance and upon conviction shall be fined not more than five-hundred dollars (\$500.00).

2. Notwithstanding Article 4, §1, any person who stands accused of a violation of this ordinance may, at their discretion, within 10 days of having been issued a citation for the same, choose to plead either GUILTY or NOLO CONTENDRE to the offense and pay a waiver fee of one-hundred dollars (\$100.00) for the first such offense. Second violations of this ordinance shall require a court appearance and a fine of up to five-hundred dollars (\$500.00).

Article 5. Severability

Should any part or portion of this ordinance be held unlawful or unconstitutional then said same part or portion is declared to be severable and shall have no effect on the remaining portions of this ordinance.

ADOPTED this 9th day of May, 1995 by the Royalton Selectboard and shall become effective on the 9th day of July, 1995.

ROYALTON SELECTBOARD

- Richard W. Ellis
Richard Ellis
- Robert Hull
Robert Hull
- John Dumville
John Dumville
- Joshua Powers
Joshua Powers
- David McCoullough
David McCoullough

Received For Record;
May 10th A.D., 1995, at
eleven o'clock and seventeen
minutes A.M.

Attest- Theresa M. Harrington
Town Clerk

Royalton Town Clerk's Office; May 10th A.D., 1995, at eleven o'clock and seventeen minutes A.M., received for record the instrument of which the foregoing is a true copy.

Attest- Theresa M. Harrington
Town Clerk