

Article 0807-3B: **DRINKING IN A PUBLIC PLACE**

AUTHORITY: 24 VSA, § 2291, (17) (18)

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and § 1977 et seq.

Section I:

- A. No person shall consume, open a container of or carry an open container of malt beverage, wine, or intoxicating liquor in a "PUBLIC AREA" within the Township or in any vehicle parked therein. "PUBLIC AREA" is defined for the purpose of this ordinance as:
 - 1. Public highways, roads, streets, or parking lots open to the public, except as authorized below.
 - 2. Village or Town property including property designated for school and recreational use, except as authorized below.

Section II:

The provisions of this ordinance shall not apply to:

- A. An area or event at which consumption of alcoholic beverages is authorized by the Town Liquor Control Board, or;
- B. Any place or event licensed for on-premise sale of alcoholic beverages.
- C. Wednesday Night Live Music Series on Wednesdays 5:30-7:30PM and events that are preapproved by the Selectboard at the Oxbow Park. This area will only include the upper field within 300' from the front of the pavilion from June through September.

Section III

Enforcement:

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per violation. Morristown Police officers from the Morristown Police Department shall be authorized to act as issuing municipal officers to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

Civil Penalty:

An issuing municipal official is authorized to recover civil penalties in violation of this ordinance. A civil penalty of up to \$100 may be imposed for the violation of this civil ordinance.

Waiver Fee:

An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint. The waiver fee shall be set at \$50 for each offense.

Other Relief:

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Morristown Selectboard is authorized to commence civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

The Morristown Drinking in a Public Place Ordinance was adopted on June 19, 1995 at a duly warned Selectboard Meeting at Municipal Conference Room in Morrisville. It was posted in the Morristown Town Clerk's Office, the Morristown Post Office, Morrisville Water & Light Department, Palmer's Inc. and the Price Chopper Supermarket. Notice of this ordinance was published in the News & Citizen, the official Town newspaper, the week of June 26, 1995. It will take effect on August 18, 1995 unless a petition signed by at least five percent of the voters of the Town of Morristown is filed with the Town Clerk by August 2, 1995 asking for a vote to disapprove the ordinance. If a petition is received, the Town of Morristown Selectboard will warn a special meeting and the voters may vote on that question.