

AN ORDINANCE RELATING TO THE  
USE OF ALCOHOLIC BEVERAGES  
IN PUBLIC PLACES

It is hereby ORDAINED by the Selectboard of the Town of Milton,  
that the following Ordinance be adopted.

ARTICLE I

General

Section 1: Short Title. This ordinance shall be known as the Alcoholic Beverage Control Ordinance of 1980.

Section 2: Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. The word " Shall" is to be construed as mandatory and not merely directory.

(a) " Alcohol" is the product of distillation of any fermented liquor, rectified either once or oftener whatever may be the origin thereof, and includes ethyl alcohol and alcohol which is considered non-potable.

(b) " Malt beverage " is any fermented beverage of any name or description manufactured for sale from Malt, wholly or in part, or from any substitute thereof, known as beer, porter, ale and stout, containing not less than one percent nor more than six percent of alcohol by colume at sixty degrees fahrenheit.

(c) " Person" is an individual, partnership, corportation, association, trust, or other institution or entity.

(d) " Possession " is the detention and control or the manual or physical custody of a container or containers of a beverage for which possession is prohibited under the terms of this ordinance.

(e) "Public place " is a place to which the general public has a right to resort, including, but without limitation thereto, public lands and buildings, entrances to business and religious buildings, recreational area, public streets, highways, bridges and sidewalks within the limits of the Town.

(f) " Spirits" is any beverage containing alcohol obtained by distillation, fortified wines and liquors and any other beverage containing more than twenty percent of alcohol by volume at sixty degrees fahrenheit.

(g) "Vinous beverage" is all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar products, containing sugar, the alcoholic content of which is not less than one percent nor more than twenty percent by volume at sixty degrees fahrenheit.

ARTICLE II

Regulation

Section 1: Prohibition.

(a) It shall be unlawful for any person to have in his or her possession any spiritous liquor, vinous or malt beverages, as defined herein, on, under or above any land or premises owned by the Milton Town School District.

(b) It shall be unlawful for any person to have in his possession any opened container containing any quantity of spiritous liquor, malt, or vinous beverages as defined herein on, under or above any public place whatsoever.

Exceptions

Section 1: Permits. Upon first obtaining a written permit, which may be included within the regular permit granted for use of such property, any publicly recognized organization or organized group, or family group, may be exempted from the provisions of Article II of this Ordinance for a short period of time only, not to exceed twenty-four (24) hours, except that no permits shall be issued for school property.

Any person or organization desiring to obtain such a permit shall make written application therefor, to the Board of Selectmen, not less than ten (10) days prior to the date of the desired permit. The granting or withholding of said permit shall be within the sole discretion of the Board of Selectmen and a record of such request and the decision thereon, shall be recorded in the minutes of the Selectmen meetings.

ARTICLE IV

Miscellaneous

Section 1: Penalty. A person who violates any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred (\$100.00) Dollars.

Section 2: Violations. In any complaint or information, and in any action or proceeding brought for the enforcement of any provision of this ordinance, it shall not be necessary to negate any exception, excuse, provision, or exemption contained in this ordinance, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

Section 3: Separability. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be adjudicated invalid or unconstitutional, such phrase is declared to be separable and the remaining portions of this ordinance to be in full force and effect.

Section 4: Publication and Effective Date. This ordinance shall be published in the Burlington Free Press on April 2, 1980, and shall become effective on June 8, 1980.

Passed and adopted by the Board of Selectmen of the Town of Milton this 9<sup>th</sup> day of April 1980.

Public Hearing to be held:  
Town Hall, 3rd level  
Main Street, Milton, Vt.  
April 9, 1980 at  
7:00 P.M.

Carroll E. Course  
CHAIRMAN OF THE MILTON SELECTBOARD  
Donald H. Turner Sr.  
Alan M. Course  
John L. Pfeiffer

SELECTMEN OF THE TOWN OF MILTON

John A. [Signature]  
CLERK