

## **ARTICLE 16 OPEN CONTAINER**

### **Article 16-1 Purpose**

It is the purpose of this ordinance to protect the public health, welfare and promote the public enjoyment of lands under the control of the Town of Bennington.

### **Article 16-2 Authorization**

By authority of 24 VSA Chapter 61 Section 2291(18), municipalities are enabled to regulate consumption of alcohol in public places.

### **Article 16-3 Prohibitions**

It shall be unlawful for any person to drink malt, vinous or spirituous liquors upon any public street, alley, sidewalk, parking place, or publicly-owned land nor in or upon any motor vehicle while moving or stationary in any said places. These acts are also unlawful on any privately owned land which is provided for use by the public. Possession upon ones person of any open container of any such liquor in any such place shall be prima facia evidence of a violation hereof.

### **Article 16-4 Exceptions**

The provisions of this section shall not apply to premises where such liquors are legally sold for consumption on said premises or to recreational areas in which facilities are provided for picnics or to publicly-owned lands when the Select Board has granted approval for sale and/or consumption of such liquors.

### **Article 16-5 Enforcement**

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and 1977 et sq. A civil penalty of not more than \$75 may be imposed for violation of this civil ordinance and a waiver fee shall be set at \$50. Each day that a violation continues will constitute a separate violation of this ordinance.

### **Article 16-6 Severability**

This ordinance and the various parts, sentences, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

### **Article 16-7 Effective Date**

This ordinance shall take effect sixty (60) days from date of adoption by the Select Board.

This ordinance is hereby adopted by the Select Board of the Town of Bennington, Vermont on this 12<sup>th</sup> day of December 1995. It shall be printed in full in the minutes of the Select Board, posted in five (5) conspicuous places within the Town of Bennington and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption subject to the right of petition provided by law.

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