

Town of Plainfield  
Ordinance to Restrict Alcoholic Beverages in Public Places

The Selectboard of the Town of Plainfield hereby ordains that:

Pursuant to Vermont Statute Title 24 VSA Section 2291 (15), (17), (18) and Town Charter Sections 301-305; this ordinance is adopted for the purpose of promoting the public health, safety, and welfare of the town.

1. Definitions

As used in this ordinance the following terms shall be defined as follows:

- a. Open beverage container – a container, bottle, can or vessel containing malt or vinous beverages or spirituous liquors, which is open.
- b. Public Place – a public place shall mean any playground, park or school property or other public place open temporarily or permanently to the public for general circulation or vehicles or pedestrians with the Town of Plainfield.

2. Prohibition

Except as authorized in subsection (c) hereof:

- a. No person shall have constructive or actual possession of an open beverage container in any public place or in any motor vehicle located in a public place.
- b. No person shall consume the contents of an open beverage container in any public place or in any motor vehicle in a public place.
- c. Notwithstanding subparagraphs (a) and (b) hereof, the Selectboard may give specific advance written approval, which will include but not be limited to location of event, number of attendees, the hours of the day, the length of the event for possession and consumption from open beverage containers, including beer kegs, town property and or any public place.

3. Enforcement

Violations of this ordinance shall be enforced and maintained as provided in Vermont Statute 24, Section 1974, as may be amended from time to time. For the purpose of enforcing this ordinance, the issuing municipal official shall be the Town Constable, and/or Washington County Sheriff, and/or Vermont State Police.

4. Penalties

A person who violates any provision of this ordinance shall be guilty of a misdemeanor, in accordance with Vermont Statute 24, Section 1974, and upon conviction thereof shall be fined \$100 for the first offense, and \$250 for each subsequent offense.

5. Severability

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 a 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.

This ordinance shall be effective upon final passage by the Plainfield Selectboard as per Sections 301-305; Ordinances, Enforcement and Adoption, of the Town Charter.

Final passage of this ordinance made this \_\_\_\_ day of \_\_\_\_\_ 2008.

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This ordinance may be disapproved by a vote of the majority of qualified voters of the Town of Plainfield at a special meeting duly warned for the purpose, pursuant to a petition signed by not less than five percent of the qualified voters and presented to the legislative body or the clerk of the Town of Plainfield within forty four days following the date of adoption of this ordinance in accordance with VSA 24, Section 1973.