

TOWN OF WILMINGTON OPEN CONTAINER ORDINANCE OF 2000

Section 1 Purpose

This Ordinance has been adopted for the purpose of protecting the health, safety, and welfare of the public from endangerment by unruly persons who drink intoxicating liquor in public places and threaten the public peace and tranquility.

Section 2 Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 24 V.S.A. § 2291 (14) and (17).

Section 3 Restrictions and Prohibitions

It shall be unlawful for any person to drink any malt, vinous or spirituous liquors upon any street; alley; sidewalk; parking place, whether publicly or privately owned, which is provided for the use of the public; or on any property owned by the Town of Wilmington or Wilmington School District; or in or upon any motor vehicle while moving or stationary in any of said places.

Possession upon one's person of any open container of any such liquor in any of such public places, including motor vehicles, shall be prima facie evidence of a violation thereof.

Section 4 Exceptions

The provisions of this ordinance 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 picnicking, with the exception of those picnic areas owned by the Town of Wilmington or the Wilmington School District.

Section 5 Special Permit

Upon first obtaining a written permit, any publicly recognized organization or organized group, or family group, may be exempted from the provisions of Article I 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 Selectboard, 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 Selectboard and a record of such request and the decision thereon, shall be recorded in the minutes of Selectboard meetings.

Section 6 Civil Designation

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 7 Penalties:

A penalty of \$50.00 shall be imposed for the initial violation of Section 3 of this Ordinance. The penalty for the second offense within a two-year period shall be \$100.00, and the penalty for three or more offenses within a two-year period shall be \$200.00. The waiver fee shall be established at \$25.00 for the first offense, \$50 for the second offense within a two-year period, and \$100 for all subsequent offenses within a two-year period.

Section 8 Enforcement

Issuing officials authorized to enforce this Ordinance shall be Wilmington Police Officers.

Section 9 Severability

If any provision of this ordinance or the application thereof to any person shall be held by any court to be invalid, such holding shall not affect the validity of the remainder of this ordinance and to this end the provisions hereof are declared to be separable.

Section 10 Publication and Posting

This Ordinance shall be entered in the Selectboard minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the Town. A copy of this Ordinance shall be published in the Deerfield Valley News, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

Section 11 Information

The Wilmington Town Manager, Sonia Alexander, whose telephone number is 464-8591, and whose address is Box 217, Wilmington, VT 05363, is a person knowledgeable about the Ordinance and is available to answer questions and provide persons with a full text thereof.

Section 12 Right to Petition

Citizens of the Town of Wilmington are further hereby notified that within forty-four days from the date of adoption they may petition for a vote on the above Ordinance at an annual or special town meeting as provided in 24 VSA § 1973.

Section 13 Adoption/Effective Date

This Ordinance is hereby adopted by the Selectboard of the Town of Wilmington on this the 2nd day of August, 2000, and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

Section 14 Recording

This Ordinance shall be recorded by the Town Clerk in the records of the municipality.

WILMINGTON BOARD OF SELECTBOARD

Fred J. Skwirut, Chair

Michael B. Penson

Donald DeJong

Paul Kasanoff

John Redd