

TOWN OF FAIR HAVEN
NOTICE OF ADOPTION OF ORDINANCE PERTAINING TO
PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES

It is hereby ordained by the Selectmen of the Town of Fair Haven that the following Ordinance be adopted:

ARTICLE I

SECTION 1. STATE LAWS APPLICABLE

Except as otherwise provided herein, the laws of the State of Vermont shall be applicable to the sale, possession, consumption, transportation, and use of alcoholic beverages within the Town of Fair Haven.

SECTION 1A. SHORT TITLE: This ordinance shall be known as the Alcoholic Beverage Control Ordinance of 1977.

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 volume at sixty degrees fahrenheit.

(3)

ARTICLE II

Regulation

SECTION 1. PROHIBITION

(a) 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.

(b) When an open container containing any quantity of spiritous liquor, malt, or vinous beverages is found within a motor vehicle, it shall be prima facie evidence that the container was in possession of the operator.

ARTICLE IV

MISCELLANEOUS

SECTION 1. Penalty: A person who violates any provision 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, sub-section, 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 Rutland Herald on April 4, 1977, and shall become effective on 21st day of May 1977.

Passed and adopted by the Board of Selectmen of the Town of Fair Haven, this 22nd day of March A.D. 1977

A. J. Kinnitt
J. P. Hyde
Robert J. Writen
Samuel H. King
R. A. Wilson