

AN ORDINANCE TO REGULATE THE POSSESSION AND CONSUMPTION OF ALCOHOL ON TOWN OF NORWICH PROPERTY

1. AUTHORITY

This ordinance is adopted pursuant to authority granted in 24 V.S.A. §2291 to the Selectboard of the Town of Norwich.

2. CIVIL ORDINANCE

Any infraction of this ordinance will be considered a civil matter.

3. PURPOSE

The purpose of this ordinance is to regulate the possession and consumption of alcohol in or on Town owned buildings and properties.

4. DEFINITIONS

4.1 “Alcohol”: the product of distillation of spirits or any fermented malt or vinous beverage, including ethyl alcohol and non-potable alcohol.

4.2 “Caterer's permit”: a permit issued by the Vermont Liquor Control Board authorizing the holder of first and third class licenses for a cabaret, restaurant or hotel premises to serve malt or vinous beverages or spirituous liquors at a function located on premises other than those occupied by a first, first and third, or second class licensee to sell alcoholic beverages.

4.3 “Malt beverages”: all fermented beverages of any name or description manufactured for sale from malt, wholly or in part, or from any substitute therefor, known as beer, porter, ale, and stout, containing not less than one percent nor more than 16 percent of alcohol by volume at 60 degrees Fahrenheit. However, if such a beverage has an alcohol content of more than six percent and has a terminal specific gravity of less than 1.009, it shall be deemed to be a spirit and not a malt beverage.

4.4 “Vinous beverages”: all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits, or other agricultural product, containing sugar, the alcoholic content of which is not less than one percent nor more than 16 percent by volume at 60 degrees Fahrenheit.

5. PROHIBITION

5.1 It shall be unlawful for any person to have possession of any alcoholic beverage on, under or above any land, premise or building owned or leased by the Town of Norwich.

5.1.1 This includes the portion of the Town Green owned by the Town of Norwich adjacent to the Marion Cross School property.

5.2 It shall be unlawful for any person to consume any quantity of an alcoholic beverage on, under or above any land, premise or building owned or leased by the Town of Norwich including in a motor vehicle.

6. WAIVER

6.1 The Selectboard may grant a written waiver of the provisions of this ordinance for the possession and consumption of “malt beverages” and “vinous beverages” in Tracy Hall subject to the following conditions:

6.1.1 That the request for the waiver be submitted to the Town Manager’s office not less than 45 days before the planned event and include the “Request to Cater Malt and Vinous Beverages & Spirituous Liquors” that will be submitted to the Vermont Liquor Control Board.

6.1.2 That the sponsoring organization requesting the waiver is a nonprofit Norwich organization that provides a direct and measurable benefit to Norwich.

6.1.3 That the caterer has a caterer’s permit from the Vermont Liquor Control Board.

6.1.4 That the caterer has a current insurance policy covering catered events at which alcohol is served and that the Town of Norwich is named as an additional insured.

6.1.5 That the caterer uses trained servers.

6.1.6 That the waiver be for not more than 12 hours in a two day period.

6.1.7 That a maximum of two waivers be granted in any 12 month period to the same sponsoring organization.

7. PENALTY

Any person who violates any provision of this ordinance shall be subject to the following fines and waiver penalties:

	<u>Fine</u>	<u>Waiver Penalty</u>
1 st offense	\$25.00	\$15.00
2 nd offense	\$50.00	\$35.00
3 rd & subsequent offenses	\$100.00	\$70.00

8. ENFORCEMENT

The Norwich Police Department shall be the designated enforcement officers. They shall issue complaints and may be the appearing officer at any hearing held pursuant to a complaint.

9. SEVERABILITY

Any part or provision of this ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

10. EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the effective date of this ordinance.

ADOPTED by the Norwich Selectboard on October 26, 2011.

Edwin Childs, Chair

Effective Date: 12/25/2011