

# Village of Hyde Park Public Drinking Ordinance

The Board of Trustees of the Village of Hyde Park hereby ordains:

## Section I - Authority

This ordinance is enacted pursuant to 24 VSA, Section 2291 (17,18). It shall constitute a civil ordinance within the meaning of 24 VSA Chapter 59.

## Section II - Purpose

It is the purpose of this ordinance to regulate the consumption or the carrying of opened containers of alcoholic beverages within "public areas" of the Village limits or within any vehicle parked therein; in order to promote the public health, safety, and welfare throughout the Village of Hyde Park.

## Section III - Definitions

Unless the context otherwise indicates, as used in this ordinance:

- A. "Consume" shall mean to eat or drink up.
- B. "Alcoholic Beverage" shall mean any beverage that contains alcohol such as wine, malt beverages, liquor, etc.
- C. "Opened Container" shall mean any box, can, jar or other object used to hold something, that is not shut or closed up.
- D. "Public Area" shall mean public highways, roads, streets, sidewalks or parking lots open to the public, including property designated for school and recreational use.
- E. "Vehicle" shall mean any device for carrying or conveying persons or objects.

## Section IV - Drinking Limitations

- A. No person shall consume, open a container of, or carry an opened container of an alcoholic beverage within a "public area" of the Village of Hyde Park or in any vehicle parked therein.

## Section V - Exemptions

The provisions of this ordinance shall not apply to: 1) an area or event at which consumption of alcoholic beverages is authorized by the Village Trustees or 2) any place or event licensed for on-premise sale of alcoholic beverages.

## Section VI - Enforcement

Any person who consumes alcohol or carries an opened container within a "public area" of the Village of Hyde Park in violation of this ordinance shall be subject to a fine of up to \$500.00 by Vermont Superior Court. (VSA 24, Sec. 1974) Any law enforcement official may act as an Issuing Municipal Officer and issue and pursue a municipal complaint for violation of this order.

## Section VII - Fines for Ordinance Violation

An issuing municipal official is authorized to recover fines in the following amounts for each violation of this ordinance:

First Offense -	\$ 50.00
Second Offense -	\$100.00
Third Offense -	\$200.00
Fourth Offense -	\$300.00
Fifth Offense-	\$500.00

Offenses shall be counted on a 12 month basis beginning with the date of the first offense.

**Section VIII - Severability**

If any portion of this Ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance and amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this Ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

**Section IX - Repeal of Prior Ordinances:**

Any other ordinance or regulation heretofore adopted by the Village of Hyde Park for the control of public drinking is hereby repealed.

This Public Drinking Ordinance is hereby adopted by the Board of Trustees of the Incorporated Village of Hyde Park, County of Lamoille, State of Vermont this 13<sup>th</sup> day of August 1998 at a regularly held and duly warned meeting of the Trustees, voted and recorded in the minutes of said meeting. This ordinance shall be effective sixty (60) days from said date of adoption.

Village of Hyde Park Board of Trustees

*[Signature]*  
*Susan L. Walker*

*[Signature]*  
*[Signature]*

*[Signature]*

Received and recorded this 13<sup>th</sup> day of August, 1998.

*Crystal Currier*  
Crystal Currier, Village Clerk