

**Adopted by the Board of Trustees on February 17, 2022
Village of North Bennington, Vermont**

Article 16. Open Container

Article 16-1 Purpose

It is the purpose of this ordinance to protect the public health, welfare and promote the public enjoyment of lands under the control of the Village of North Bennington,

Article 16-2 Authorization

By authority of 24 VSA Chapter 61 Section 2291(18), municipalities are enabled to regulate consumption of alcohol in public places.

Article 16-3 Prohibitions

It shall be unlawful for any person to drink malt, vinous or spirituous liquors upon any public street, alley, sidewalk, parking place, or publicly owned land nor in or upon any motor vehicle while moving or stationary in any said places. These acts are also unlawful on any privately owned land which is provided for use by the public. Possession upon one's person of any open container of any such liquor in any such place shall be prima facia evidence of a violation hereof.

Article 16-4 Exceptions

The provisions of this section 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 picnics or to publicly owned lands when the Board of Trustees has granted approval for sale and/or consumption of such liquors.

Article 16-5 Enforcement

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and 1977 et sq. A civil penalty of not more than \$75 may be imposed for violation of this civil ordinance and a waiver fee shall be set at \$50. Each day that a violation continues will constitute a separate violation of this ordinance.

Article 16-6 Severability

This ordinance and the various parts, sentences, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Article 16-7 Effective Date

This ordinance is hereby adopted by the Board of Trustees of the Village of North Bennington, Vermont on this 17th day of February 2022. It shall be documented in the minutes of the Board of Trustees, posted in five (5) conspicuous places within the Village of North Bennington and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption subject to the right of petition provided by law.

Board of Trustees

[First name] [Last name] [Print]
