

VILLAGE OF BARTON  
ORDINANCE REGULATING THE POSSESSION AND USE OF  
ALCOHOLIC BEVERAGES  
ORDINANCE # B.V.-10

ARTICLE ONE: General Provisions

Section 1. (A).

All rules and regulations contained herein, together with such amendments as may be hereafter adopted, are hereby designated as the ORDINANCE REGULATING ALCOHOLIC BEVERAGES WITHIN THE VILLAGE OF BARTON, VERMONT. hereinafter referred to as the ordinance.

Section 2. (A).

This shall be a civil ordinance, In the event any provisions of this ORDINANCE shall conflict with any other applicable regulation, rule, bylaw, ordinance or statutes of the Village of Barton, the State of Vermont or the United States of America, the more restrictive provision shall apply.

ARTICLE TWO: Definitions

Section 1. (A).

For the purpose of this ordinance, the following words, terms and phrases, as well as their derivations thereof, shall have the meaning given below:

- (a) "ALCOHOL" - the product of distillation of any fermented liquor rectified either once or more, whatever the origin thereof, including ethyl alcohol and all alcohol considered non-potable.
- (b) "SPIRITOUS LIQUORS" - Any and all beverages containing alcohol obtained by distillation, fortified wines and liquors, regardless of name or description thereof.
- (c) "VINOUS BEVERAGES" - Any fermented beverage manufactured or obtained from the natural sugar content of fruits or other agricultural products containing sugar, regardless of name or description thereof.
- (d) "MALT BEVERAGE" - Any fermented beverage manufactured from malt, wholly or in part, or from any substitute, such as beer, porter, ale or stout, regardless of name or description thereof.

- (e) "PERSON" - Any individual, partnership, corporation, trust, association or other legal entity or institution.
- (f) "PUBLIC PLACE" - Any street, highway, lane, road, sidewalk, bridge, park, playground, or place owned, operated, leases to or place under the care of the Village of Barton.

ARTICLE THREE: Prohibition:

Section 2. (A).

(a) It shall be unlawful for any person to have in his possession any open containers of containing any quantity of spiritous liquor, malt or vinous beverage, as defined herein, on or in any public place.

(b) Nothing herein shall restrict or prohibit the possession of open containers of spiritous liquor or vinous or malt beverages within business establishments having all the requisite State and Local licenses for the sale and consumption of spiritous liquors at such places of business.

ARTICLE FOUR: Permits for Special Activities

Section 3. (A).

Any person, family group or organization may apply in person to the Trustees of Barton Village at any regularly scheduled meeting of said Trustees for a permit to posses open containers of liquors for the specific event or activity at places or at a time otherwise prohibited by this ordinance.

ARTICLE FIVE: Penalty

Section 4. (A).

A civil penalty of not more than five hundred dollars (\$500.00) may be imposed for a violation of this civil ordinance, The waiver fee shall be set at \$100.00 for the first offense, \$200.00 for the second offense within a six month period, and \$250.00 for all subsequent offenses within a six month period. Unless this ordinance conflicts with applicable regulations as stated in ARTICLE ONE, Section 2. (A).

ARTICLE SIX: ORDINANCE IN FORCE:

Section 5. (A).

This ordinance shall be full force and effect sixty (60) days from the date of its adoption unless a petition is filed in accordance with Title 24, Section 1973, Vermont Statutes Annotated in which case the effective date shall be as governed by Title 24, Section 1973(e), Vermont Statutes Annotated.

Section 5. (B).

In accordance with the provisions of Title 24, Section 1973, Vermont Statutes Annotated, an ordinance adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual meeting or special meeting duly warned for the purpose, pursuant to petition signed by not less than five per cent (5%) of the qualified voters of the municipality within forty-four (44) days following the date of adoption of the ordinance by the legislative body.

The within and foregoing Ordinance was adopted pursuant to law by the Trustees of the Village of Barton on the 22 nd day of May 19 98.

Michael Lawford  
Ronald A. Gagnon  
Steven M. Merrill Sr.  
Trustees, Barton Village.

Witnessed by: Colleen Cloutier.

Dated: May 22, 1998