

Chapter 1.5

ALCOHOLIC BEVERAGES*

Art. I. In General, § 1.5-1- 1.5-15

Art. II. Regulation, § 1.5-16, 1.5-17

ARTICLE I. IN GENERAL

Sec. 1.5-1. Short title.

This chapter shall be known as the "Alcoholic Beverage Control Ordinance of 1975."

Sec. 1.5-2. Definitions

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. The word "shall" is to be construed as mandatory and not merely directory.

Actual Possession is the detention and control, or the manual or physical custody, of a container or containers of a beverage for which possession is prohibited under the terms of this Chapter.

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 nonpotable.

Constructive Possession is where one, although not in actual possession, knowingly has both the power and the intention at a given time to exercise dominion or control, either directly or through another person or persons, over a container or containers of a beverage for which possession is prohibited under the terms of this Chapter.

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 (1) per cent nor more than six (6) per cent of alcohol by volume at sixty (60) degrees Fahrenheit.

Person is an individual, partnership, corporation, association, trust or other institution or entity.

Public Place is a place to which the general public has a right to resort, including but without limitation thereto all lands and buildings owned by or leased to the Town of Brattleboro School District, or Brattleboro Union High School District No. 6, or their successors, and shall include all public streets, highways, bridges and sidewalks within the town.

*Editor's note – The alcoholic beverage control ordinance adopted May 13, 1975, nonamendatory of the Code, has been included as chapter 1.5 at the discretion of the editor.

Cross reference – Possession of intoxicating beverages in taxicabs, §17-22.

Spirits is any beverage containing alcohol obtained by distillation, fortified wines and liquors and any other beverage containing more than twenty (20) per cent of alcohol by volume at sixty (60) degrees Fahrenheit.

Vinous beverage is all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar contents of fruits, or other agricultural products, containing sugar, the alcoholic content of which is not less than one (1) per cent nor more than sixteen (16) per cent by volume at sixty (60) degrees Fahrenheit.

Sec. 1.5-3. Penalty.

A person who violates any provision of this chapter shall be fined one hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$50.00). A second offense or any subsequent offense(s) the fine shall be two hundred dollars (\$200) and the waiver fee shall be one hundred dollars (\$100). (Ord. Of 5-13-75, Art. IV, § 1)

Secs. 1.5-4 - 1.5-15. Reserved.

ARTICLE II. REGULATION

Sec. 1.5-16. Prohibition.

- a) It shall be unlawful for any person to have actual or constructive possession of any spirituous liquor, alcohol, vinous or malt beverages as defined herein on, under or above the land or premises owned or leased by the Town of Brattleboro School District or the Brattleboro Union High School District No. 6.
- b) It shall be unlawful for any person to have constructive or actual possession of any open beverage container containing any quantity of spirituous liquor, alcohol, vinous or malt beverages in any public place or in any motor vehicle located in a public place.
- c) It shall be unlawful for any person to consume any quantity of spirituous liquor, alcohol, vinous or malt beverages in any public place or in any motor vehicle located in a public place.

Sec. 1.5-17. Exceptions; permits.

Upon first obtaining a written permit, a group of employees of the Town of Brattleboro who wish to sponsor an event to be held within a building leased or owned by the Town may be exempted from the provisions of section 1.5-16 for a short period of time only, not to exceed six (6) hours, except that no permits shall be issued for school property. Permits may be obtained from the Town Manager.