

VILLAGE OF LUDLOW, VERMONT

AN ORDINANCE RELATING TO THE USE OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

1. General & Definitions
2. Regulation
3. Exceptions & Permits
4. Consumption of Alcohol in Motor Vehicles
5. Penalty
6. Violation
7. Severability
8. Publication and Effective Date

It is hereby ORDAINED by the Trustees of the Village of Ludlow, that the following ordinance be adopted:

ARTICLE 1. GENERAL AND DEFINITIONS

- 1.01 Definitions: For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is to be construed as mandatory and not merely directory.
- a. "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 non-potable.
 - b. "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-percent nor more than six-percent of alcohol by volume at sixty degrees Fahrenheit.
 - c. "Person" is an individual, partnership, corporation, association, trust, or other institution or entity.
 - d. "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 ordinance.
 - e. "Public Place" is a place to which the general public has the right to resort, including but without limitation thereto, public lands and buildings, entrances to business and religious buildings, recreational areas, public streets, highways, bridges and sidewalks within the limits of the village corporation.
 - f. "Spirits" is any beverage containing alcohol obtained by

distillation, fortified wines and liquors and any other beverage containing more than twenty-percent alcohol by volume at sixty degrees Fahrenheit.

- g. "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-percent nor more than twenty-percent by volume at sixty degrees Fahrenheit.

ARTICLE 2. REGULATION

2.01 Prohibition

- a. It shall be unlawful for any person to have in his or her possession any spirituous liquor, vinous or malt beverages, as defined herein, on, under or above any land or premises owned by Ludlow School District.
- b. It shall be unlawful for any person to have in his or her possession any opened container containing any quantity of spirituous liquor, malt, or vinous beverages, defined herein on, under or above any public place.

ARTICLE 3. EXCEPTIONS AND PERMITS

- 3.01 Permits: Upon first obtaining a written permit, which may be included within the regular permit granted for use of such property, any publicly recognized organization or organized group or family group, may be exempted from the provisions of Article II of this ordinance for a short period of time only, not to exceed twenty-four (24) hours, except that no permits shall be issued for school property.
- 3.02 Any person or organization desiring to obtain such a permit shall make written application therefore, to the Board of Trustees, granting or withholding of said permit shall be within the sole discretion of said Trustees and a record of such request and the decision thereon, shall be recorded in the minutes of the Trustees' meetings.

ARTICLE 4. CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES

- 4.01 Except as hereinafter provided, it shall be unlawful for any person to consume alcoholic beverages within any motor vehicle stopped, standing, or parked, in or within any restricted area, except where such vehicle is stopped to avoid conflict with other traffic, or in compliance with the direction of an enforcement officer, or traffic control device,

provided that such vehicle in which an alcoholic beverage is being consumed, shall depart the restricted area as soon as possible.

ARTICLE 5. PENALTY

- 5.01 A person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one-hundred dollars (\$100.00).

ARTICLE 6. VIOLATION

- 6.01 In any complaint or information, and in any action or proceeding brought for the enforcement of any provision of this ordinance, it shall not be necessary to negate any exception, excuse or provision, or exemption contained in this ordinance; the burden of proof of any such exception, excuse, provision, or exemption is on the defendant.

ARTICLE 7. SEVERABILITY

- 7.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE 8. PUBLICATION AND EFFECTIVE DATE

Adopted by the Board of Trustees of the Village of Ludlow, Vermont on this 3rd day of November, 1980.

ARTICLE 8 above is amended to read:

- 8.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 8.02 This ordinance shall be entered in the minutes of the Board of Trustees meeting, and posted in at least five conspicuous places within the Village of Ludlow and published in a newspaper circulating in the Village on a day not more than fourteen (14) days following the date when the ordinance is so adopted.

- 8.03 This ordinance shall become effective on June 2, 2008, sixty (60) days after the date of its adoption by the Village Board Trustees, unless a petition is filed with the Village Clerk by May 15, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Village Trustees, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the Ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby re-adopted by the Board of Trustees of the Village of Ludlow, Vermont on this 1st day of April, 2008.

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

Robert Gilmore, Chair
David Rose
James Fuller