

TOWN OF FAIR HAVEN  
**NOTICE OF ADOPTION OF ORDINANCE PERTAINING TO  
PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES**

It is hereby ordained by the Selectmen of the Town of Fair Haven that the following ordinance be adopted:

**ARTICLE 1:**

**SECTION 1. STATE LAWS APPLICABLE**

Except otherwise provided herein, the laws of the State of Vermont shall be applicable to the sale, possession, consumption, transportation and use of alcoholic beverages within the Town of Fair Haven.

**Section 1A:**

Short title: This ordinance shall be known as Alcoholic Beverage Control Ordinance of 1977.

**SECTION 2: DEFINITIONS**

For the purpose of this ordinance, the following terms, phrases, words and their deviations 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 more often, 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 for malt, wholly or in part or from any substitute thereof known as beer, porter, ale and stout containing not less than 1% nor more than 6% alcohol by volume at 60 degrees Fahrenheit.

**ARTICLE 2: REGULATION**

**Section 1: Prohibition**

- (a) It shall be unlawful for any person to have in their possession any open container containing any quantity of spirituous liquor, malt or vinous beverages as defined herein on, under or above any public place whatsoever.
- (b) When an open container containing any quantity of spirituous, liquor, malt or vinous beverages is found within a motor vehicle it shall be prima facie evidence that the container was in the possession of the operator.

**ARTICLE 4: MISC.**

**Section 1: Penalty**

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 \$100.

**Section 2: Violations**

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, provision or exemption contained in this ordinance and the burden of proof of any such exception, excuse, provision or exemption shall be on the defendant.

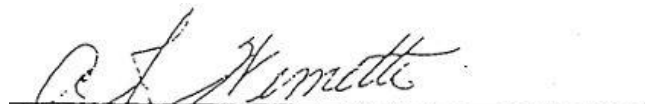
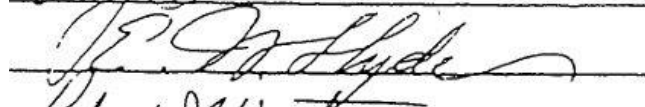
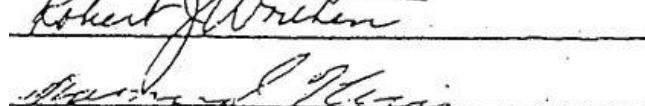
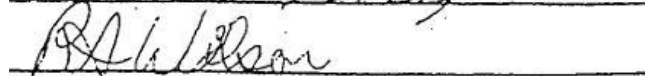

**Section 3: Separability**

In the event any section, sub section, sentence, clause or phrase of this ordinance shall be adjudicated, invalid or unconstitutional such phrase is declared to be separable and the remaining portions of this ordinance to be in full force and effect.

**Section 4: Publication and Effective Date:**

This ordinance shall be published in the Rutland Herald on April 4, 1977 and shall be effective on May 21, 1977.

Passed and adopted by the Selectboard of the Town of Fair Haven this 22<sup>nd</sup> day of March, 1977.

  
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SELECTBOARD OF THE TOWN OF FAIR HAVEN, VERMONT