



TOWN OF GILFORD

BOARD OF SELECTMEN
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GILFORD BOARD OF SELECTMEN

PUBLIC HEARING NOTICE

ORDINANCE RELATING TO THE USE OF ALCOHOLIC BEVERAGES IN PUBLIC

Wednesday, February 27, 2019
7:00pm
Gilford Town Hall – 1st Floor Conference Room

The Gilford Board of Selectmen will hold a public hearing to consider input on amending the existing Ordinance relating to the use of alcoholic beverages in public. The amended version is intended to correct wording deficiencies, insert proper statutory references and incorporate penalties that are otherwise consistent with state law.

Copies of the existing and proposed Ordinances are available at the Selectmen's Office and on the Town's website (www.gilfordnh.org).

Any interested person may attend this public hearing and/or submit testimony related thereto.

ORDINANCE**GILFORD, NEW HAMPSHIRE****AN ORDINANCE RELATING TO USE OF
ALCOHOLIC BEVERAGES IN PUBLIC****I. ACTS PROHIBITED**

No person shall drink any alcoholic beverage or alcoholic liquor, as defined in Chapter 175 of the New Hampshire Revised Statutes Annotated, upon any public street or on any public highway, public sidewalk, public wharf, municipal park or any public or private parking lot which is accessible and/or open to the public, within the limits of the Town of Gilford. This section shall be deemed to prohibit, among other things and without limitation, the consumption or possession of any open container of alcoholic beverages while in any motor vehicle upon any public street or on any public highway, sidewalk, wharf, park or any public or private parking lot which is maintained primarily for the benefit of paying customers. Possession of any open container of alcoholic beverages shall be deemed prima facie evidence of a violation of this section.

II. EXCEPTIONS

This ordinance shall not apply:

- A. to persons transporting, carrying, possessing, having or consuming any liquor or beverage in a chartered bus, in a taxi, or in a limousine for hire, to the same extent that any such act is not prohibited by state law.
- B. to persons transporting, carrying, possessing, having or consuming any liquor or beverage
 - 1. at the Gilford Town Beach; or
 - 2. within the confines of a town park at a special function that has been specifically exempted from the provisions of this Ordinance by the issuance of a permit in advance of the event by the Board of Selectmen.

III. PENALTY

Any person who violates any provision of this Ordinance shall be subject to a penalty of \$50.00 (fifty dollars) for the first such violation and a penalty of \$200.00 (two hundred dollars) for each subsequent violation.

IV. EFFECTIVE DATE

Having held a public hearing, the Board of Selectmen voted to adopt this Ordinance on the 11th day of June, 1998 which shall be the effective date hereof.

IN WITNESS WHEREOF, a majority of the Board of Selectmen have hereunder set their hands.

TOWN OF GILFORD
BOARD OF SELECTMEN

Phillippe A. Arel, Chairman
Rudolf G. Lehr
Robert A. Jordan



TOWN OF GILFORD, NEW HAMPSHIRE

AN ORDINANCE RELATING TO THE USE OF ALCOHOLIC BEVERAGES IN PUBLIC

(CHAPTER 2)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this amended version of an Ordinance Relating to the use of Alcoholic Beverages in Public as previously approved on June 11, 1998, which is hereby repealed and replaced as follows:

2.1 AUTHORITY

This Ordinance is adopted pursuant to the authority granted under RSA 41:11 and RSA 41:11-a. For the purposes of this Ordinance, the term "ordinance" shall be deemed to have the same meaning as the term "regulation".

2.2 PURPOSE

The purpose of this Ordinance is to enhance the safety and well-being of motor vehicle operators, passengers, bicyclists and pedestrians that are situated along public ways in the Town of Gilford.

2.3 ACTS PROHIBITED

No person shall consume or possess an open container of alcohol (per RSA 175:1, III) or beverage (per RSA 175:1, VIII) or liquor (per RSA 175:1, XLII), upon any public street or on any public highway (per RSA 229:1), public sidewalk, public wharf, Town-owned park or any public or private parking lot which is accessible and/or open to the public, or any way (per RSA 259:125, I) within the limits of the Town of Gilford. Possession of any open container consisting of alcohol or beverage or liquor (as set forth herein) shall be deemed prima facie evidence of a violation of this Ordinance, unless the substance is in its original container and the seal is unbroken.

2.4 EXCEPTIONS

This Ordinance shall not apply to the consumption or possession of an open container of alcohol or beverage or liquor (as set forth herein):

- (1) in a chartered bus, taxi, or limousine for hire, to the extent that such acts are not otherwise prohibited by state law; or
- (2) at the Gilford Town Beach; or
- (3) on Town-owned property as part of a special event where the consumption of such substances has been specifically permitted by the Board of Selectmen.

2.5 PENALTIES

A. Any person age 21 or older who violates any provision of this Ordinance shall be subject to a penalty of \$50.00 (fifty dollars) plus penalty assessment (at the maximum amount as set by State law) for the first such violation and a penalty of \$200.00 (two hundred dollars) plus penalty assessment (at the maximum amount as set by State law) for each subsequent violation.

B. Any person age 20 or younger who violates any provision of this Ordinance shall be subject to a penalty of not less than \$300.00 (three hundred dollars) plus penalty assessment (at the maximum amount as set by State law) for the first such violation and a penalty of not less than \$600.00 (six hundred dollars) plus penalty assessment (at the maximum amount as set by State law) for each subsequent violation.

2.6 EFFECTIVE DATE

This Ordinance shall be in effect as of March 1, 2019.

2.7 SEVERANCE

In the event that any word, sentence or section of this Ordinance is found to be invalid as a result of judicial or legislative action, the remainder of this Ordinance shall remain in full force and effect.

IN WITNESS WHEREOF, this amended Ordinance Relating to the Use of Alcoholic Beverages in Public is hereby adopted and approved, following a duly noticed public hearing, held on the _____ day of February, 2019, by the Gilford Board of Selectmen.
ATTEST:

Gus Benavides, Chair

Richard Grenier, Vice-Chair

Dale Channing Eddy, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS _____ DAY
OF _____, 20____, BY:

Denise M. Gonyer, Town Clerk-Tax Collector