



AGENDA ITEM #: 19-120  
COUNCIL MTG. OF: October 15, 2019  
FROM: Dave Caron, Town Administrator  
OFFERED BY: Administration  
PREPARED BY: Administration  
SUBJECT: Revisions to Alcoholic Beverage Ordinance

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## STAFF REPORT

*Public Hearing 11-5-19*

### INTRODUCTION:

To seek revisions to the Alcoholic Beverage Ordinance by consolidating existing language and increasing the fine for violations thereof.

### TOWN ADMINISTRATOR COMMENTS

Please see comments within this staff report.

### BACKGROUND

The Town adopted regulations on the possession and consumption of alcoholic beverages on Town property and private parking lots since 1977. The existing language provides for separate articles on parks and other town property and private parking lots. As the Town is reviewing all its ordinances, efficiencies and clarity will be achieved by adopting the recommended revisions.

### DISCUSSION

Chapter 12 presently includes two Articles, one for parks and library grounds and the second for public lands and private parking lots. The first Article currently does not list all town property classified as parks or libraries, and both articles share the same fine structure. Further, the Chief of Police may grant permits for exceptions to the second article without similar provisions for the first.

Staff recommends consolidating this language by incorporating all town facilities under the definition of public lands and private parking lots into one Article. Additionally, current trends recommend that violations of this Chapter be increased from \$100 to \$200.

### FISCAL IMPACT

There may be a positive fiscal impact as the maximum fine is increased however, activity regarding this ordinance has not been demanding.

### RECOMMENDED ACTION BY COUNCIL

Schedule a public hearing on November 5 and thereafter vote to adopt Ordinance #2019-013 (Please see Ordinance #2019-013).

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## Chapter 12

### ALCOHOLIC BEVERAGES

[Amended 10-15-2019]

#### ARTICLE I

##### **Park and Library Grounds**

~~§ 12-1. Possession or consumption prohibited.~~

~~§ 12-2. Violations and penalties~~

#### ARTICLE H I

##### **Public Lands & Private Parking Lots**

**§ 12-3.1 Possession or consumption prohibited.**

**§ 12-4.2 Violations and penalties.**  
**§ 12-5.3 Exceptions.**

[HISTORY: Adopted by the Town of Derry as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Public Gatherings - See Chapter 104

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#### ARTICLE I

##### **Park and Library Grounds**

[Adopted 6-10-1975]

~~§ 12-1. Possession or consumption prohibited.~~

~~It shall be unlawful for any person to possess or to consume any alcoholic beverage while on the following premises:~~

~~A. MacGregor Park~~

~~B. MacGregor Library Grounds~~

~~C. Hood Park~~

~~§ 12-2. Violations and penalties.~~

~~Any person violating provisions of this article shall be guilty of a misdemeanor and subject to a fine not to exceed \$100 for each offense~~

ARTICLE ~~II~~ **I**  
**Public Lands and Private Parking Lots**  
[Adopted 5-23-1977; amended 11-13-1984, **10-15-2019**]

**§ 12-~~3~~ 1. Possession or consumption prohibited.**

No person shall consume any liquor or alcoholic beverage or possess an open container thereof, as Defined in RSA 175:1, while in any vehicle upon a public way, or while upon any public way, or on:

- A. Town-owned land, including but not limited to public roads, streets, highways, **parks**, and/or buildings;
- B. School district owned land or buildings; or
- C. A private parking lot which is maintained primarily for the benefit of customers.

**§ 12-4 ~~2~~ 2. Violations and penalties.**

Any violation of this article shall be punishable by a fine not exceeding \$100 **\$200**.

**§ 12-5 ~~3~~ 3. Exceptions.**

Exceptions from the provisions of this article may be granted by permission of the Chief of Police or His/**her** designee.