

**PUBLIC CONSUMPTION AND PUBLIC POSSESSION OF
INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES
ORDINANCE**

Section I. Title/Purpose. This Ordinance is entitled “Public Consumption and Public Possession of Intoxicating Liquor and Fermented Malt Beverages Ordinance.” The Purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by providing for the health, safety, welfare, public peace and good order in the Town of Shelby.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

- A. No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any public street, highway, alley, sidewalk or other public way, or upon any parking area appurtenant or adjacent to any tavern, night club, restaurant or other premises licensed to dispense intoxicating liquor or malt beverages.
- B. All purchases of alcoholic or fermented malt beverages by the glass or in open containers shall be consumed in the licensed premises where served, and shall not be removed to thoroughfares, streets, highways, sidewalks, or parking areas in the Town.
- C. No person shall be in possession of any glass or open container containing alcoholic or fermented malt beverages on any thoroughfares, streets, highways or sidewalks in the Town except upon authorization for a specified time and place given by the Town Board.
- D. It shall be unlawful to sell, vend or in any way deal or traffic in intoxicating liquors or fermented malt beverages in any quantity and in any manner whatsoever to any person who is intoxicated or bordering on the state of intoxication.

Section III. Enforcement and Penalties. Any person who violates, disobeys or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall, upon conviction, be subject to a forfeiture of One Hundred Dollars (\$100.00) for each such offense.

Section IV. Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of the Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section V. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: June 14, 2010

Lynnetta P. Kopp, Town Chair

Kathleen S. Kistner, Town Supervisor

John O. Zahn, Town Supervisor

ATTEST:

Catherine Brott, Town Clerk