

## **ORDINANCE #32**

### **TOWN OF HANOVER ORDINANCE OF THE BOARD OF SELECTMEN**

The Board of Selectmen of Hanover, New Hampshire, ordain as follows:

#### **PROHIBITING OPEN CONTAINERS OF ALCOHOLIC BEVERAGES OR LIQUOR IN CERTAIN PUBLIC PLACES**

**AND**

#### **PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES OR LIQUOR IN CERTAIN PUBLIC PLACES**

Pursuant to RSA 41:11, 41:11-a and every other applicable law, the Board of Selectmen of the Town of Hanover hereby ordain as follows:

#### **I. ACTS PROHIBITED**

From and after the effective date of this Ordinance and except as provided in paragraph II it shall be unlawful for any person to Consume, Transport, Carry, or Possess any liquor or alcoholic beverage while within the limits of any way, while on public property, or while on any property owned or leased by the town, except in the original container and with the seal unbroken.

Amended 6/19/06

#### **II. EXCEPTIONS**

This Ordinance shall not apply to:

- A. Persons transporting, carrying, possessing, having or consuming any liquor or alcoholic 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. Persons riding within a boat or other vessel designed for and approved by the United States Coast Guard for transporting passengers on any public waterway within the Town.
- C. Persons on residential property owned by the Town which is rented, leased or used by persons for habitation.
- D. Persons consuming alcohol as part of an outdoor seating area operated by a restaurant holding a current liquor license, where such outdoor seating is located on a public sidewalk.

Amended 6/19/06

Amended 7/14/14

### **III. PENALTY**

Any person who violates any provision of this Ordinance shall be subject to a civil penalty of \$50 (fifty dollars) for the first such violation and a civil penalty of \$200 (two hundred dollars) for each subsequent violation.

### **IV. ENFORCEMENT AUTHORITY**

All duly appointed police officers of the Hanover Police Department are hereby designated as the enforcement authority for this Ordinance.

### **V. JURISDICTION; AVOIDANCE OF SUMMONS**

Pursuant to RSA 502-A:11-a the District Court shall have jurisdiction of the prosecution of any violation of this Ordinance. All fines collected shall be for the use of the town. The enforcement authority may issue a summons and complaint along with a notice of fine pursuant to the procedures for pleas by mail set out in RSA 502-A:19-b. Any alleged violator may avoid the filing of a summons and complaint by the voluntary payment of the civil penalty. Such voluntary payments shall be deposited in the town's general fund.

### **VI. ORDINANCE NOT EXCLUSIVE**

This Ordinance shall be construed as exclusive, and any other applicable federal, state, or local law, regulation or ordinance which also applies to the prohibited acts may be given full force and effect at the discretion of the enforcement authority.

### **VII. SPECIAL EXEMPTION**

The Howe Library Corporation is authorized to hold one annual wine-tasting event within the Howe Library as a fundraising event for the Corporation, in recognition that, while the Howe Library is situated on Town-owned property, the building is owned by the non-profit Howe Corporation.

Amended 11/02/09

### **VIII. DEFINITIONS**

As used in this Ordinance:

- A. "Alcoholic Beverage" shall have the same meaning as defined in RSA 175:1 as it may be amended from time to time.
- B. "Liquor" shall have the same meaning as defined in RSA 175:1 as it may be amended from time to time.

- C. "Way" shall have the same meaning as defined in RSA 259:125 as it may be amended from time to time.

Amended 6/19/06

**IX. EFFECTIVE DATE**

Having held a public hearing, the Board of Selectmen voted to adopt the amendments to this Ordinance on the 14<sup>th</sup> day of July, 2014 which shall be the effective date hereof.

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

**TOWN OF HANOVER  
BOARD OF SELECTMEN**

\_\_\_\_\_  
Peter L. Christie, Chair

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Athos J. Rassias, Vice Chair

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Nancy A. Carter

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Jay C. Buckey

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William V. Geraghty

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Date of Notice as to Posting and Publication: July 3, 2014

Date of Public Hearing: July 14, 2014

Date of Adoption: July 14, 2014

Date of Notice of Adoption and Effective Date: August 6, 2014

Date of Recording in the Town Records: August 4, 2014

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Elizabeth McClain, Town Clerk