

City of Newton

Regulations

This permit must be in the possession of the applicant during the function. This permit may be revoked by the Chief of Police or his duly authorized representative, without proper notice, when, with probable cause, in the opinion of the Chief or his duly authorized representative, a disturbance or other public nuisance may or is likely to occur.

The applicant is responsible for insuring that the function area is left clean.

NOTE: If the function is on a Sunday, no alcoholic beverages are to be consumed before 1:00 p.m.

Sec.17-5. Permits for the public consumption of alcoholic beverages; procedures; fee.

(a) Any person(s) seeking a permit under section 20-17(b)(2) of the Revised Ordinances shall make an application in writing to the chief of police. The application shall specify the name and address of the applicant(s), the date, hour and location, number and ages of persons and nature of the function associated with the proposed use.

(b) **Prior to the issuance of a permit, the chief of police shall request and receive the approval or denial of any other municipal board, agency or department, which has jurisdiction.** Any permit or consent given under paragraphs (a) through (d) of this section may be revoked by the chief of police without prior notice, when, with probable cause in the opinion of the chief, a disturbance or other public nuisance may or shall occur.

(c) In the instance of a group or organization function, one permit may be issued to an officer or duly appointed representative of said group or organization in lieu of individual permits.

(d) The chief of police or his duly authorized representative shall not be required to issue such permit if, in his opinion, after proper investigation, it appears that a public disturbance or annoyance may be created thereby or that the public welfare, convenience or necessity will not be served thereby.

(e) There shall be a charge imposed of ten dollars (\$10.00) for the issuance of such permits, payable to the city through the chief of police, such permit to be in a form duly determined by the city.

(f) A permit issued in accordance with the terms of this section shall be valid only for the date, time, place and individuals or groups set forth in the approved application.

(g) Anyone found guilty of a violation of this section shall be punished by a fine of not more than fifty dollars (\$50.00) for each such violation. (Rev. Ords. 1973, § 11-5; Ord. No. 13, 9-3-74; Ord. No. T-168, 9-3-91)

Sec. 20-5. Public consumption of alcoholic beverages.

(a) No person shall drink, consume or possess an open bottle, can, or container of any intoxicating liquor or alcoholic beverage as defined in General Laws, chapter 138, section 1, while in or upon public parks, playgrounds, recreation or conservation areas, public buildings, public parking lots and public ways, private parking lots and private ways to which the public has access.

(b) The prohibition of subsection (a) of this section shall apply in, on or outside of an automobile or other motor vehicle but shall not apply in or upon:

(1) Any private parking lot and private way to which the public has access where prior consent has been obtained from the owner or authorized person in control thereof, and provided further that no disturbance or annoyance is created thereby;

(2) Any public property specified in subsection (a) where prior express consent by way of a permit has been issued from the chief of police or his duly authorized agent in accordance with the provisions of section 17-5 of the Revised Ordinances; and provided further that no disturbance or annoyance is created thereby.

(c) Whoever remains in, on, or upon any premises described herein in willful violation of this section may be arrested without a warrant, in accordance with chapter 272, section 59 of the General Laws by an officer authorized to serve criminal process in the place where the offense is committed, if such person is unknown to such officer.

(d) All alcoholic beverages or intoxicating liquors being used in violation of this section shall be seized and safely stored until final adjudication of the charge against the person or persons affected, at which time they shall be returned to the person or persons entitled to lawful possession unless, as a result of said adjudication, such alcoholic beverages or intoxicating liquors are ordered confiscated or seized to be disposed of according to the General Laws or as the court directs.

(e) Anyone found guilty of a violation of this section shall be punished by a fine of not more than fifty dollars (\$50.00) for each such violation. (Rev. Ords. 1973, § 14-17; Ord. No. 13, 9-3-74; Rev. Ords. 1995, § 20-17)

Cross reference—Permits for the public consumption of alcoholic beverages, § 17-5