

## REVISED ARTICLE 5

Town of Winchester  
2018 Annual Fall Town Meeting



**ARTICLE 5.** To see if the Town will vote to amend Chapter 8, Section 21 of the Code of By-Laws by deleting the text of the Section and replacing it with the following; or take any other action in relation thereto.

### **Section 21. PUBLIC DRINKING OF ALCOHOL**

1. Except as otherwise set forth in Section 21.2, no person shall consume any alcoholic beverage, or possess an open container of any alcoholic beverage, as defined in Massachusetts General Laws, Chapter 138, Section 1, while in or upon any public street, sidewalk, park, playground, or other public place in the town.
2. The Select Board, in its capacity as local licensing authority, may authorize the consumption and possession of alcoholic beverages in or upon any public street, sidewalk, or park, to the extent permitted by state law.
3. No person shall consume any alcoholic beverage, or possess an open container of any alcoholic beverage, in or upon any private land or place in the town without the consent of the owner or authorized person in control thereof.  
(Select Board)

### **MOTION:**

**MOVED AND SECONDED** that the Town amend Chapter 8, Section 21 of the Code of By-Laws by deleting the text of the Section and replacing it with the following:

1. Except as otherwise set forth in Section 21.2, no person shall consume any alcoholic beverage, or possess an open container of any alcoholic beverage, as defined in Massachusetts General Laws, Chapter 138, Section 1, while in or upon any public street, sidewalk, park, playground, or other public place in the town.
2. The Select Board, in its capacity as local licensing authority, may authorize the consumption and possession of alcoholic beverages in or upon any public street, sidewalk, park, or other public place in the Town, other than a playground, to the extent permitted by state law
3. No person shall consume any alcoholic beverage, or possess an open container of any alcoholic beverage, in or upon any private land or place in the town without the consent of the owner or authorized person in control thereof.

### **BACKGROUND:**

This article would amend the Town's By-Laws to make clear the Select Board's ability to permit consumption of alcoholic beverages on public property, including, for example, at beer or wine tents during street festivals and other outdoor events.

*Majority Vote Required*