

AN ORDINANCE AMENDING SECTION 5-8 OF THE HILLSBOROUGH TOWN CODE TO ESTABLISH A PERMITTING PROCEDURE TO ALLOW THE SERVICE, POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINES WITHIN DESIGNATED, LIMITED PORTIONS OF THE TOWN RIGHT OF WAY DURING PUBLIC EVENTS

THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH ORDAINS AS FOLLOWS:

Section 1. Chapter 5 – Offenses, of the Hillsborough Code is hereby amended to add the following:

Sec 5-8.b. Allowance of service, possession and consumption of malt beverages and unfortified wines within the town right of way during public events upon issuance of an alcohol permit.

Notwithstanding the general prohibition on the consumption of alcoholic beverages on streets and sidewalks established by section 5-8 of the Hillsborough Town Code, malt beverages and unfortified wines may be consumed within defined areas of Town street rights of way in accordance with this ordinance, provided:

- (1) The Hillsborough Town Board has approved an alcohol permit for the public event at which malt beverages and/or unfortified wines may be served and consumed, and;
- (2) The alcohol event is associated with a public event being held inside the city limits but not sponsored by the town, and;
- (3) The alcohol event will be operated by an entity deemed responsible and experienced by the Town Board based on the permit application information;

Permit to Serve, Possess and Consume Alcoholic Beverages

The event sponsor and the operator of the entity proposing to serve malt beverages and/or unfortified wines (if different) shall jointly file an application with the Town to serve such alcoholic beverages as a component of a larger public event within the city limits of Hillsborough.

The application shall be filed in writing and contain, at a minimum:

- Name and contact information for the event sponsor and the person/entity proposing to serve alcoholic beverages (if different)
- Statement of intent by event sponsor and person/entity proposing to serve malt beverages and/or unfortified wines to obtain town privilege licenses, if required
- Statement of intent of the person/entity proposing to serve malt beverages and/or unfortified wines to obtain the necessary ABC license to serve such alcoholic beverages
- A schematic drawing of the area within the larger public event where the event sponsor proposes to confine the service, possession and consumption of malt beverages and/or unfortified wines
- The proposed dates and times during the public event that the alcoholic beverages will be available
- A general description of how the service of alcoholic beverages will be operated and managed, including how the area where service, possession

and consumption of such beverages will be defined and segregated from the remainder of the event, how the alcoholic beverages will be served, how patrons pay for drinks, how identification is checked, how police will be able to monitor identification checks, and how the site is managed

- The alcohol event area shall be clearly defined with a visible barrier from the larger public event. The details of the barrier shall be provided in the general description and the area shall be shown on the schematic drawing.
- Attendees of the alcohol event with proper identification to consume alcoholic beverages shall be provided an identifying wrist band, or other clearly visible means of identification
- Statement of intent to provide a Certificate of Insurance from the event sponsor and/or from the person/entity proposing to serve malt beverages and/or fortified wines for both general liability and liquor liability of no less than \$1,000,000 each. The Certificate must list the town as an additional issued and specify that the insurance is for “the service of malt beverages and/or unfortified wines on DATE _____ at LOCATION _____.”

The Town Board will only review complete applications, and may grant applications to allow the possession, service, and consumption of malt beverages and/or unfortified wines if the Board determines that the applicant’s plan ensures the maintenance of public order, and will not pose a significant threat to the public health, safety and welfare.

The application for permission to serve malt beverages and/or unfortified wines shall be filed concurrently with the public event permit (article 3 of Chapter 7 of this code) for the larger public event to allow sufficient staff time to investigate the request and formulate a recommendation to the Town Board.

The alcohol event permit to serve malt beverages and/or unfortified wines shall last only for the time period specified by the Town Board, including rain dates if requested and granted by the Town Board. Recurring events will need to file applications for each discrete event.

If the Town Board approves an alcohol event permit under this section, staff shall issue a permit document to the applicant only after the applicant has provided the following information in writing:

- Proof that both entities have town privilege licenses, if required
- Proof that the person/entity proposing to serve malt beverages and/or unfortified wines has the necessary ABC license to serve such alcoholic beverages
- Description of the “clearly visible means of identification” that will be used to identify “of age” patrons
- Provision of Certificate of Insurance from the event sponsor and/or from the person/entity proposing to serve malt beverages and/or fortified wines for both general liability and liquor liability of no less than \$1,000,000 each. The Certificate must list the town as an additional issued and specify that the insurance is for “the service of malt beverages and/or unfortified wines on DATE _____ at LOCATION _____.”

The issuance of the permit document in advance of the opening of the alcohol event is necessary for compliance with this section.

Section 2. All provisions of any Town Ordinance in conflict with this Ordinance are Repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this _____ day of _____.

Ayes: _____

Noes: _____

Absent or Excused: _____

Donna F. Armbrister, CMC
Town Clerk