

CHAPTER 17
Public Drinking

Section 17.1 No person shall drink from or possess an open container of any alcoholic beverage as defined in Mass General Law Chapter 138, Section I and Chapter 90, Section 24-1 of the Massachusetts General Laws while on or in a public way, sidewalk, lake, public park, playground or any public or private land or place without the consent of the owner or person in control of such public or private land or place. All alcoholic beverages being used in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person(s) arrested or summoned before the Palmer District Court. As prescribed by law, alcoholic beverages seized by the arresting authority or authority initiating prosecution in the event the person(s) are to be summoned, seized alcoholic beverages are to be submitted to a certified state food and drug facility for testing and certification of the contents. Upon final adjudication of the charge against the person(s) arrested or summoned and upon direction of the adjudicating authority only such alcoholic beverages not marked by the state food and drug facility as containing a poisonous substance shall be returned to the person(s) entitled to lawful possession. Such alcoholic beverages must be claimed by said person within seven (7) days of such adjudication or such alcoholic beverages shall be destroyed by the seizing authority. Violation of this by-law is punishable by a fine of not less than fifty dollars (\$50.00) for the first offense and by a fine of not less than one hundred dollars (\$100.00) for a second or subsequent offenses.

Approved October 29, 2001