

Sec. 9-1. - Alcoholic beverages in public places.

- (a) No person shall give, sell, deliver, have in his or her possession either in an open or unopened container, or consume any alcoholic beverage in a public park, playground, rest area, school grounds, recreational area, swimming pool or skating rink located within the city. Persons violating the provisions of this subsection shall have confiscated both those opened and unopened containers in their possession.

(1). The above prohibition in subsection (a) shall not apply to public events in or upon a public park or recreational area, where prior written consent has been issued by way of a license from the Board of Aldermen, a license has been issued by the Somerville Licensing Commission to serve alcoholic beverages to the extent required by law, and provided that no disturbance or annoyance is created thereby.

- (b) No person shall give, sell, deliver or consume any alcoholic beverage, including but not limited to beer and wine, on any street nor shall any person have in his or her possession an open container containing such beverage on any street, unless said person (1) is a licensed common victualler that has been granted a permit to place and maintain outdoor seating on a public sidewalk (section 12-14) and is duly permitted by the Somerville Licensing Commission to serve alcoholic beverages with food, at outdoor seating, or is a patron thereof, or (2) is licensed to conduct a festival, fiesta, street fair or any similar event (section 8-14(a)) and is permitted by the Somerville Licensing Commission to serve alcoholic beverages within the boundaries of said event, or is a patron thereof. For purposes of this subsection a container shall be deemed open, regardless of its closed or capped condition if the original sealant of the bottler has once been broken.
- (c) No person shall give, sell, deliver, consume or have in his or her possession in an opened container any alcoholic beverage in the common areas of the city housing authority projects. Common areas shall include, but not be limited to, hallways, stairwells, front steps, basements, rooftops, sidewalks, parking areas, roadways and park areas.
- (d) Any person violating any provision of subsection (c) of this section shall have confiscated such containers in his or her possession by the police department or other person authorized with police powers by law and be fined in accordance with section 1-11.

(Code 1963, § 12-14; Ord. No. 2008-05, 4-24-2008; Ord. No. 2009-07, 5-14-2009)

**Cross reference**— Streets, sidewalks and other public places, Ch. 12.

**State Law reference**— Gift, sale, delivery or possession of alcoholic beverages on public school grounds prohibited, M.G.L.A. c. 272, § 40A.