

LD2820625

SENATE BILL NO. 782

Offered January 17, 1995

A BILL to amend and reenact § 4.1-128 of the Code of Virginia, relating to alcoholic beverage control; local ordinances.

Patrons—Calhoun and Howell; Delegates: Cohen, Connally, Darner, May, McClure and Van Landingham

Referred to the Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 4.1-128 of the Code of Virginia is amended and reenacted as follows:**

§ 4.1-128. Local ordinances or resolutions regulating alcoholic beverages; arrests.

A. No county, city, or town shall, except as provided in § 4.1-205 or § 4.1-129, adopt any ordinance or resolution which regulates or prohibits the manufacture, bottling, possession, sale, distribution, handling, transportation, drinking, use, advertising or dispensing of alcoholic beverages in the Commonwealth.

B. However, the governing body of any county, city, or town may adopt an ordinance which (i) prohibits the acts described in subsection A of § 4.1-308 subject to the provisions of subsection B of § 4.1-308, or the acts described in § 4.1-309 and may provide a penalty for violation thereof and (ii) subject.

Such governing body may adopt an ordinance, subject to subsection C of § 4.1-308, which regulates or prohibits the possession of opened alcoholic beverage containers in its local public or on parks, playgrounds, and public streets, alleys, sidewalks and other pedestrian walkways, and parking lots located in such locality, whether such areas are publicly or privately owned, so long as the public has or is permitted to have access to them, and in any motor vehicle located in such locality, whether or not such vehicle is moving.

Such governing body may, in an ordinance adopted pursuant to this subsection, authorize its law-enforcement officers to arrest any person for violation of such ordinance without a warrant where the violation is not committed in the officer's presence, provided there is probable cause for the arrest based upon a reasonable complaint from any person who observed the violation.

C. Except as provided in this section, all local acts, including charter provisions and ordinances of cities and towns, inconsistent with any of the provisions of this title, are repealed to the extent of such inconsistency.

INTRODUCED

SB782