

# **VILLAGE OF ALFRED, ALLEGANY COUNTY, NY**

## **LOCAL LAW NO. 1 – 2008**

### **REGULATING OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

Be it enacted by the Village Board of the Village of Alfred, Allegany County, New York as follows:

#### **SECTION ONE – LEGISLATIVE INTENT**

It is the intent of the Village of Alfred, New York, as an exercise of its police power, to promote the general health, safety, and welfare of the residents and inhabitants of the Village of Alfred, New York by enacting this local law, since it is the finding of the Board of Trustees that the possession of open containers of alcoholic beverages by persons on certain public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Village of Alfred, New York in that such possession contributes to the development of unsanitary conditions and the creation of nuisances, including, but not limited to, littering and raucous or other disorderly behavior. It is further the intent of the Board of Trustees that this local law not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

#### **SECTION TWO – DEFINITIONS**

For the purpose of this local law, the following shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

- a) “Alcoholic beverage” shall mean and include alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.
- b) “Container” shall mean any bottle, can, glass, cup or other receptacle suitable for, or used to hold, any liquid.
- c) “Public lands” shall mean any highway, street, sidewalk, park or playground.
- d) “Village” shall mean the Village of Alfred, Allegany County, New York.

#### **SECTION THREE – PROHIBITION**

It shall be a violation of this local law for any person to:

- a) Consume any alcoholic beverage on any public land within the Village of Alfred, New York.
- b) Have in his possession any open container containing any alcoholic beverage on any public lands within the Village of Alfred, New York.
- c) Have within his possession for the purposes of consumption on public lands by either himself or another person any open container containing an alcoholic beverage on any public lands within the Village of Alfred, New York. Such possession of an open container as hereinbefore described shall be

presumptive evidence that such open container is intended to be consumed in a public place.

#### SECTION FOUR – EXCEPTIONS

- a) The foregoing prohibition shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the Village of Alfred, New York.
- b) The foregoing prohibitions shall not apply to the transportation of an unsealed but not open container across public lands of the Village of Alfred, New York from one point to another, with no intent to consume the contents of such open container while upon public lands.

#### SECTION FIVE – APPLICATION

This Local Law shall apply to all persons on public lands in the Village of Alfred, New York except as provided in section 4 and shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle upon any public highway within the Village of Alfred, New York in violation of Section 1227 of the Vehicle and Traffic Law of the State of New York.

#### SECTION SIX – PENALTIES

Each violation of this Local Law shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than two hundred and fifty dollars (\$250.00) for each offense. A violation of this local law shall constitute disorderly conduct, and any person violating the same shall be declared a disorderly person.

#### SECTION SEVEN – VALIDITY

Should any provisions of this law be judicially determined to be invalid, the remaining provisions shall continue in full force and effect.

#### SECTION EIGHT – EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State after its adoption by the Board of Trustees of the Village of Alfred, Allegany County, New York after the public hearing required by law.

Passed on the 12<sup>th</sup> day of February, 2008.