

ALCOHOLIC BEVERAGES

Chapter 2 Local Law # 3 1984

2-1

A Local Law regulating the consumption of alcoholic beverages in a public place.

ARTICLE I : Consumption in Public Places

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(HISTORY: Adopted, Hilton Village Board: Article I, 3-5-84 as Local Law No. 3, 1984. Amendments noted where applicable.)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

ARTICLE I : Consumption in Public Places (Adopted 3-5-84 as L.L. No. 3, 1984)

2-1 Repealer

Local Law No.1, enacted September 8, 1975, entitled "Alcoholic Beverages" is hereby repealed.

2-2 Purpose ; findings

It is the purpose of this local law to protect the public interest, welfare, health and safety within the Village of Hilton by prohibiting the consumption of alcoholic beverages in public places within the village. The Village Board finds that possession of an open container of an alcoholic beverage in a public place within the village has led to consumption of the same, resulting in public intoxication, disorderly conduct, disturbance of the public peace, littering of the public places and destruction of property. The Village Board finds further that preservation of the public weal and prevention of conditions which lead to conduct disturbing the public peace, attributable to consumption of alcoholic beverages, can be accomplished by the prohibition of consumption of alcoholic beverages in public places and by restricting the possession of an open or unsealed container of alcoholic beverages under circumstances which indicate that the possessor of such open or unsealed container in a public place intends to consume the same or intends to have it consumed by another person.

2-3 Definitions

The following terms used in this local law shall have the following meanings, unless the context requires or indicates a different meaning:

ALCOHOLIC BEVERAGE - Includes 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.

CONTAINER - Any bottle, can, glass or other receptacle suitable for or used to hold any liquid.

PUBLIC PLACE - Any highway, street, sidewalk, park or playground or village building.

VILLAGE - The Village of Hilton.

2-4 Prohibited acts

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

- A. Consume any alcoholic beverage in any public place within the village.
- B. Have in possession an open or unsealed container of an alcoholic beverage while in any public place for the purpose of consuming such alcoholic beverage by himself or by another in any public place.

2-5 Applicability

- A. The foregoing prohibition shall not apply to consumption of an alcoholic beverage or possession for the purpose of consumption in any public place where the same is authorized by license or permit under the laws and regulations of this state and under the regulations of the village; nor shall such prohibition apply to the possession of an open or unsealed container of an alcoholic beverage solely for the purpose of transporting the same without an intent or indication to consume the same in any public place.
- B. This local law shall not apply to any person in violation of 1227 of the Vehicle and Traffic Law.

2-6 Penalties for offenses

Each violation of this local law shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) for each offense or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

2-7 Severability

If any provision of this local law shall be invalidated by any court, such provision shall be deemed severable and the remaining provisions shall continue in full force and effect.

2-8 When effective

This local law shall take effect upon filing in the office of the Secretary of State.