

VILLAGE OF ALLEGANY

LOCAL LAW NO. 1 OF THE YEAR 1976

REGULATING OPEN CONTAINERS: PUBLIC PLACES

Be in enacted by the Board of Trustees of the Village of Allegany as follows:

Section 1. Legislative Intent. It is the intent of the Village of Allegany as an exercise of its police power to promote the general health, safety and welfare of the residents of the Village by enacting this local law, since it is the finding of the Board of Trustees that the possession of open containers of alcoholic beverages be persons on certain public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Village in that such possessions contributes to the development of unsanitary conditions and the creation of nuisance. It is further the intent of the Board of Trustees of the Village of Allegany that this local law not be considered as a traffic regulation insofar as it related to motor vehicles or the operation thereof.

Section 2. Definitions. For the purpose of this local law, the following shall have meaning ascribed to them. All other words shall have the meaning normally ascribed to the 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, beer, or cider and capable of being consumed by a human being.
- b.) “Container” shall mean any bottle, can, glass 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 incorporated Village of Allegany.

Section 3. Prohibition. No person shall have in his possession any open container containing any alcoholic beverage on any public land within the Village of Allegany.

Section 4. Exceptions. The Board of Trustees of the Village of Allegany shall have the right, either on its own motion, or upon the application of any interested person or organization, to suspend the operation of this law for a specified event occurring within the Village and for a specified period of time. In the event of any such action by the Board of Trustees, the Board of Trustees may restrict the suspension to a designated location within the Village of Allegany. The “event” referred to herein may be either a public or private event, such as, but not limited to, a fair, convention, picnic or such other similar type gathering.

Any application for such exception of suspension of this law shall be made, in writing, to the Board of Trustees, and submitted to the Village Clerk, at least thirty (30) days prior to the happening of the event, and at least five (5) days prior to the Village Board Meeting at which such application shall be considered.

If the Village Board votes to suspend operation of this law, notification of such suspension shall be published in the official Village newspaper at least ten (10) days prior to the happening of the event. All expenses of such publication shall be paid by the applicant; if the suspension is by the Board's own motion, the expenses of publication shall be a general Village charge.

Section 5. Application. This local law shall apply to all persons on public land in the Village of Allegany except as provided for in Section Four (4) above and shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle upon any public highway within the Village in violation of Section Twelve Hundred Twenty Seven (1227) of the Vehicle and Traffic law of the State of New York.

Section 6. Penalties. Each violation of this local law shall be punishable by a fine not exceeding 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 7. Validity. Should any provisions of this law be judicially determined to be invalid, the remaining provisions shall continue in full force and effect.

Section 8. Effective Date. This local law shall take effect immediately.