

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of MARGARETVILLE
Town
Village

Local Law No. 1 of the year 19 96..

A local law RELATING TO POSSESSION OF OPEN CONTAINERS
(Insert Title)

Be It enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County
City of MARGARETVILLE as follows:
Town
Village

SECTION 1. Legislative intent. This law is intended to preserve the public peace, good order, safety and welfare of the people of the Village of Margaretville and to regulate the possession of and the consumption of alcoholic beverages on streets, sidewalks, parking areas and highways within the Village of Margaretville.

SECTION 2. Definition. For the purpose of this local law, the terms, phrases and words and their derivatives employed herein shall have their ordinary and common meanings, and, in addition, the meaning given herein.

A. The word "shall" is always mandatory and not merely directory.

B. "Streets", "sidewalks", "parking areas", and "highways" shall be deemed to mean any road, way, footpath, pathway, lot, field, or area used by the public for vehicular, pedestrian and/or parking purposes.

C. "Alcoholic beverage" shall be deemed to mean any and every beverage which can, if ingested to excess, produce a state of intoxication, or impair one's ability to reason, or suppress a normally reasonable person's sense of responsibility and/or decorum.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- SECTION 3. Possession Restrictions. It shall be unlawful for any person to possess alcoholic beverages in open containers within the Village of Margaretville:
- A. While in or on a public street, lane, sidewalk, public parking lot, public or quasi public place or in any public conveyance;
 - B. In a private motor vehicle while the same is in motion or parked in or upon any public street, lane or public parking lot;
 - C. While upon any private property which is not his own, without the express permission of the owner or other persons having the authority to grant such permission.
- SECTION 4. Exceptions to Provisions: None of the foregoing provision shall apply to public or private premises where express permission has been granted by the owner or the person or organization or governmental agency having ownership, custody or control of the premises.
- SECTION 5. Penalties for Offense. For violation of any provision of this local law the punishment shall be for the first offense by a fine of not more than two hundred fifty dollars (\$250) or a sentence to a term of imprisonment of up to fifteen (15) days or both and for subsequent offenses committed within one (1) year by a fine of not more than five hundred dollars (\$500) or a sentence to a term of imprisonment of up to *thirty* fifteen (30) days or both. In addition thereto a violation of any of the provisions of this local law by any such person shall constitute disorderly conduct and such person shall be a disorderly person.
- SECTION 6. Partial invalidity. Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.
- SECTION 7. Effective date. This local law shall take effect immediately.