

Chapter 76, ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 11-10-1983 as L.L. No. 1-1983. Amendments noted where applicable.]

§ 76-1. Legislative intent.

It is the intent of the Village of Horseheads, as an exercise of its police power, to promote the health, safety and welfare of the residents and inhabitants of the Village of Horseheads by enacting this chapter, 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 in that such possession contributes to the development of unsanitary conditions and to the creation of nuisances, including but not limited to littering and raucous or other disorderly behavior. It is further the intent of the Village of Horseheads that this chapter not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

§ 76-2. Definitions.

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

ALCOHOLIC BEVERAGE -- Includes alcohol, liquor, spirits, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by human beings.

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

INTENT TO CONSUME^{EN(1)} -- Includes any of the following:

- A. Drinking from the container.
- B. Possession with movement of the container to the mouth.
- C. Possession with alcohol on the breath of the possessor.
- D. Any circumstances evidencing an intent to ultimately consume on any public lands.

PUBLIC LANDS -- Any highway, street, sidewalk, park, municipally owned parking lot, cemetery or playground.

VILLAGE -- The Village of Horseheads.

§ 76-3. Prohibited acts. EN(2)

It shall be a violation of this chapter for any person to consume any alcoholic beverage on any public land within the village or to have within his or her possession, for the purpose of consumption on public lands, by either himself or herself or another person, any open container containing an alcoholic beverage on any public lands within the village.

§ 76-4. 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 Board of Trustees.
- B. The foregoing prohibition shall not apply to the transportation of an unsealed but not open container across public lands of the village from one point to another with no intent to consume the contents of such open container while upon such public lands.
- C. Special permission as hereinabove referred to may be granted by the Village Board of Trustees upon such terms and conditions as such Board may reasonably determine are necessary to protect the general health, safety and welfare of the residents and inhabitants of the village.

§ 76-5. Applicability.

This chapter shall apply to all persons on public lands in the village, except as provided in § 76-4 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 § 1227 of the Vehicle and Traffic Law of New York State.

§ 76-6. Penalties for offenses. EN(3)

Each violation of this chapter shall be punishable by a fine of not less than twenty-five dollars (\$25.) nor more than two hundred fifty dollars (\$250.) and/or imprisonment for not more than fifteen (15) days. Each separate violation shall constitute a separate additional violation.

Endnotes

1 (Popup - Popup)

Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

3 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.