

Local Law #2 - 1983
A Local Law Regulating Open Containers in Public Places

SECTION 1. LEGISLATIVE INTENT.

It is the intent of the Village of Addison as an exercise of its police power, to promote the general health, safety and welfare of the residents and inhabitants of the village by enacting this Local Law, since it is the finding of the Addison Village 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 the creation of nuisances, including, but not limited to, littering and raucous or other disorderly behavior. It is further the intent of the Addison Village 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 2. 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 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 Addison.

SECTION 3. 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;
- b. have in his possession any open container containing any alcoholic beverage on any public lands within the Village;
- c. have within his possession for the purpose 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.

SECTION 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;

b. The foregoing prohibitions shall not apply to the transportation of any unsealed by 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 public lands.

SECTION 5. APPLICATION.

This local law shall apply to all persons on public lands in the village except as provided in section 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 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.