

Local Law Filing

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Village

Local Law No. 3 of the year 20 12

A local law Prohibiting Against Consumption of Alcoholic Beverages by Minors on Private Property.

Be it enacted by the Village Board of the Village of Alfred:

SECTION ONE – LEGISLATIVE INTENT

It is the purpose of this section to protect the public interest, welfare, health and safety within the Village of Alfred by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under age of twenty-one (21) at private residences located in the Village. The Village Board finds that the occurrence of social gatherings at private residences where alcoholic beverages or drugs are served to or consumed by persons under the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health and safety. The Village Board finds further that persons under the age of twenty-one (21) often obtain alcoholic beverages or drugs at such gatherings and that such service and/or consumption and will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of twenty-one (21) at these gatherings.

SECTION TWO – DEFINITIONS

- A. "Alcoholic beverages" means any, liquor, wine, beer, spirits, cider or other liquid or solid, patented or not composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person; except that confectionary containing alcohol as provided in Subsection 12 of 200 Agriculture and Markets Law shall not be considered alcoholic beverage within the meaning of this section.
- B. "Control" means the authority and ability to regulate, direct or dominate.
- C. "Drug" means and includes any substance listed in section 3306 of the Public Health Law.
- D. "Minor" means any person under the age of twenty-one (21).
- E. "Open House Party" means a social gathering or otherwise, at a residence or other private property with minors present.
- F. "Person" means a human being and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

G. "Residence" means any home, apartment, condominium, co-operative unit, dormitory unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

SECTION THREE – PROHIBITION

No person having control of any residence shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by a minor at said residence.

SECTION FOUR – EXCEPTIONS

The provisions of this section shall not apply to:

- A. The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to section 65-C of the New York State Alcohol Beverage Control Law, or any other applicable law; or
- B. The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by other applicable law.

SECTION FIVE – INCONSISTENCY WITH OTHER LAWS

- A. If any part or provision of this section is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.
- B. If any part or provision of this section or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section, or the application thereof to other persons or circumstances.

SECTION SIX – PENALTIES

Failure to comply with subsection three above shall constitute a violation, punishable by a fine of two hundred and fifty dollars (\$250.00) or imprisonment of fifteen (15) days. For each and every subsequent occurrence, failure to comply with subsection three above shall constitute a violation punishable by a fine of five hundred dollars (\$500.00) or imprisonment of fifteen (15) days.

EFFECTIVE DATE:

This local law shall take effect immediately upon filing with the Secretary of State.