

(Please Use this Form for Filing your 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 Watkins Glen
~~Town~~
Village

Local Law No. 2 of the year 19 80

A local law Open Container Law
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Watkins Glen as follows:
~~Town~~
Village

Section I. Declaration of Policy

The Village Board of the Village of Watkins Glen recognizes that the use of alcoholic beverages within public places and areas in the Village of Watkins Glen must be adequately controlled and regulated so as to prevent public disorder, littering and other acts or conditions which are detrimental to the health, safety and welfare of the residents of the Village of Watkins Glen.

Section II. Definitions

A. Alcoholic beverages: Shall include beer, wine, liquor and all other alcoholic beverages as more specifically defined in Section Three of the New York State Alcoholic Beverage Control Law and any amendment thereto.

B. Container: A container shall be any bottle, glass, can, cup or similar article containing any alcoholic beverage. For the purpose of this local law, a container shall be deemed opened if the contents are being exposed to the atmosphere.

C. Public Place: Means a place to which the general public or a substantial group of persons has access, and includes but is not limited to highways, streets, shopping centers, parking lots, cemeteries, transportation facilities, schools, places of amusement, parks, playgrounds, parking areas, hallways, lobbies and any other places open to or used by the general public. Permitted public places shall be those public places wherein the use and consumption of alcoholic beverages are authorized pursuant to a permit or license issued by the Alcoholic Beverage Control Board pursuant to Alcoholic Beverage Control Law or to such places, gatherings or events for which special permission, upon application, has been granted by the Village Board of Trustees.

Section III. Open Container

A. No person shall carry, transport or have in his possession in, or on, any public place, other than permitted public places, any open bottle, can, container or similar article containing an alcoholic beverage of any kind or description.

(If additional space is needed, please attach sheets of the same size as this and number each)

Section III. (continued)

B. No person shall break, leave, discard or deposit in any manner any glass, bottle, glassware, crockery, plasticware, vessel, can or container of any kind, make or description in any public street, sidewalk, park, parking area or public place of any nature within the Village of Watkins Glen, except in receptacles designed or designated as a proper place for disposal of same.

C. No person shall consume any alcoholic beverage in a public place other than a permitted public place as defined under this local law unless a special permit, as provided for herein, has been granted.

Section IV. Exceptions.

A. The Village Board of Trustees expressly reserves the right to issue a permit temporarily waiving the application of this local law upon written application therefor. Such permit shall be granted only to those who furnish the Board of Trustees with evidence that all of the applicable rules and regulations of the Alcoholic Beverage Control Board have been complied with, and such other conditions as the Board of Trustees establish are satisfied;

B. There is specifically excluded from the provisions of this local law pertaining to open containers and consumption of alcoholic beverages in public places, the public place known as Clute Park and the camping ground area both at the head of Seneca Lake on the north and south sides of New York State Route 414 and also any property included in the Watkins Glen State Park Facility within the limits of the Village.

Section V. Violations

Violations of this local law shall constitute a violation as defined in the Penal Law of the State of New York.

Section VI. Penalty

The penalties for violation of this local law shall be a fine not exceeding \$250.00 or by imprisonment in jail, or both. Any person committing an offense against any provision of this local law shall be punishable by fine or imprisonment or both. Each separate violation shall constitute a separate additional offense.

Section VII. Severability

It is the intention of the Village Board that each separate provision of this local law shall be deemed independent of all other provisions herein, and it is the further intention of the Village Board that if any provisions of this local law shall be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Section VIII. Effective Date

This local law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 80
of the ~~XXXXX~~ City of Watkins Glen was duly passed by the Board of Trustees
~~Town~~ Village (Name of Legislative Body)
on September 2, 19 80 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City
of the Town of _____ was duly passed by the _____
Village (Name of Legislative Body)
on _____ 19 _____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City
of the Town of _____ was duly passed by the _____
Village (Name of Legislative Body)
on _____ 19 _____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19 _____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive _____
general
thereon at the special election held on _____ 19 _____, in accordance with the applicable provisions of law.
annual

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City
of the Town of _____ was duly passed by the _____ on _____
Village (Name of Legislative Body)
_____ 19 _____ and was approved _____ by the _____ on _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
_____ 19 _____. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

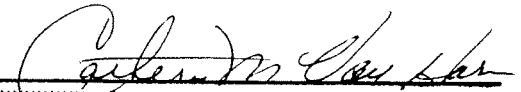
I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of having been submitted to referendum pursuant to the provisions of $\frac{5}{37}$ $\frac{36}{37}$ of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


.....
Village Clerk or
officer designated by local legislative body
Catherine M. Van Horn

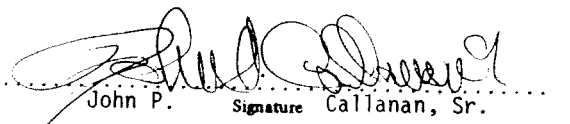
Date: September 17, 1980

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF SCHUYLER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


.....
John P. Callanan, Sr.
Village Attorney
.....
Title

Date: September 17, 1980

~~County~~
~~City~~ of Watkins Glen
~~Town~~
Village