(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~~
~~Town~~
Village of STILLWATER

Local Law No. 2 of the year 19 83

A local law REGULATING THE POSSESSION OF AN OPEN CONTAINER CONTAINING AN ALCOHOLIC BEVERAGE AND THE DRINKING OF AN ALCOHOLIC BEVERAGE IN PUBLIC PLACES WITHIN THE VILLAGE OF STILLWATER, COUNTY OF SARATOGA, STATE OF NEW YORK.
(Insert title)

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

~~County~~
~~City~~
~~Town~~
Village of Stillwater as follows:

Section 1. Legislative Intent. It is the intent of the Village of Stillwater as an exercise of its police power to promote the general health, safety and welfare of the residents of the Village by enacting this local law since it is the finding of the Board of Trustees that the possession of open containers of alcoholic beverages and the drinking 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 or drinking contributes to the development of unsanitary conditions and the creation of a nuisance. It is further the intent of the Board of Trustees of the Village of Stillwater 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 purposes of this local law, the following shall have the meanings ascribed to them. All other words shall have the meaning normally ascribed to them in regular usage.

(a) Alcoholic Beverage. The term "alcoholic beverage" as used in this local law shall mean and include alcohol, spirits, liquor, wine, beer, cider and every liquid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.

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

(b) Container. The term "container" as used in this local law shall mean any bottle, can, glass or other receptacle suitable for, or used to hold, any liquid.

(c) Public Lands. The term "public lands" as used in this local law shall mean any public highway, street, sidewalk, park or playground.

(d) Village. The term "village" as used in this local law shall mean the Incorporated Village of Stillwater, New York.

Section 3. Prohibitions.

(a) No person shall have in his possession any open container containing an alcoholic beverage, with the intent of the possessor or another to consume said beverage, on any public land within the Village.

(b) No person shall consume an alcoholic beverage on any public land within the Village.

Section 4. Exceptions. 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 Board of Trustees of the Village or for which a license or premit has been duly issued under the provisions of the alcoholic beverage control law.

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 in a motor vehicle being driven 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 constitute an offense punishable by a fine not exceeding Fifty ($50.00) Dollars or by imprisonment in the County Jail for not more than ten (10) days, or by both such fines and imprisonment, for the first offense; and by a fine not exceeding One Hundred ($100.00) Dollars or by imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment, for a second or subsequent offense.

Section 7. Validity.

(a) Should any provisions of this local law be judicially determined to be unconstitutional or invalid, the remaining provisions shall continue and remain in full force and effect.

(b) All ordinances and local laws or parts of ordinances or local laws enacted prior hereto which are in conflict with this local law are hereby superceded by this local law.

Section 8. Effective Date. This local law shall take effect immediately upon its filing as provided by law.

(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 1983 of the ~~County~~ ~~City~~ ~~Town~~ Village of STILLWATER was duly passed by the BOARD OF TRUSTEES (Name of Legislative Body) on October 10th, 19 83 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..... of the County / City / Town / Village of ..... was duly passed by the ..... (Name of Legislative Body) on ..... 19..... and was approved / not disapproved / repassed after disapproval by the ..... 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..... of the County / City / Town / Village of ..... was duly passed by the ..... (Name of Legislative Body) on ..... 19..... and was approved / not disapproved / repassed after disapproval by the ..... Elective Chief Executive Officer * on ..... 19..... Such local law was submitted to the people by reason of a mandatory / permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general / special / annual election held on ..... 19..... , in accordance with the applicable provisions of law.

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..... of the County / City / Town / Village of ..... was duly passed by the ..... (Name of Legislative Body) on ..... 19..... and was approved / not disapproved / repassed after disapproval by the ..... Elective Chief Executive Officer * on ..... 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.**