NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a 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** Stillwater
- ☐ **Town**
- ■ **Village**

Local Law No. 4 **of the year 20** 07

A local law Known as "The Village of Stillwater Social Host Responsibility Act"
(Insert Title)

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

- ■ **County**
- ☐ **City** **of** Saratoga **as follows:**
- ☐ **Town**
- ☐ **Village**

Be it enacted by the Village Board of Trustees of the Village of Stillwater, County of Saratoga as follows:

Section 1. TITLE

This local law shall be known as "The Village of Stillwater Social Host Responsibility Act" to discourage, prohibit and penalize residential gatherings where underage drinking and prohibited drug use occurs.

Section 2. PURPOSE

The purpose of this local law is to protect the health, safety and general welfare of the people of the Village of Stillwater, New York, and the preservation of peace and good order by discouraging the hosting of residential social gatherings where underage drinking and prohibited drug use occurs by prohibiting the provision, service or distribution of alcoholic beverages or prohibited drugs to persons under the age of 21 by persons controlling residential premises.

This local law is based upon findings of the Stillwater Village Board that the provision, service or distribution of alcoholic beverages or prohibited drugs to persons under the age of 21 at social gatherings on residential premises is extremely harmful to those present and a serious threat to the health, safety and general welfare of all residents of the Village. The Village Board also finds that persons under 21 often obtain alcoholic beverages or prohibited drugs consumed at such gatherings through the actions of persons who are in control of the premises, and further, that persons who control the premises know, or have reason to know, that their contributory actions, either directly or by forbearance, will result in such consumption.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Finally, while the Village Board finds that a number of State statutes address the distribution to, and use of, alcohol and prohibited drugs by persons under 21, the existence of such statutes is not sufficient to discourage contributory actions by premises controllers, thus an additional local law is needed to fill shortfalls in coverage by the State statutes.

Section 3. AUTHORITY

This Local Law is adopted pursuant to the general powers granted to the Village of Stillwater by the Constitution and laws of the State of New York, and granted in particular by Municipal Home Rule Section 10(1)(ii)(a)(12).

Section 4: DEFINITIONS

As used in this Local Law, the following terms shall have the meanings indicated:

Alcoholic beverage means any substance defined or listed as such in New York Alcoholic Beverage Control Law Section 3, including but not limited to, liquor, wine, beer, spirits, or other liquid or solid, composed of or containing alcohol or spirits.

Control means the authority and ability to regulate, direct or dominate.

Person having control means an owner, manager or tenant, whether human or corporate.

Prohibited Drug means and includes any substance listed in New York Public Health Law Section 3306.

Residential premises means any structure, as well as appurtenances and encompassing land, used as a dwelling place for humans.

Social gathering means a gathering of two or more persons, at least one of which is not related to the other(s) by blood.

Section 5: PROHIBITION

No person having control of any residential premises shall allow a social gathering to take place on such premises where said person knows, or has reason to know, that any alcoholic beverage will be consumed or that any prohibited drug will be possessed or consumed by a person under the age of 21 at such gathering.

Section 6: EXCEPTIONS

The provisions of this local law shall not apply to

(a) The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to New York Alcoholic Beverage Control Law Section 65-c, 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 any other applicable law.

Section 7: INCONSISTENCY WITH OTHER LAWS

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.

Section 8: SEVERABILITY

If any provision of this Local Law or its application thereof to any person or circumstance is held invalid, the validity of the remainder of the provisions of the Local Law and the application thereof to other persons and circumstances shall not be affected thereby.

Section 9: PENALTIES

Failure to comply with Section 5 above shall constitute a misdemeanor, punishable by a fine which shall not exceed one thousand dollars ($1,000.00), or imprisonment not exceeding twenty (20) days, or a combination of such fine and imprisonment as shall be fixed by the court.

Section 10: EFFECTIVE DATE

This local law shall take effect upon enactment and filing with the Secretary of State, pursuant to State law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 4 of 20 07 of the ~~(County)(City)(Town)~~(Village) of Stillwater was duly passed by the Board of Trustees on June 19 20 07, in accordance with the applicable provisions of law.

(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20 _____, in accordance w ith 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20 _____.

(Elective Chief Executive Officer)*

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 _____ 20 _____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

(Elective Chief Executive Officer)*

* 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the 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 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (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 _____ 20_____, 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 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, 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 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.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 6-19-07

(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 SARATOGA

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.

Signature — Dreyer Boyajian LLP
Attorney for the Village of Stillwater
Title

~~County~~
~~City~~ of Stillwater
~~Town~~
Village

Date: June 19, 2007

NOTICE OF PUBLIC HEARING
VILLAGE OF STILLWATER
Proposed Local Law:
"Social Host Responsibility Act"

NOTICE IS HEREBY GIVEN that the Village Board of Trustees of the Village of Stillwater will hold a Public Hearing on June 19, 2007 at 7:00 p.m. to consider the adoption of proposed Local Law No. 4 of 2007, entitled "Social Host Responsibility Act." The purpose of said local law is to discourage, prohibit and penalize residential gatherings where underage drinking and prohibited drug use occurs. Under the proposed law, no person having control of any residential premises shall allow a social gathering to take place on such premises where said person knows, or has reasons to know, that any alcoholic beverage will be consumed or that any prohibited drug will be possessed or consumed by a person under the age of 21 at such gathering." A copy of the proposed local law is available for public inspection at the Village Clerk=s Office at 1 School Street, Stillwater, New York between the hours of 9:00 a.m and 4:00 p.m, Monday through Friday. At the above date, time and place, all interested persons will be heard.

Village of Stillwater
Board of Trustees
Margo L. Partak, Clerk

Village of Stillwater Clerk

From: "legals" <legals@dailygazette.net>
To: "Village of Stillwater Clerk" <stlclerk@nycap.rr.com>
Sent: Monday, June 11, 2007 9:19 AM
Subject: Re: Legal Notice

Good Morning Margo,

Confirming receipt of your email re: Public Hearing. This will be entered for publication once on the next available date which is WEDNESDAY, JUNE 13th.

Thanks for emailing and have a nice day.

Lynn Thomas (395-3048)

Village of Stillwater Clerk wrote:

> Please publish the attached notice of Public Hearing one (1) time in your newspaper. Thank you for your attention concerning this matter.
> Margo L. Partak

STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

ELIOT SPITZER
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

July 11, 2007

Village of Stillwater
1 School Street
PO Box 507
Stillwater, NY 12170

RE: Village of Stillwater, Local Law No. 4, 2007 , filed on 06/22/2007

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

RECEIVED
JUL 16 2007
VILLAGE OF STILLWATER