

## Chapter 58

### ALCOHOLIC BEVERAGES

#### ARTICLE I

#### Public Consumption

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden: Art. I, 12-10-1979 as L.L. No. 6-1979 (Ch. 5, Art. I, of the 1966 Code). Amendments noted where applicable.]

#### GENERAL REFERENCES

License and permits -- See Ch. 125.

Peace and good order -- See Ch. 147.

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#### ARTICLE I

#### Public Consumption

[Adopted 12-10-1979 as L.L. No. 6-1979  
(Ch. 5, Art. I, of the 1966 Code)]

#### § 58-1. Legislative intent.

It is the intent of the Board of Trustees of the Village of Alden, as an exercise of its police power, to promote the general health, safety and welfare of the residents of the village by enacting this Article since it is the finding of the Board of Trustees that the possession of open containers of alcoholic beverages and/or the consumption of alcoholic beverages by persons on public premises, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the village and contributes to the development of unsanitary conditions and the creation of nuisances. It is further the intent of the Board of Trustees of the Village of Alden that this Article shall not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

**§ 58-2. Definitions. [Added 3-6-1995 by L.L. No. 3-1995]**

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

OPEN CONTAINER -- Any open bottle, can or container containing liquor, beer, wine or other alcoholic beverage, as the same is defined by the Alcoholic Beverage Control Law of the State of New York.

**§ 58-3. Possession or consumption in public places prohibited.**

No person shall have, possess, carry or transport any liquor, wine, beer or other alcoholic beverage in an open bottle or other open container in or upon any public sidewalk, street, lane, highway, building, parking lot, park, recreation area or other public property or in any vehicle upon such area, within the Village of Alden. No person shall drink or otherwise consume any liquor, wine, beer or other alcoholic beverage in or upon any of the aforesaid public areas or property within the Village of Alden.

**§ 58-4. Exceptions; permit required; issuance. [Amended 1-23-2003 by L.L. No. 3-2003]**

- A. If any individual or organization desires to have, distribute or consume alcoholic beverages on public property in the Village of Alden, said individual or organization must submit a request in writing to the Board of Trustees or its duly authorized representatives for a permit therefor at least seven (7) days prior to the date scheduled for using such beverage. No fee shall be charged for the granting of said permit.
- B. A permit shall be issued only upon the following conditions:
- (1) Such individual or organization, by its duly authorized agent, must agree, in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit and to properly police, clean up and restore the premises after use to its prior condition. The permit shall be available for display upon the request of any police enforcement officer.
  - (2) Such individual or organization must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.

- (3) No alcoholic beverages shall be distributed or consumed other than on the specific premises described in the permit and only during the time stated therein.
- (4) No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions thereof.

**§ 58-5. Discarding of containers.**

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, highway, parking lot, park, recreation area or other public property within the Village of Alden without the express permission of the village.

**§ 58-6. Penalties for offenses. [Amended 1-23-2003 by L.L. No. 3-2003]**

- A. The violation of any of the provisions of this Article shall be punishable by a maximum fine of two hundred fifty dollars (\$250.00) or by imprisonment for fifteen (15) days, or by both such fine and imprisonment.
- B. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense continues, a separate and distinct offense hereunder.