

Chapter 81

ALCOHOLIC BEVERAGES

§ 81-1. Legislative intent.

§ 81-2. Definitions.

§ 81-3. Prohibition.

§ 81-4. Exceptions.

§ 81-5. Applicability.

§ 81-6. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville 7-29-2002 by L.L. No. 2-2002. Amendments noted where applicable.]

§ 81-1. Legislative intent.

- A. It is the intent of the Village of St. Johnsville to enact this chapter as an exercise of its police power to promote the general health, safety and welfare of the residents of the Village since it is the finding of the Board of Trustees that the possession of open containers 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 contributes to the development of unsanitary conditions and the creation of a nuisance.
- B. It is the further intent of the Board of Trustees of the Village of St. Johnsville that this chapter not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

§ 81-2. Definitions.

For the purposes of this chapter, the following shall have the meanings ascribed to them. All other words shall have the meaning normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGE — Includes alcohol, spirits, liquor, wine, beer, hard cider, and every liquid or solid, patented or not, containing alcohol, spirits, liquor, wine, beer or hard cider and capable of being consumed by a human being.

CONTAINER — Any bottle, can, glass or other receptacle suitable for, or used to hold, any liquid.

PUBLIC LANDS — Any highway, street, parking lot, sidewalk, alley, park or playground.

§ 81-3. Prohibition.

Except as may hereafter be permitted, no person shall have in his possession any open container containing an alcoholic beverage on any public land within the corporate limits of the Village of St. Johnsville or on any public land owned by the Village of St. Johnsville and located outside the corporate limits of such Village.

§ 81-4. Exceptions.

The foregoing prohibition shall not apply in the event of a fair, picnic, other community gathering for which special permission has been granted by the Board of Trustees, or upon premises which are validly operating as a "sidewalk cafe" as otherwise defined by local law.¹

§ 81-5. Applicability.

This chapter shall apply to all persons on public lands within the Village of St. Johnsville, except as provided in § 81-4 above, and shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle upon a public highway within the Village of St. Johnsville in violation of § 1227 of the Vehicle and Traffic Law of the State of New York.

§ 81-6. Penalties for offenses.

Each violation of this chapter shall be punishable by a fine not exceeding \$250, or by imprisonment for not more than 15 days, or by both such fine and imprisonment.²

1. Editor's Note: See Ch. 215, Sidewalk Cafes.

2. Editor's Note: The original second paragraph of this section, regarding disorderly conduct/disorderly persons, which immediately followed this paragraph, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).