



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

GEORGE E. PATAKI
GOVERNOR

August 8, 2006

CHRISTOPHER L. JACOBS
SECRETARY OF STATE

John F Leyden
Sullivan & Leyden PC
110 North Main Street
Wayland NY 14572

RE: Village of Cohocton, Local Law 1, 2006, filed on August 3, 2006

To Whom It May Concern:

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

LL:cb

Village of Cohocton

Local Law Numbered 1 of the year 2006

A Local Law regulating the sale, consumption and possession of alcoholic beverages in public places within the Village of Cohocton, New York

Be It enacted by the Board of Trustees of the Village of Cohocton as follows:

I. LEGISLATIVE INTENT

It is the purpose of this local law to protect the public interest, welfare, health and safety within the Village of Cohocton by prohibiting the sale, consumption and possession of alcoholic beverages in public places within the Village of Cohocton. The Board of Trustees find that the sale and possession of an open container of alcoholic beverage in a public place within the Village of Cohocton has led to the consumption of the same, resulting in public intoxication, disorderly conduct, disturbance of the public peace, littering of public places and potential destruction of property. The Board of Trustees further finds that preservation of the public well being and prevention of conditions which lead to conduct disturbing the public peace attributable to consumption of alcoholic beverages can be accomplished by the prohibition of the sale and consumption of alcoholic beverage in public places and by restricting the possession of an open or unsealed container of alcoholic beverages under circumstances which indicate that the possessor of such open or unsealed container of alcoholic beverages in a public place intends to consume the same or intends to have it consumed by another person.

II. DEFINITIONS

The following terms used in this local law shall have the following meaning, unless the context requires or indicates a different meaning:

VILLAGE - Village of Cohocton, New York

BOARD - Board of Trustees of the Village of Cohocton, New York

ALCOHOLIC BEVERAGE - Includes alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer 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 PLACE - Any highway, street, sidewalk, park, playground, public parking area or town/village building in the Village

INTENT TO DRINK THEREFROM - Includes drinking from the container, possession with movement of the container to the mouth, possession with alcohol on the breath of the possessor or any circumstance evidencing an intent to ultimately consume alcoholic beverage in any public place.

III. SALE, POSSESSION AND CONSUMPTION IN PUBLIC PLACES

It shall be a violation of this local law for any person to:

- A. Serve, with or without charge, any alcoholic beverage in any public place within the Village;
- B. Have in his/her possession any open or unsealed container of an alcoholic beverage while in any public place for the purpose of consuming such alcoholic beverage by himself/herself or by another in any public place;
- C. Have in his/her possession any open container of an alcoholic beverage with the intent to drink therefrom in any public place;
- D. Appear in any public place under the influence of alcohol, narcotics or other drugs to the degree that he/she may endanger himself/herself or other persons or property or annoy persons in his/her vicinity.

IV. EXCEPTIONS

The foregoing prohibitions shall not apply to the consumption of an alcoholic beverage or possession for the purposes of consumption in any public place where the same has been authorized by a license or permit under the laws and regulations of this state and pursuant to the regulations of the Village; except that no such permit shall be issued or authorized between the period October 1 and October 15 of each year.

V. APPLICABILITY

This local law shall not apply to any person in violation of Section 1227 of the Vehicle and Traffic Law of the State of New York.

VI. PENALTY

Each violation of this local law shall be punishable by a fine not exceeding Two Hundred Fifty (\$250.00) Dollars for each offense or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

VII. EFFECTIVE DATE


This local law shall take effect upon filing with the New York State Secretary of State.

CERTIFICATION

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2006 of the Village of Cohocton was duly passed by the Board of Trustees on April 19, 2006, in accordance with the applicable provisions of law.

Dated: May 17, 2006


(Seal)


Katherine M. Wise, Village Clerk

CERTIFICATION

I 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.

Dated: 5/18/06, 2006


John F. Leyden
Village Attorney
Village of Cohocton