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At a Regular Meeting of the Common Council of the  
City of Plattsburgh, New York, held September 29, 1983

**PRESENT:** Mayor Rennell, Aldermen Stewart, Lockwood, Blumette  
Lombardoni and Griffin.

**ABSENT:** Alderman Deforge

By Alderman Lombardoni; seconded by Alderman  
Lockwood:

LOCAL LAW NO. 1 OF 1983

A LOCAL LAW REGULATING THE CONSUMPTION  
OF ALCOHOLIC BEVERAGES IN A PUBLIC PLACE  
WITHIN THE CITY OF PLATTSBURGH, NEW YORK

**SECTION 1:** It is the purpose of this local law to protect the public interest, welfare, health and safety within the City of Plattsburgh, New York, by prohibiting the consumption of alcoholic beverages in public places within the City. The Common Council finds that possession of an open container of an alcoholic beverage in a public place within the City has led to consumption of the same, resulting in public intoxication, disorderly conduct, disturbance of the peace, littering of the public places, and destruction of property. The Common Council finds further that preservation of the public weal and prevention of conditions which lead to conduct disturbing the peace attributable to consumption of alcoholic beverages, can be accomplished by the prohibition of alcoholic beverages 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 in a public place intends to consume the same or intends to have it consumed by another person.

**SECTION 2:** Definitions. The following terms used in this local law shall have the following meaning, unless the context requires or indicates a different meaning:

- a. "Alcoholic beverage" shall mean and include 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.
- b. "Container" shall mean any bottle, can, glass, or other receptacle suitable for, or used to hold, any liquid.
- c. "Public place" shall mean any highway, street, sidewalk, park or playground or city building in the city.
- d. "City" shall mean the City of Plattsburgh, New York.

**SECTION 3:** Prohibition. It shall be a violation of this local law for any person to:

- a. consume any alcoholic beverage in any public place within the city;
- b. have in his possession an open or unsealed container of an alcoholic beverage while in any public place for the purpose of consuming such alcoholic beverage by himself or by another in any public place.

**SECTION 4:** Exceptions. The foregoing prohibition shall

not apply to consumption of an alcoholic beverage or possession for the purpose of consumption in any public place, where the same is authorized by license or permit under the laws and regulations of this state and under the regulations of the City; nor shall such prohibition apply to the possession of an open or unsealed container of an alcoholic beverage solely for the purpose of transporting the same without the intent or indication to consume the same in any public place.

SECTION 5: Application. This local law shall not apply to any person in violation of section 1227 of the Vehicle and Traffic Law.

SECTION 6: Penalties. Each violation of this local law shall be punishable by a fine not exceeding \$250 for each offense or by imprisonment not exceeding 15 days or by both such fine and imprisonment.

SECTION 7: Severability. If any provision of this local law shall be invalidated by any court, such provision shall be deemed severable and the remaining provisions shall continue in full force and effect.

SECTION 8: All local laws, ordinances, and resolutions of the Common Council inconsistent with the provisions of this local law are hereby repealed.

SECTION 9: This local law shall take effect after public hearing and approval by the Mayor.

On roll call, Alderman Stewart, Lockwood, Blumette, Lombardoni and Griffin voted in the affirmative; no one in the negative; (Alderman Deforge being absent. CARRIED

Certified to the Mayor this 6th day of OCTOBER, 1983.

Aline J. Côté  
CITY CLERK

The foregoing Local Law is hereby approved after Public Hearing held this 6th day of OCTOBER, 1983

Carlton Pennell  
MAYOR