

(Please Use this Form for Filing your 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.

XXXXX  
XXXXX of LYNDONVILLE  
XXXXX  
Village

Local Law No. 2 of the year 1978

A local law to regulate the possession of open containers of alcoholic beverages in public (insert title) places within the Village of Lyndonville.

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

Courts  
City of Lyndonville  
Town  
Village as follows:

Section 1. No person shall have in his possession any open bottle or container containing any alcoholic beverage in any public place not duly licensed to sell the same, within the corporate limits of the Village of Lyndonville, including possession within any moving, standing or parked vehicle in any public place within said area.

Section 2. DEFINITIONS. (a) "Public place" means any place to which the public or a substantial group of persons has access and includes, but is not limited to highways, sidewalks, restaurants, places of amusement, commercial establishments, parks, playgrounds, public and private parking lots and alley ways; (b) "Alcoholic beverage" is defined as alcohol, spirits, liquor, wine, beer and every other liquid containing alcohol and capable of being consumed by a human being.

Section 3. The presence of an open container of alcoholic beverage in a vehicle, other than a public omnibus, shall be presumptive evidence of knowing possession thereof by each and every person in the vehicle at the time such open container was found.

Section 4. The foregoing prohibition shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the Board of Trustees of the Village of Lyndonville specifically granting an exemption from the provisions of this Local Law, said exemption to be evidenced by a resolution of the Board of Trustees of the Village of Lyndonville granting such special permission.

Section 5. Any person who shall violate the provisions of this Local Law shall, upon conviction, be punishable by a fine of not more than \$250.00, or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

Section 6. Should any section, sentence or other portion of this Local Law be declared unconstitutional or otherwise invalid, the remaining provisions of this Local Law shall not be invalidated and shall continue in full force and effect.

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 7. This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State and the State Comptroller pursuant to the Municipal Home Rule Law.

Dated: September 12, 1978.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 2 of 19 78 of the ~~City~~ ~~Town~~ ~~Village~~ of Lyndonville was duly passed by the Board of Trustees (Name of Legislative Body) on September 8, 19 78 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_ Town \_\_\_\_\_ Village \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19 \_\_\_\_\_ and was approved \_\_\_\_\_ not disapproved \_\_\_\_\_ by the \_\_\_\_\_ Elective Chief Executive Officer \* repassed after disapproval \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with 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 19 \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_ Town \_\_\_\_\_ Village \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19 \_\_\_\_\_ and was approved \_\_\_\_\_ not disapproved \_\_\_\_\_ repassed after disapproval \_\_\_\_\_ by the \_\_\_\_\_ Elective Chief Executive Officer \* on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the special election held on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_ Town \_\_\_\_\_ Village \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19 \_\_\_\_\_ and was approved \_\_\_\_\_ not disapproved \_\_\_\_\_ repassed after disapproval \_\_\_\_\_ by the \_\_\_\_\_ Elective Chief Executive Officer \* on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.

\*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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

