

ADOPTED: JUNE 6, 2006

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OPEN CONTAINER

ORDINANCE #8

SECTION 1. Legislative intent.

It is the intent of the Town of Bolton, as an exercise of its police power, to promise the general health, safety and welfare of the residents and inhabitants of the town by enacting this ordinance upon a finding 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 Town in that such possession contributes to the development of unsanitary conditions and the creation of nuisances, including but not limited to, littering and raucous or other disorderly behavior. It is further the intent of the Town of Bolton Town Board that this ordinance not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

SECTION 2. Definitions.

For the purpose of this ordinance, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

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 LANDS – Any highway, road, street, avenue, alley, public place, public driveway, park or any other public way, including a parking lot or parking area, as the same are defined in Sections 129-a and 129-b of the Vehicle and Traffic Law of the State of New York.

TOWN – Town of Bolton.

SECTION 3. Prohibitions.

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

- A. Consume any alcoholic beverage on any public land within the Town contrary to the provisions hereof.
- B. Have in his or her possession any open container containing any alcoholic beverage on any public lands within the Town.
- C. Have within his or her possession for the purposes of consumption on public lands, by either oneself or another person, any open container containing an alcoholic beverage on any public lands within the town.

SECTION 4. Exceptions.

A. The foregoing prohibitions shall not apply in the event of a fair, picnic or other community gathering for with written permission has been granted by the Town Board.

B. The foregoing prohibitions shall not apply to the transportation of an unsealed but not open container across public lands of the Town from one point to another, with no intent to consume the contents of such open container while upon public lands.

C. Application of this Ordinance shall not apply on any day between the hours of 7:00 a.m. and 11:00 p.m. at the following locations:

- i) Rogers Memorial Park
- ii) Veterans Memorial park
- iii) Bixby Park
- iv) Huddle Beach
- v) Conservation Club

D. Special provisions shall pertain to the use of the Conservation Club properties and the application of this Ordinance as follows:

i) During any authorized party or event held at the Conservation Club property by any individual or entity who has rented those premises from the Town of Bolton, their guests, invitees and participants over the age of twenty-one (21) years, shall be permitted to have custody and possession of alcoholic beverages in open containers for the entire limited period of the rental event.

ii) Under all other circumstances where the Conservation Club property has not been specifically rented for a limited period of time for an event as described in paragraph D i), possession of alcoholic beverages in open containers shall be permitted to

any individual over the age of twenty-one (21) years only between the hours of 7:00 a.m. and 11:00 p.m.

SECTION 5. Applicability.

This Ordinance shall apply to all persons on public lands in the Town except as provided in Section 4 above and shall not apply to any person drinking an alcoholic beverage, or in possession of an alcoholic beverage, while operating a motor vehicle upon any public highway within the Town in violation of Section 1227 of the Vehicle and Traffic Law of the State of New York. This Ordinance shall not in any manner infer the authorization of consumption or possession of alcoholic beverages by any person under the age of twenty-one (21) years.

SECTION 6. Penalties for offenses.

An offense against any provision of this Ordinance shall constitute a violation punishable by a fine of not less than Fifty Dollars (\$50.00), but not to exceed Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Warren County Jail for a term not to exceed 15 days, or by both such fine and imprisonment.