

Chapter 63
ALCOHOLIC BEVERAGES

ARTICLE I
Open Containers

§ 63-1. Legislative declaration.

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§ 63-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Open Containers

[Adopted 7-24-1978 by L.L. No. 7-1978]

§ 63-1. Legislative declaration.

The Board of Trustees of the Village of Pelham Manor recognizes that consumption of alcoholic beverages in public places must be adequately controlled so as to prevent public disorder, nuisances, littering and other acts and conditions detrimental to the health, safety and welfare of the people of the Village, and this local law is enacted to provide such control and regulation.

§ 63-2. Definitions.

Whenever used in this local law, the following terms shall have the meanings set forth:

ALCOHOLIC BEVERAGE — Includes all such beverages as defined in Section “3” of the Alcoholic Beverage Control Law of the State of New York.

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

PUBLIC PLACE — Any highway, street, sidewalk, park, playground, parking lot, shopping center, mall, or any other place to which the public or a substantial group of persons have access, and including any vehicle located in any such place, but excluding those public places wherein the use and consumption of alcoholic beverages is authorized pursuant to a license or permit issued under the Alcoholic Beverage Control Law, or is authorized by resolution of, or special permit granted by, the Board of Trustees of the Village of Pelham Manor.

§ 63-3. Consumption in public prohibited.

No person shall consume or ingest any alcoholic beverage in any public place within the Village of Pelham Manor. Carrying on the person, holding or possessing any open, unsealed, resealed or partially full container of an alcoholic beverage in a public place shall constitute prima facie evidence of a violation of this section, and any open, unsealed, resealed or partially full container of an alcoholic beverage which is found in any vehicle in any public place shall constitute prima facie evidence that such container is in the possession of all the occupants of said vehicle or in the possession of the person last having control and custody of such vehicle.

§ 63-4. Penalties for offenses. [Amended 5-14-1979 by L.L. No. 1-1979]

In addition to the penalties provided for in Chapter 1, General Provisions, Article III, General Penalty, of this Code, a person convicted of a third or subsequent violation of this article within a period of one year shall be guilty of a misdemeanor and shall be subject to imprisonment not to exceed 30 days.