

ALCOHOLIC BEVERAGES

Chapter 78

ALCOHOLIC BEVERAGES

§ 78-1. Public consumption restricted.

§ 78-2. Definitions.

§ 78-3. Presumptive evidence of possession.

§ 78-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Barker 10-7-1991 by L.L. No. 3-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Drug and alcohol testing policy — See Ch. 15.
Vehicles and traffic — See Ch. 192.

§ 78-1. Public consumption restricted.

No person shall drink from, or have in his possession with intent to drink from, any open bottle or container containing any alcohol beverage in any public place within the Village of Barker not duly licensed to sell the same. Possession shall include possession within any moving, standing or parked vehicle in any public place within the Village of Barker.

§ 78-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE — Alcohol, spirits, liquor, wine, beer and every liquid containing alcohol, spirits,

wine or beer, and capable of being consumed by a human being.

PUBLIC PLACE — Any place to which the public or a substantial group of persons has access and includes, but is not limited to, highways, sidewalks, places of amusement, parks, playgrounds, public and private parking lots, alleyways, school grounds, laundromats, or other commercial buildings in which the owner or proprietor is not physically present at the time of the possession.

§ 78-3. Presumptive evidence of possession.

The presence of any open container of alcohol in a motor vehicle other than a public omnibus is presumptive evidence of possession thereof by each and every person in the vehicle at the time the open container of alcohol was found.

§ 78-4. Penalties for offenses.

Each violation of this chapter shall constitute a violation pursuant to the Penal Law of the State of New York and shall be punishable by a fine not to exceed twenty-five (\$25) dollars for a first offense and one hundred (\$100) dollars for a second offense committed within a period of one year.