

VILLAGE OF ISLAND PARK  
**LOCAL LAW NO. 1 OF 1983**

A local law prohibiting open containers alcoholic beverages on public lands

Be it enacted by the Board of Trustees of the Village of Island Park as follows:

SECTION 1: LEGISLATIVE INTENT

The Village Board of the Incorporated Village of Island Park hereby declares and finds it to be in the public interest to provide for the regulation of certain conduct in public places within the Village of Island Park, to wit, the prohibition of open containers of alcoholic beverages on public lands except under certain controlled conditions.

SECTION 2: DEFINITIONS

For the purpose of this section the terms used herein are defined as follows:

- a) ALCOHOLIC BEVEREGES - shall be construed to mean and include any liquid intended for human consumption containing more than one—half of one percent (.005) by volume of alcohol, including alcohol, spirits, liquor, wine, beer, cider and every liquid containing alcohol, spirits, wine or beer and capable of being consumed by a human being, except medicine.
- b) PUBLIC PLACE — shall be construed to mean a place to which the public or a substantial group of persons has access including, but not limited to, any. highway, street, road, sidewalk, parking area, place of amusement, playground, park or beach located within the Village of Island Park except that the definitions of a public place shall not include those premises duly licensed for sale and consumption of alcoholic beverages on the premises or within their own private property.
- c) CONTAINER - shall mean any bottle, can glass or other receptacle suitable for or used t hold any liquid.

SECTION 3: POSSESSION AND/OR USE OF ALCOHOLIC BEVERAGES

It shall be a violation of this local law for any person in a public place to;

- a) Consume any alcoholic beverage;
- b) Have in his possession for the purposes of consumption in a public place, whether by himself or another, any open container containing an alcoholic beverage.
- c) The possession of an open container in a public place shall presumptive evidence that the same is intended for consumption in violation of this law.
- d) An open container in any vehicle while in or on any public sidewalk, street, highway, parking lot, public park or other public place, shall be presumptive evidence that the same is in possession of all occupants thereof and is in violation of this local law.

#### SECTION 4: EXCEPTIONS

- a) 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 Village.
- b) The foregoing prohibitions shall not apply to the transportation of an unsealed but not open container across public lands within the Village from one point to another, with no intent to consume the contents in a public place.

#### SECTION 5 PENALTIES FOR OFFENSES

Any person committing an offense against this local law shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment for a period not exceeding fifteen (15) days for each offense, or by both such fine and imprisonment..

#### SECTION 6: VALIDITY

Should any provisions of this law be judicially determined to be invalid, the remaining provisions shall continue in full force and effect.

SECTION 7:

This local law shall take effect immediately upon complying with state law by the enacting authority.