

Chapter 52**ALCOHOLIC BEVERAGES****§52-1. Purpose and findings.****§52-2. Definitions.****§ 52-3. Public consumption.****§52-4. Exceptions.****§ 52-5. Issuance of permits.****§52-6. Applicability.****§ 52-7. Penalties for offenses.**

[HISTORY: Adopted by the Town Board of the Town of Shawangunk 9-15-1983 as L.L. No. 2-1983. Amendments noted where applicable.]

§ 52-1. Purpose and findings. [Amended 11-3-1994 by L.L. No. 3-1994]

It is the purpose of this chapter to protect the public interest, welfare, health and safety within the Town of Shawangunk by prohibiting the consumption of alcoholic beverages in public places within the town. The Town Board finds that such consumption of alcoholic beverages results in public intoxication, disorderly conduct, disturbance of the public peace, littering of public places and destruction of public property. The Town Board finds further that preservation of the public welfare and prevention of conditions which lead to conduct disturbing the public peace attributable to consumption of alcoholic beverages can be accomplished by the prohibition of consumption of alcoholic beverages in public places

§ 52-2. Definitions. [Amended 11-3-1994 by L.L. No. 3-1994]

The following terms used in this chapter shall have the following meanings, unless the context requires or indicates a different meaning:

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 PLACE — Any highway, street, sidewalk, park or playground or town building in the town.

TOWN — The Town of Shawangunk.

§ 52-3. Public consumption. [Amended 11-3-1994 by L.L. No. 3-1994]

It shall be a violation of this chapter for any person to consume any alcoholic beverage in any public place within the Town of Shawangunk.

§ 52-4. Exceptions. [Amended 11-3-1994 by L.L. No. 3-1994]

The foregoing prohibition shall not apply to consumption of an alcoholic beverage in any public place where the same is authorized by license or permit under the laws and regulations of this state or of the Town of Shawangunk or by waiver issued by the Town Board for a special event. This prohibition shall also not apply to special events organized by a fire company at a fire house within the Town of Shawangunk.

5202 12-10-94

§52-5

ALCOHOLIC BEVERAGES

§52-6

§ 52-5. Issuance of permits.

- A. If any individual or organization desires to have, distribute or consume alcoholic beverages on public property in the Town of Shawangunk, said individual or organization must apply to the Town Board or its duly authorized representative for a permit therefor at least three (3) days prior to the date scheduled for using such beverages. No fee shall be charged for the granting of said permit.**
- B. A permit shall be issued only upon the following conditions:**
 - (1) Such individual or organization by its duly authorized officer must agree, in writing, to assume full responsibility for the supervising of the conduct of the group or individuals benefiting from such permit and to properly clean up and restore the premises, after use, to their prior condition.**
 - (2) Such individual or organization must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.**
 - (3) No alcoholic beverages shall be distributed or consumed other than on the specific premises described in the permit and only during the time stated therein.**
 - (4) No permit shall be issued to any individual or organization who or which has previously been issued a permit and has failed to comply with the provisions hereof.**

§52-6. Applicability.

This chapter shall not apply to any person in violation of § 1227 of the Vehicle and Traffic Law.

5203

12-10-94

§ 52-7 SHAWANGUNK CODE § 52-7

§ 52-7. Penalties for offenses.

Each violation of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) for each offense or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.

5204 12-10-94