



CODE OF THE VILLAGE OF ANGOLA

Chapter 50 ALCOHOLIC BEVERAGES

ARTICLE I Public Consumption

§ 50-1. Findings; purpose.

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§ 50-3. Exceptions; permit required; conditions.

§ 50-4. Discarding containers.

§ 50-5. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Angola as Ch 65, Art. II, of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

**Curfew – See Ch. 83.
Littering – See Ch. 135.**

Loitering – See Ch. 141.

Article I Public Consumption

[Adopted 9-16-1985 by L.L. No. 3-1985 (Ch. 65, Art. VIII, of the 1974 Code)]

§ 50-1. Findings; purpose.

- A. The Board of Trustees finds that the unrestricted consumption of alcoholic beverages in certain public places often leads to disorders and related problems as well as littering of such public places and is disturbing to the public and threatens peace and good orders.
- B. The purpose of this article is to prohibit the consumption of alcoholic beverages in certain public places in order to prevent disorderly behavior and the littering of public places and to protect the public health, safety and welfare and to promote the public good.

§ 50-2. Consumption in certain public places.

- A. Prohibited. No person shall, within the Village of Angola, drink or otherwise consume liquor, wine, beer or other alcoholic beverages while such person is in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park or such other public place as defined by § 240.00 of the Penal Law of the State of New York. Section 240.00 of the Penal Law contains the following definitions:

PUBLIC PLACE – a place to which the public or a substantial group of persons has access, and includes, but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

TRANSPORTATION FACILITY – any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, railroad, motor vehicle or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad and bus terminals and stations and all appurtenances thereto.

- B. Possession of open containers. No person shall carry or have in her or her possession, within the Village of Angola, any open bottle or open container containing liquor, wine, beer or other alcoholic beverage with the intent of the possessor or another to consume the same in any of the public places described in Subsection A of this section.
- C. Presumptions:
 - (1) The possession of an open bottle or open container unwrapped or with the top exposed in a public place, as herein defined, shall be presumptive evidence that such bottle or open container is intended to be consumed in a public place.
 - (2) An open bottle or open container in any vehicle while in or on any public sidewalk, street, highway, parking lot, bathing beach, public park or other public place, as define by § 240.00 of the Penal Law of the State of New York, shall be presumptive evidence that the same is in the possession of all the occupants thereof.

§ 50-3. Exceptions; permit required; conditions.

- A. Application. If any individual or organization desires to have, distribute or consume alcoholic beverages on public property in the Village of Angola, said individual or organization must apply to the Village Clerk-Treasurer of the Village, or his/her duly authorized representatives, for a permit therefor, at least three days prior to the date scheduled for using such beverages. Not fee shall be charged for the granting of said permit.¹
- B. Issuance conditions. 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 fully responsibility for supervising 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 conditions.
 - (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 specified premises described in the permit and only during the times stated therein.
 - (4) No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions hereof.

1. Editor's Note: Amended at the time of adoption of Code (see Ch. 1, General Provisions, Art. III).

§ 50-4. Discarding containers.

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, highway, parking lot, park or recreation area or other public property within the Village of Angola.

§ 50-5. Penalties for offenses.

Any person who shall violate any provision of this article shall be subject to the following mandatory penalty:

- A. For the first offense, a fine of not less than \$35 nor more than \$50.
- B. For the second offense, a fine of not less than \$50 nor more than \$100.
- C. For the third or subsequent offense, a fine of not less than \$100 nor more than \$250.