

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town** of ..... VESTAL, NEW YORK .....  
**Local Law No.** ..... 3 ..... **of the year** 2012  
PROPOSED LOCAL LAW "C" OF THE YEAR 2012

**A Local law** "A Local Law repealing current Town Code sec. 16-28 and replacing it with a new sec. 16-28 entitled "Alcoholic Beverages"

(Insert Title)

**Be it enacted by the** ..... TOWN BOARD ..... of the  
(Name of Legislative Body)

**Town of** ..... VESTAL ..... as follows:

Section 1. 16-28 Alcoholic Beverages

- A. Except as provided in § 16-28 (B), no person shall have, possess, carry or transport any alcoholic beverage in an open bottle or open container in or upon any public sidewalk, street, highway, parking lot or public park in the town of Vestal.
- B. **Exclusions.** This local law shall not apply in the following instances:
  - (1) If any organization or group desires to dispense alcoholic beverages in Arnold Park in the Town of Vestal, it must apply to the Recreation Department of the Town of Vestal for permission to do so. A fee of \$50.00 per day shall be paid with the application, if granted, requires fulfillment of the requirements in sections (E) and (F) herein.
  - (2) To any person who is within 50 feet of his residence or 50 feet of the residence of which he is a guest.
- C. **Presumptive evidence of violation**  
  
An open bottle or open container in which there is an alcoholic beverage, in any vehicle, shall be presumptive evidence that the same is in possession of all occupants thereof and in violation hereof.
- D. **Penalties for offenses.**  
  
Any person who violates this local law shall be guilty of an offense and shall be punishable by not more than 15 days in jail or a fine of not more than \$250, or both, for each violation of this local law.
- E. **Issuance of permit**  
  
The permit referred to in §16-28 (B) shall be issued by the Recreation Department in accordance with the following:
  - (1) Such permit application should be filed with the Recreation Department of Vestal between the hours of 8:00 am and 4:30 pm on Mondays through Fridays, except legal holidays.

- (2) Permits shall be issued on a first-come-first-served basis except if there is a conflict with an event of an organization contracting with or on behalf of the town for the provision of recreational services, in which situation the event by the contracting organization shall take precedence.
- (3) Any permit may be revoked for good cause shown or as the Town Board of the Town of Vestal or its designated agent in the reasonable exercise of its discretion may determine, which action shall be final. In the case of such revocation, all monies paid for or on account thereof shall, at the option of the Town Board of the Town of Vestal be forfeited to and retained by the Town.
- (4) Neither the forfeiture and retention of any such money by the Town nor the recovery or collection of any damages or both shall preclude the prosecution of any person for a violation or a rule or regulation of the Town of Vestal or the violation of any other local or state law, ordinance, rule or regulation.
- (5) The provisions of this section are not exclusive, but additional requirements may be reasonably added with respect to any specific application at the discretion of the Town Board of the Town of Vestal or its designated agent.
- (6) A permit may be denied by the Recreation Department to a group or organization that in the past failed to comply with the provisions of this chapter. Any denial may be appealed to the Town Board, provided the appeal is filed in writing with the Town Clerk no more than 30 days after the denial.

**F. Fees; security deposits; insurance, damages, other requirements.**

The following requirements are established for the purposes of obtaining a permit pursuant to this chapter.

- (1) Insurance:
  - (a) Groups of 1 to 100 persons: special event coverage with the Town named as additional insured.
  - (b) Groups of over 100 persons: special event coverage as in (1) plus \$1,000,000 excess liability with the Town named as additional insured.
- (2) Damages. Any damages or littering cleanup costs not covered by insurance proceeds shall be payable by the group to the Town within 10 days of mailing to the person who signed the permit application of a statement of the damages and/or cleanup costs and the amounts remaining to be paid.

Section 2. Any other local law, ordinance or resolution inconsistent herewith is hereby repealed.

Section 3. This Local Law shall take effect upon filing of this local law with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Date of Publication: November 7, 2012**  
**Date of Posting: November 1, 2012**  
**Date of Public Hearing: November 14, 2012**  
**Date of Adoption of Local Law: November 14, 2012**  
**Date Local Law Effective:**