

Proposed Local Law

WHEREAS, the Town of _____ finds that parties on private property where alcohol is consumed by minors is harmful to the minors themselves and to the communities where such parties are held; and

WHEREAS, police ability to abate gatherings and fine the host of the party where alcohol is being consumed by minors on private property will result in a decrease in abuse of alcohol by minors, physical altercations and injuries, neighborhood vandalism, and excessive noise disturbance thereby improving public safety; and

WHEREAS, large parties, gatherings or events on private property where minors are consuming alcohol are determined to be a threat to the peace, health, safety, or general welfare of the public; and

WHEREAS, police response to such parties, gatherings or events causes a drain of manpower and resources and in some cases, leaving other areas of the Town with inadequate police protection; and

WHEREAS, the Town of _____ finds and declares that the purpose of this ordinance is:

- (1) to protect public health, safety and general welfare;
- (2) to enforce laws prohibiting the consumption of alcohol by minors; and
- (3) to reduce the costs of providing police services to parties, gatherings or events requiring a response by requiring hosts of such parties, gatherings or events to ensure that minors are not consuming alcoholic beverages;

NOW, THEREFORE, the Town of _____ adopts this local law.

Section 1. Definitions

For purposes of this local law the following definitions apply:

- (A) “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine from whatever source or by whatever process produced.
- (B) “Alcoholic Beverage” means and 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; except that confectionary containing alcohol as provided by subdivision twelve of section two hundred of the agriculture and markets

law shall not be regarded as an alcoholic beverage within the meaning of this section.

(C) “Beer” means and includes any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefore.

(D) “Enforcement Services” includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged Town equipment or property; and the cost arising from the use of any damaged Town equipment in responding to or remaining at the party, gathering or event.

(E) “Guardian” means a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom the minor has been placed by the court.

(F) “Minor” means any person under twenty-one years of age.

(G) “Parent” means any person who is the natural parent, adoptive parent, or step-parent of a minor.

(H) “Party, Gathering or Event” means a group of persons who have assembled or are assembling for a social occasion or social activity.

Section 2. Hosting, suffering, permitting, organizing, allowing a party, gathering or event on private property where minors are consuming alcoholic beverages prohibited

(A) Except as otherwise permitted by law, no person shall host, suffer, permit, organize, or allow a party gathering or event at his or her place of residence or other private property, place or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.

(B) This section does not apply to conduct between a minor child and his or her parent or guardian.

(C) This section does not apply to any location or place regulated by the New York State Liquor Authority.

Section 3. Penalty

Any person in violation of Section 2 herein shall be subject to conviction of a Class A Misdemeanor, punishable by up to 1 year in jail and/or a \$3000 fine.

Section 4. Reservation of Legal Options

The Town of _____ does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of Section 2 through other legal remedies or procedures. The procedures provided for in Section 2 are in addition to any other statute, ordinance or law. Section 2 in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Section 2, nor does it limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of Section 2.

Section 5. Severability

If any section, subsection, sentence, clause, phrase or word of this local law is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.