

Chapter 44

ALCOHOLIC BEVERAGES, CONSUMPTION BY MINORS ON PRIVATE PREMISES

ARTICLE I

Consumption by Minors on Private Premises

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[HISTORY: Adopted by the Town Board of the Town of Patterson 8-09-2006 by L.L. No. 6-2006]

ARTICLE I
Consumption by Minors on Private Premises

§44-1. Legislative intent.

The Town of Patterson 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. 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, and resulting physical altercations and injuries, neighborhood vandalism, and excess noise disturbance, thereby improving the public safety in the community. Parties, gatherings and events on private property where minors are consuming alcohol are determined to be a threat to the peace, health, safety and welfare of the Town of Patterson. Further, police response to such parties, gatherings or events causes a drain of manpower and resources and in some cases, may leave other areas of the Town with inadequate police protection. Accordingly, the Town of Patterson enacts this Chapter 44 of the Patterson Town Code in order to protect the peace, health, safety and welfare of the Town of Patterson and the residents thereof; to enforce laws prohibiting the consumption of alcohol by minors; and to prohibit the hosting of parties or other events in which minors are consuming alcohol.

§44-2. Definitions.

For purposes of this Chapter, the following definitions shall apply:

ALCOHOL - Ethyl alcohol, hydrated oxide of ethyl or spirit of wine from whatever source or by whatever processes produced.

ALCOHOLIC BEVERAGE - 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 New York State Agriculture and Markets Law shall not be regarded as an "alcoholic beverage" within the meaning of this Chapter. For purposes of this Chapter, "spirits," "liquor," "wine" and "cider" are as defined in Section 3 of the New York State Alcoholic Beverage Control Law.

BEER - Any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefore.

CIDER - The partially or fully fermented juice of fresh, whole apples, containing more than three and two-tenths per centum but not more than seven per centum alcohol by volume, when used for beverage purposes, and to which nothing has been added to increase the alcoholic content produced by natural fermentation.

ENFORCEMENT SERVICES - 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 held in violation of this Chapter, and the administrative costs

attributable to the incident; the actual costs 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 utilized in responding to or remaining at the party gathering or event held in violation of this Chapter.

GUARDIAN - A person who, under court order, is the legal guardian of the person of a minor; or a public or private agency with whom the minor has been placed by the court.

LIQUOR - Any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordial, or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

MINOR - Any person under twenty one (21) years of age.

PARENT - Any person who is the natural parent, adoptive parent, or step-parent of a minor.

PARTY, GATHERING OR EVENT - A group of persons who have assembled or are assembling for a social occasion or social activity.

SPIRITS - Any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution.

WINE - The product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four per centum by volume.

§44-3. 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 owned by or under his or her control, where three or more minors are present and alcoholic beverages are being consumed by any minor.

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

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

§44-4. Penalties for offenses.

Any person or corporation found to be guilty of a violation of this Chapter by a court of law shall be subject to conviction of a Class A Misdemeanor, punishable by a fine not to exceed \$3,000.00 or imprisonment for a period not to exceed one year, or both.

§44-5. Reservation of legal options.

The Town of Patterson does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of this Chapter through other legal remedies or procedures permitted by law. The provisions of this Chapter are in addition to any other statute, ordinance or law. This chapter in no way limits the authority of peace officers and others authorized to make arrests for any criminal offense arising out of conduct regulated by this Chapter, nor does this Chapter in any way limit the County, State or Federal 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 enforcement of this Chapter.

§44-6. 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.