

**Chapter 33**

**ALCOHOLIC BEVERAGES**

**ARTICLE I**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring: Art. 1, 6-26-79 as L.L. No. 6-1979. Amendments noted where applicable.]**

**ARTICLE I**

**Consumption and Possession in Public**  
**[Adopted 6-26-79 as L.L. No. 6-1979]**

**§ 33-1. Legislative intent.**

The Village of Cold Spring recognizes that the possession and carrying of open containers of alcoholic beverages in public places and the consumption of alcoholic beverages in public places must be adequately controlled so as to prevent public disorder, nuisances, littering and other acts and conditions detrimental to the health, safety and welfare of the residents of the Village of Cold Spring, and this chapter is intended to provide such control and regulations.

### **§ 33-2. Definitions.**

As used herein, the following words shall have the meanings set forth below:

ALCOHOLIC BEVERAGE - Includes all such beverages as defined in § 3 of the Alcoholic Beverage Control Law of the State of New York.

CONTAINER - Any bottle, can, glass, cup or similar receptacle suitable for or used to hold any liquid.

PUBLIC PLACE - Any highway, street, sidewalk, park, playground, parking lot, shopping center, mall or any other public place to which the public or a substantial group of persons has access. "Public place" shall include the interior of a vehicle which is parked, stopped or standing within or upon a "public place" as herein defined. "Public place" shall not include those public places wherein the use and consumption of alcoholic beverages is specifically authorized pursuant to a license or permit issued under the Alcoholic Beverage Control Law of the State of New York

VILLAGE - The incorporated Village of Cold Spring, New York, as its boundaries now are or may hereinafter become fixed and determined.

### **§ 33-3. Prohibited acts.**

- A. No person shall consume or ingest any alcoholic beverage in any public place within the Village of Cold Spring.
- B. No person shall carry, hold, or possess, or otherwise have in his or her possession, any open, unsealed, resealed or partially full bottle, can or container containing any alcoholic beverage in a public place within the Village of Cold Spring.

### **§ 33-4. Exception.**

The foregoing prohibition shall not apply to persons actually attending a community gathering, function or event for which a permit has been issued by the Board of Trustees.

**§ 33-5. Open containers in vehicles, presumptive evidence.**

The presence of any open container containing an alcoholic beverage in an automobile, other than a public omnibus, is presumptive evidence of knowing possession thereof by each and every person in the automobile, except that such presumption does not apply when the open container is in the possession of and being held by or otherwise on the person of or concealed on the person of one (1) of the occupants.

**§ 33-6. Penalties for offenses.**

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both.