

ORDINANCE #5

TOWN OF SCHROON

OPEN CAN CONTAINER ORDINANCE

SECTION 1. No person shall have in his possession or use, within the Township of Schroon, Essex Co., N.Y. any open bottle or open container of whatever nature or description containing liquor, beer, ale, wine or other alcoholic beverage, while such person is upon any public highway, public street, public sidewalk, or public parking area, or other public place (excepting those premises duly licensed for sale and consumption of alcoholic beverages on the premises), or in or upon any vehicle of whatever make or description, while at or upon any such place.

SECTION 2. Any open bottle, or other open container, in any vehicle, shall be presumptive evidence that the same is in the possession of all occupants thereof, and in violation of this ordinance.

SECTION 3. There is excepted for the provisions of this ordinance, and the same shall not be applicable to the possession or use of the above mentioned open containers, etc., at any public event, celebration or other occasion whatever, whereat or in connection with which such exception shall be duly authorized or approved of in advance by the Town Board.

SECTION 4. A violation of this ordinance shall constitute an offense against such ordinance, punishable by a fine not exceeding \$25.00 or by imprisonment in the Essex Co. jail for 10 days, or by both such fine and imprisonment. For the first offense and by a fine not exceeding \$50.00 or by imprisonment in the Essex County jail for 30 days, or by both such fine and imprisonment, for a second or subsequent offense, provided, however, that for the purpose of conferring jurisdiction upon courts and judicial officers generally, such violations shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

SECTION 5. Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

SECTION 6. This ordinance shall take effect 10 days after due posting and publication thereof, and immediately as against any person personally served with a duly certified copy thereof; all in accordance with Article 9 of the Town Law; AND

Be it Further Resolved, in accordance with the Town Law, Sec. 133, that the above described ordinance shall be entered into the minutes of the Town Board, published twice in the Ticonderoga Sentinel, published at Ticonderoga, N.Y. in Essex Co. in the editions of July 18th and 25th, 1968. No newspaper being published in the Town of Schroon, and said Ticonderoga Sentinel being the official designated town newspaper of this Town and a printed copy of such ordinance to also be posted in the Town Clerk's signboard.

Adopted by Town Board: July 10, 1968.