

**Chapter 53**  
**ALCOHOLIC BEVERAGES**

**ARTICLE I**  
**Open Containers**

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| <p>§ 53-1. Definitions.</p> <p>§ 53-2. Public consumption of alcoholic beverages prohibited; possession with intent to consume prohibited.</p> | <p>§ 53-3. Permits for public consumption.</p> <p>§ 53-4. Permits to be issued for specific location.</p> <p>§ 53-5. Application for permit.</p> <p>§ 53-6. Penalties for offenses.</p> |
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**[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia: Art. I, 10-6-1981 by L.L. No. 2-1981 as Ch. 47 of the 1981 Code; amended in its entirety 6-5-1984 by L.L. No. 1-1984. Subsequent amendments noted where applicable.]**

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**ARTICLE I**  
**Open Containers**

**[Adopted 10-6-1981 by L.L. No. 2-1981 as Ch. 47 of the 1981 Code;  
amended in its entirety 6-5-1984 by L.L. No. 1-1984]**

**§ 53-1. Definitions. [Added 11-15-1994 by L.L. No. 1-1994]**

As used in this Article, the following terms shall have the meanings indicated:

INTENT TO CONSUME — Includes any of the following:

- A. Drinking from the container.
- B. Possession with movement of the container to the mouth.
- C. Possession with alcohol on the breath of the possessor.
- D. Any circumstances evidencing an intent to ultimately consume on any public lands.

**§ 53-2. Public consumption of alcoholic beverages prohibited; possession with intent to consume prohibited. [Amended 5-2-1995 by L.L. No. 2-1995]**

Except as hereinafter provided, no person shall consume in any public place within the Village of Caledonia an alcoholic beverage as defined by Section 3 of the Alcoholic Beverage Control Law of the State of New York, and no person shall possess such an alcoholic beverage in any open, resealed or partly full container with the intent to consume the same. A "public place" is defined as a public area except for locations licensed for the sale of alcoholic beverages by the State of New York, including but not limited to a public highway, public sidewalk, public alley, public parking lot or areas and parks.

**§ 53-3. Permits for public consumption. [Amended 5-2-1995 by L.L. No. 2-1995]**

The Village Clerk is authorized to issue permits for the use of Tenant Park which allows the consumption of alcoholic beverages in the area described in § 53-4. Upon the application of any adult person, the issuance of the permit shall allow the applicant and the numbers of persons or the class of persons described therein to consume alcoholic beverages only at the time specified in the permit.

**§ 53-4. Permits to be issued for specific location. [Amended 5-2-1995 by L.L. No. 2-1995]**

A permit may be issued by the Village Clerk for the consumption of alcoholic beverages in the following public place: The area known as "Tenant Park" in the Village of Caledonia bounded on the east by Pioneer Drive, lot lines of lots fronting on the west side of North Street; bounded on the north by the premises of Penn Central Railroad; bounded on the west by lands of the State of New York; and on the south by the rear lot lines of lots fronting on the north side of Main Street.

**§ 53-5. Application for permit. [Amended 5-2-1995 by L.L. No. 2-1995]**

- A. The applicant for a permit required by § 53-3 shall file with the Village Clerk a sworn written application on a form furnished by the Clerk giving the following information:
- (1) The name and address of the applicant.
  - (2) The date and hours for which the permit is required and the location of the party or event at which it is proposed to consume alcoholic beverages.
  - (3) The number of persons or a description of the class of persons who will consume alcoholic beverages at such time and place.
- B. This permit also must be acknowledged and signed by the Chief of Police of the Village of Caledonia.

**§ 53-6. Penalties for offenses.**

Any person committing an offense against any provision of this Article shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this Article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.