

Chapter 170, ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Open Containers in Public Places [Adopted by L.L. No. 2-1978 (Sub-Part XLIII of the 1970 Code)]

§ 170-1. Legislative intent. [Amended 12-4-2006 by L.L. No. 2-2006]

It is the intent of the City of Binghamton as an exercise of its police power to promote the general health, safety and welfare of the residents of the City by enacting this article since it is the finding of the City Council that the possession of open containers of alcoholic beverages by persons on certain public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the City in that such possession contributes to the development of unsanitary conditions and the creation of a nuisance.

§ 170-2. Definitions.

For the purposes of this article, the following shall have the meanings ascribed to them. All other words shall have the meaning normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGE -- 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.

CITY -- The incorporated City of Binghamton.

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

PUBLIC LANDS -- Any public highway, street, sidewalk, park, playground or parking area.

§ 170-3. Prohibition.

No person shall have in his possession any open container containing any alcoholic beverage on any public land within the City.

§ 170-4. Exceptions. [Amended 12-4-2006 by L.L. No. 2-2006]

The foregoing prohibition shall not apply when a permit or license has been issued by the City of Binghamton or other appropriate agency for the public use of any public highway, street, sidewalk, park, playground, or parking area for any authorized function, including, but not limited to, fairs, parades, block parties and carnivals.

§ 170-5. Applicability.

This article shall apply to all persons on public lands in the City except as provided in § 170-4 above and shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle upon any public highway within the City in violation of § 1237 of the Vehicle and Traffic Law of the State of New York.

§ 170-6. Penalties for offenses. [Amended 5-21-07 by Ord. No. 14-2007; Amended 2-3-10 by Ord. No. 7-2010]

Any person who violates this article shall be subject to penalties as set forth in Chapter 1, General Provisions, § 1-4, General Penalty.

ARTICLE II, Consumption and Possession in Public Places [Adopted 4-18-1983 by Ord. No. 48-83 (Ch. 14, Art. III, §§ 14-36 through 14-39, of the 1970 Code)]

§ 170-7. Legislative intent.

It is the intention of the City of Binghamton as an exercise of its police power to promote the general health, safety and welfare of the residents of the City by adopting this article. This Council has found and determined that the possession of open containers of alcoholic beverages by persons under circumstances evincing an intent to consume the contents of such open containers on certain public lands and the consumption of alcoholic beverages on certain public lands, except under controlled conditions, is detrimental to the health,

safety and welfare of the residents of the City. Such possession and consumption contribute to the development of unsanitary conditions, disorderly gatherings and the creation of nuisances.

§ 170-8. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGE -- 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.

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

PUBLIC LANDS -- Any public highway, street, sidewalk, park, playground, parking area, school property or municipal parking ramp.

§ 170-9. Prohibitions.

A. No person shall have in his possession any open container containing any alcoholic beverage on any public land within the City under circumstances evincing an intent to consume the contents of said container upon any such public land.

B. No person shall consume any alcoholic beverage on any public land within the City.

§ 170-10. Exceptions. [Amended 12-4-2006 by L.L. No. 2-2006; Amended 2-4-08 by Ord. No. 12-2008]

The above prohibitions shall not apply if the City Clerk has issued a Miscellaneous Activity Permit, with a statement of intent to serve alcohol, for use of a designated public highway, street, sidewalk, park, playground, or parking area; and, if necessary, the applicant has approval from the New York State Liquor Authority.