

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 8 of the year 2007

A local law in relation to regulating the consumption of alcohol by
(Insert Title)
minors at private homes.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County

City

of Rockville Centre as follows:

Town

Village

Section one. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new chapter, to be chapter 278, to read as follows:

“Chapter 278. Social Host Law.

§ 278-1. PURPOSE AND INTENT.

The Board of Trustees of the Village of Rockville Centre finds that underage drinking is a significant societal problem that has general widespread concern in the Village of Rockville Centre. Although the New York State legislature has acted to proscribe the unlawful giving, selling and possessing of alcohol in relation to minors, it has not regulated situations in which a person over the age of eighteen knowingly permits the consumption of alcohol by a minor in his or her home. The consumption of alcohol by underage persons, whether at a party or a smaller gathering, poses an immediate threat to the public health, safety and welfare of the residents of Rockville

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Centre, often leading to alcohol abuse by minors, physical altercations, accidental injuries, neighborhood vandalism, excessive noise disturbances requiring the intervention of local law enforcement and the commission of violent crimes including sexual offenses and serious assaults. This local law is intended to deter the consumption of alcoholic beverages by minors by holding those over the age of eighteen responsible when they permit the consumption of alcoholic beverages by minors in violation of the provisions of this law.

§ 278-2. DEFINITIONS..

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings:

A. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever means produced.

B. "Alcoholic beverage" shall mean any liquor, wine, beer, spirits, cider or other liquid or solid, patented or not, composed of, or containing, alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, 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 section.

C. "Knowingly" shall mean aware of, or having reason to be aware of, the consumption of alcohol by a minor.

D. "Minor" shall mean any person under the age of twenty-one.

E. "Residence" shall mean any home, apartment, condominium, co-operative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

§ 278-3. UNLAWFUL CONSUMPTION OF ALCOHOL BY MINOR AT A RESIDENCE

A. It shall be unlawful for any person over the age of eighteen who owns, rents or otherwise is in control of a private residence to knowingly allow the consumption of alcohol or alcoholic beverages by any minor on such premises or to fail to take reasonable corrective action upon learning of the consumption of alcohol or alcoholic beverages by any minor on such premises. Reasonable corrective action pursuant to this paragraph shall include, but not be limited to: 1) making a prompt demand that such minor either forfeit and refrain from further consumption of the alcoholic beverages or depart from the premises; and 2) if such minor does not comply with such request, either promptly reporting such underage consumption of alcohol to the local law enforcement agency or to any other person having a greater degree of authority over the conduct of such minor.

B. The provisions of subdivision A this section shall not apply to (i) the consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption, or (ii) the use and consumption of alcohol or alcoholic beverages by a minor for religious purposes.

§ 248-4. PENALTIES.

A violation of this chapter shall constitute an offense. Each first offense, and each subsequent offense, shall be punished as follows:

(a) First offense. Any person who violates this chapter shall be punished by a fine not to exceed two hundred and fifty (\$250.00) dollars, where such violation constitutes the person's first offense in violation of this chapter within a period of twelve months.

(b) Second offense. Any person who violates this chapter shall be punished by a fine not less than five hundred (\$500.00) dollars and not more than seven hundred fifty (\$750.00) dollars, where such violation constitutes the person's second offense in violation of this chapter within a period of twelve months.

(c) Third and subsequent offenses. Any person who violates this chapter shall be punished by either a fine of at least seven hundred fifty (\$750.00) dollars and not more than one thousand (\$1,000.00) dollars, a term of imprisonment not to exceed fifteen days, or both such fine and imprisonment, where such violation constitutes the person's third or subsequent violation of this chapter within a period of twelve months."

Section three. The provisions of this local law shall not in any way affect the application of any other law, wherever appropriate, including but not limited to New York penal Law section 260.10 (endangering the welfare of a minor) and section 260.20(2) (unlawfully dealing with a child).

Section four. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section five. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

~~_____~~ Name of Legislative Body I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2007 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on October 16, 2007, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 200_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 200_, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____2000_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____19__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

~~Clerk of the County legislative body, City, Town or Village Clerk~~
or officer designated by local legislative body.

(Seal)

Date: October 16, 2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

County

City

of Rockville Centre

Town

Village

Date: October 16, 2007