

(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 Plattsburgh

~~TOWN~~

~~VILLAGE~~

Local Law No. 9 of the year 2004

A local law AMENDING CHAPTER 129 OF THE CITY CODE CONCERNING ALCOHOLIC BEVERAGES
(Insert Title)

Be it enacted by the Common Council of the
(Name of Legislative Body)

~~COUNTY~~

City of Plattsburgh as follows:

~~TOWN~~

~~VILLAGE~~

- 1, City Code Section 129-1, last sentence is changed to read:
"The Common Council finds further that preservation of the public weal and prevention of conditions which lead to conduct disturbing the peace attributable to consumption of alcoholic beverages, can be accomplished by the prohibition of alcoholic beverages in public places and by prohibiting the possession of an open or unsealed container of an alcoholic beverage in any public place."
2. City Code Section 129-3 B is amended and re-stated in its entirety as follows:
"B. Have in his possession an open or unsealed container of an alcoholic beverage while in any public place."
3. City Code Section 129-4 is amended and restated in its entirety as follows:
"The foregoing prohibition shall not apply to consumption of an alcoholic beverage or possession of an open or unsealed container of an alcoholic beverage, in a public place where the same is authorized by license or permit under State or City laws and regulations."
4. City Code Section 129.5 is deleted.
5. City Code Section 129-6 B is amended and restated in its entirety as follows:
"A person found guilty of violating sections 129-3 A or 129-3 B shall be guilty of an offense punishable by a fine of not less than \$150 nor more than \$250 for the first offense; and \$250 for each successive offense within one year of the first offense."

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

(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.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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. 10 of 2004 of the ~~(County)~~(City)~~(Town)~~(Village) of Plattsburgh was duly passed by the Common Council on 4 November 2004, and was (approved)~~(not approved)~~~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted on 8 November 2004, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 a 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----2-----, above.

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

(Seal)

Date: 9 November 2004

(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 Clinton

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 John E. Clute

Title Corporation Counsel

~~XXXXX~~
City of Plattsburgh
~~XXXXX~~
~~XXXXX~~

Date: 9 November 2004