

**Chapter 79**  
**ALCOHOLIC BEVERAGES**

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

**§ 79-1. Legislative intent.**

**§ 79-2. Definitions.**

**§ 79-3. Open alcoholic beverage containers.**

**§ 79-4. Applicability.**

**§ 79-5. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Westmoreland as indicated in article histories. Amendments noted where applicable.]**

---

**ARTICLE I**  
**Open Containers**  
**[Adopted 12-12-1988 by L.L. No. 2-1988]**

**§ 79-1. Legislative intent.**

The Town Board of the Town of Westmoreland in an effort to protect the health, safety and well-being of the residents of the Town of Westmoreland finds the necessity in regulating open alcoholic beverage containers on the streets and public areas within the territorial limits of the Town.

**§ 79-2. Definitions. <sup>1</sup>**

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

**INTENT TO CONSUME** — Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.

**OPEN CONTAINER** — Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.

**§ 79-3. Open alcoholic beverage containers. <sup>2</sup>**

It shall be unlawful for any person to carry with intent to consume an open container of any alcoholic beverage, or to consume any alcoholic beverage, on any street or public area within the Town of Westmoreland, at any time, except in certain areas as designated by the Town Board of the Town of Westmoreland, and such areas are designated as such by the placement of signs thereon.

---

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 79-4. Applicability.<sup>3</sup>**

This article shall apply to all persons on public land in the Town, except as hereinbefore provided, but shall not apply to any person drinking an alcoholic beverage or in the possession of an open container containing an alcoholic beverage while operating a motor vehicle upon any public highway within the Town in violation of § 1227 of the Vehicle and Traffic Law of the State of New York.

**§ 79-5. Penalties for offenses.**

A violation of this article is punishable by a fine not to exceed \$250 or by imprisonment of not more than 15 days, or both.

---

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).