

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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 Mayfield  
~~Town~~  
~~Village~~

Local Law No. 3 of the year 2007

A local law entitled "Town of Mayfield Social Host Law"  
(Insert Title)  
-----  
-----  
-----

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

~~County~~  
~~City~~ of Mayfield as follows:  
~~Town~~  
~~Village~~

THE COMPLETE TEXT OF THIS LOCAL LAW IS ANNEXED HERETO

Section 1: Prohibition against consumption of alcoholic beverages by minors on private property.

A. Legislative Intent.

It is the purpose of this section to protect the public interest, welfare, health and safety within the Town of Mayfield by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under the age of twenty-one (21) at private residences located in the Town. The Town Board finds that the occurrence of social gatherings at private residences where alcoholic beverages or drugs are served to or consumed by persons under the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health and safety. The Town Board finds further that persons under the age of twenty-one (21) often obtain alcoholic beverages or drugs at such gatherings and that such persons who are in control of such residences know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of twenty-one (21) at these gatherings.

B. Definitions.

For the purpose of this section, the following terms shall be defined as follows:

**ALCOHOLIC BEVERAGE;** means any liquor, wine, beer, spirits, cider, or other liquor 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 alcoholic as provided in Subsection of 12 of 200 Agriculture and Markets Law shall not be considered alcoholic beverage within the meaning of this section.

**CONTROL;** means the authority and ability to regulate, direct or dominate.

**DRUGS;** means and includes any substance listed in Section 3306 of the Public Health Law.

**MINOR;** means any person under the age of twenty-one (21).

**OPEN HOUSE PARTY;** means a social gathering at a residence or other private property with minors present.

**PERSON:** means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

**RESIDENCE;** means any home, apartment, condominium, co-operative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

Section 2: Prohibition.

No person having control of any premises shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by a minor at said residence.

Section 3: Exceptions.

The provisions of this section shall not apply to:

- A. The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to Section 65-c of the New York State Alcohol Beverage Control Law, or any other applicable law, or
- B. The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law.

Section 4: Inconsistency with other Laws.

- A. If any part or provision of this section is inconsistent with any Federal or State statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.
- B. If any part or provision of this section or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such

judgement shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this section, or the application thereof to other persons or circumstances.

Section 5: Penalties.

A violation of this article shall constitute a violation, punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days or a combination of such fine and imprisonment as shall be fixed by the court.

Section 6: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State, in accordance with Section 27 of 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.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of ~~19~~2007 of the ~~(County)~~(City)(Town)(Village) of Mayfield was duly passed by the Mayfield Town Board on June 7 ~~19~~2007, 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. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, 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.  
(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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, 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

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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ 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 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 \_\_\_\_\_, above.

*Dorothy Hart*

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

(Seal)

Date: June 7, 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 Fulton

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.

*Carmel J. Graco*

Signature

Town Attorney  
Title

~~County~~  
~~City~~ of Mayfield  
~~Town~~  
~~Village~~

Date: June 7, 2007