



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: August 5, 2020

Sponsored by Council Members: Scaringi, Resciniti, Friedman, Strawn, Scanlon

Introduced by Committee: Municipal & Public Affairs

LOCAL LAW NO. 1 OF 2020

entitled

A LOCAL LAW AMENDING THE CODE OF THE
CITY OF BINGHAMTON TO AMEND CHAPTER
170, TO INCLUDE "ARTICLE III
CONSUMPTION OF ALCOHOLIC BEVERAGES
BY MINORS ON PRIVATE PROPERTY" ALSO
KNOWN AS "SOCIAL HOST LAW"

WHEREAS, the City of Binghamton wishes to curb underage drinking; and

WHEREAS, those providing alcohol to minors should be held accountable; and

WHEREAS, a "Social Host Law" will provide the City with additional authority to combat this issue.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, Chapter 170, Alcoholic beverages, is hereby amended to add a new Article III, *Consumption of Alcoholic Beverages by Minors on Private Property*, also known as "Social Host Law" as annexed hereto as Exhibit A.

Section 2. That 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.

Introductory No. 120-01

Permanent No. LL20-01

Sponsored by City Council Members:
Scaringi, Resciniti, Friedman, Strawn, Scanlon

A LOCAL LAW AMENDING THE CODE OF THE CITY OF BINGHAMTON TO AMEND CHAPTER 170, TO INCLUDE "ARTICLE III CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS ON PRIVATE PROPERTY" ALSO KNOWN AS "SOCIAL HOST LAW"

The within Resolution was adopted by the Council of the City of Binghamton,

Date 8/15/2020

City Clerk Christina G. McGraw

Date Presented to Mayor 8/16/2020

Date Approved 8/14/2020

Mayor [Signature]

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley		✓		
Councilwoman Friedman		✓		
Councilman Burns		✓		
Councilman Strawn	✓			
Councilman Scanlon	✓			
Total	4	3	0	0

Code of the City of Binghamton

Adopted Defeated

4 Ayes 3 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 8/15/2020. Approved by the Mayor on 8/14/2020

[Signature]

LOCAL LAW XXXX

AN ORDINANCE AMENDING CHAPTER 170 BY THE ADDITION OF A NEW ARTICLE TO THE
CITY OF BINGHAMTON CODE
ENTITLED
"ARTICLE III, CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS ON PRIVATE
PROPERTY"

BE IT ORDAINED by the City Council of the City of Binghamton as follows:

Section 1. Chapter 170 of the Code shall be amended by the addition of a new Article entitled "Article III, Consumption of alcoholic beverages by minors on private property," as follows:

ARTICLE III

Consumption of Alcoholic Beverages By Minors On Private Property

§ 170-11 Legislative intent.

It is the purpose of this article to protect the public interest, welfare, health and safety within the City of Binghamton by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under the age of 21 at private residences located in the City of Binghamton. The City Council 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 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The City Council finds further that persons under the age of 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 21 at these gatherings.

§ 170-12 Definitions.

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

ALCOHOLIC BEVERAGES

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 confectionaries containing alcohol as provided in Subdivision 12 of § 200 of the Agricultural and Markets Law shall not be considered alcoholic beverages within the meaning of this section.

CONTROL

The authority and ability to regulate, direct or dominate.

DRUG

Includes any substance listed in § 3306 of the Public Health Law.

MINOR

Any person under the age of 21.

OPEN HOUSE PARTY

A social gathering or otherwise, at a residence or other private property with minors present.

PERSON

A human being and, where appropriate, a public or private corporation, an unincorporated association, partnership, a government or a governmental instrumentality.

RESIDENCE

Any home, apartment, condominium, cooperative unit, complex, or dwelling unit of any kind, including amenity spaces, yards and open areas adjacent thereto.

§ 170-13 Prohibition.

No person having control of any residence 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.

§ 170-14 Exceptions.

The provisions of this article shall not apply to:

- A. The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to § 65-c of the New York State Alcoholic 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 other applicable law.

§ 170-15 Inconsistency with other laws; severability.

- A. If any part or provision of this article 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 article or the application thereof to any person or circumstance be adjudged invalid by a court or competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment 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.

§ 170-16 Penalties for offenses.

Failure to comply with the provisions of this ordinance shall constitute a violation, punishable by a fine of \$1,000 or imprisonment for 15 days.

Section 2. This act shall take effect immediately.