

CITY OF COHOES

JOHN T. McDONALD III
MAYOR



OFFICE OF THE MAYOR

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97 Mohawk Street
Cohoes, New York 12047

June 2007

Dear Resident:

The Cohoes Common Council, with my support, recently enacted legislation (Social Host Law) which holds individuals 17 years or older criminally liable if found guilty of hosting a social gathering or party where underage drinking and/or illegal drug use is permitted. The purpose of this law is to stop underage drinking and illegal drug use and the subsequent destructive consequences that may occur when inexperienced youth are under the influence of alcohol or drugs.

This legislation will impose a fine up to \$250 and/or imprisonment up to 15 days upon a first conviction. Any subsequent violations within three years will carry a misdemeanor charge with an increase in fine and jail time.

I truly believe that this is a proactive step in avoiding future accidents and death. I hope this law will discourage individuals from hosting parties and other social functions where minors are permitted to consume alcohol and/or illegal drugs. The enactment of this new legislation further strengthens an already established and successful program which the city fully supports called PARENTS WHO HOST, LOSE THE MOST.

If you wish to read the actual Social Host Legislation, it can be located on the City website www.ci.cohoes.ny.us under the Police Department.

Please feel free to contact me should you have any questions or concerns at 233-2119 or mayor@ci.cohoes.ny.us.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. McDonald III".

John T. McDonald III
Mayor

JTM:car

cc: Common Council Members
Chief William Heslin

LOCAL LAW NO. 3-I FOR THE YEAR 2007

Member of the Common Council George E. Primeau, Sr. asks for unanimous consent for the introduction and passage of the following Local Law:

A LOCAL LAW AMENDING CHAPTER 101 OF THE CODE BY CREATING ARTICLE II WITH RESPECT TO HOSTING A SOCIAL GATHERING WHERE UNDERAGE CONSUMPTION OF ALCOHOL OR DRUGS OCCURS.

WHEREAS, the Common Council finds that parties on private property where alcohol or drugs are consumed by minors or those under the legal drinking age are harmful to the minors themselves, to the community where the parties are held, and to the City at large. More must be done to provide law enforcement with the tools to prohibit and deter such parties. Prohibiting the hosting of parties where underage drinking or drug use occurs will protect and promote the health, safety, and welfare of the residents of the City of Cohoes by reducing the abuse of alcohol by minors, physical violence and injuries, vandalism, and excessive noise disturbances;

BE IT ENACTED by the Common Council of the City of Cohoes as follows:

Section 1. Chapter 101, “Alcoholic Beverages”, sections 101-1 through 101-6 of the Code of the City of Cohoes will be under a new article entitled, “Article I – Public Consumption of Alcohol.”

Section 2. Section 101-6 of the Code of the City of Cohoes shall be amended to read as follows:

§ 101-6. Penalties for offenses.

Each violation of this [~~chapter~~] Article shall be punishable by a fine not exceeding \$250 for each offense.

Section 3. A new Article II of Chapter 101, “Alcoholic Beverages” shall be added to the Code of the City of Cohoes to read as follows:

ARTICLE II, Consumption by Minors at Gatherings on Private Property.

§ 101-7. Definitions.

ALCOHOL or ALCOHOLIC BEVERAGE – Means 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 a confectionary containing alcohol as provided in New York State Agriculture and Markets Law Section 200 (12) shall not be considered an alcoholic beverage within the meaning of this Article.

CONTROL OF PROPERTY – Owning, renting or leasing property; being in charge of property or having the authority or ability to direct or regulate guests, invitees, or others on private property.

ILLEGAL DRUG – includes any substance listed in Section 3306 of the Public Health Law.

PERSON – a natural person age seventeen or older, and includes, where appropriate, a corporation, partnership, company, organization, association, or other organized entity.

PRIVATE PROPERTY – any home, dwelling or dwelling unit, apartment, condominium, or residence, and includes yards, fields, vacant structures, and open areas.

UNDERAGE PERSON – any person under the age of twenty-one.

§ 101-8. Prohibited acts.

No person shall:

- A. Host, permit, or allow a party, social gathering, or event where three or more underage persons are present to take place on or at any private property under his or her control or use if such person knows or has reason to know that any alcoholic beverage or illegal drug is being unlawfully consumed by an underage person.
- B. Organize or sponsor a party, social gathering, or event where three or more underage persons are present on or at any private property if such person knows or has reason to know that any alcoholic beverage or illegal drug is being unlawfully consumed by an underage person.

§ 101-9. Exceptions.

This Article shall not apply to:

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

§ 101-10. Penalties.

Failure to comply with the provisions of this Article shall constitute a violation, punishable, upon a first conviction, by a fine not to exceed two hundred fifty dollars, or imprisonment not exceeding fifteen days, or both; any subsequent conviction within three years shall constitute a misdemeanor, punishable by a fine of two hundred fifty dollars minimum and not to exceed one thousand dollars, or imprisonment not exceeding ninety days, or both.

§ 101-11. Inconsistency; severability.

A. If any part or provision of this Article is inconsistent with any Federal or New York State statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.

B. If any clause, sentence, paragraph, section, or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Article but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. This Local Law shall take effect upon its filing with the Secretary of State.

Approved as to form this 22nd day of May 2007.

Darrin B. Derosia
Corporation Counsel

Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this _____ day of June 2007.

Clerk

President

Local Law No. 3-I for the Year 2007
May 22, 2007
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I hereby approve the foregoing Local Law of the Common Council.

Date

Mayor of the City of Cohoes, New York