

## Chapter 26

### ALCOHOLIC BEVERAGES

§ 26-1. Possession of open containers  
restricted.

§ 26-2. Presumptive evidence.

§ 26-3. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 4-11-1977 as L.L. No. 1-1977. Section 26-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

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#### § 26-1. Possession of open containers restricted.

No person shall have in his possession any open bottle or container containing liquor, beer, wine or other alcoholic beverages while such person is on any public highway, public street, public sidewalk, public parking area or in any vehicle or public place, except those premises duly licensed for sale and consumption of alcoholic beverages on the premises.

#### § 26-2. Presumptive evidence.

An open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all occupants thereof and in violation hereof.

#### § 26-3. Penalties for offenses.<sup>1</sup>

A violation of this chapter shall constitute an offense, punishable by a fine not exceeding \$250 or by imprisonment in the Clinton County Jail for 15 days, or by both such fine and imprisonment.

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



## Chapter 32

### BINGO

§ 32-1. Title.

§ 32-2. Definitions.

§ 32-3. Authorization for conduct of games.

§ 32-4. License required.

§ 32-5. Restrictions on conduct of games.

§ 32-6. Penalties for offenses.

§ 32-7. Referendum required.

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 4-28-1958. Sections 32-2, 32-3 and 32-5A, B, G, H, I and J amended and § 32-5K and L added at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

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§ 32-1. Title.

This chapter shall be known and may be cited as the "Bingo Licensing Ordinance of the Village of Champlain, Clinton County, New York."

§ 32-2. Definitions.

As used in this chapter, unless the context requires otherwise, the following terms shall have the following meanings:

**AUTHORIZED ORGANIZATION** — Includes any bona fide religious or charitable organization or bona fide educational, fraternal, civic or service organization or bona fide organization of veterans or volunteer firemen which, by its charter, certificate of incorporation, constitution or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in § 476 of the General Municipal Law, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in § 476 of the General Municipal Law for a period of one-year immediately prior to applying for a license under this chapter.<sup>1</sup>

**BINGO or GAME** — Includes a specific game of chance, commonly known as "bingo" or "lotto." in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols elected at random.

**CONTROL COMMISSION** — The State Racing and Wagering Board.<sup>2</sup>

**LICENSE** — A license issued pursuant to the provisions of this chapter and of Article 14-H of the General Municipal Law of the State of New York and all other laws and the Constitution of the State of New York.

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1. Editor's Note: Amended 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.

MUNICIPALITY — The Village of Champlain.

**§ 32-3. Authorization for conduct of games.<sup>3</sup>**

It shall be lawful for any authorized organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the Village of Champlain, subject to the provisions of this chapter Article 14-H of the General Municipal Law, Article 19-B of the Executive Law or any other laws enacted by the State of New York.

**§ 32-4. License required.**

No person or authorized organization shall conduct the game of bingo unless he/she shall first have obtained a license to do so from the village. The application for such license shall be made upon forms provided and prescribed by the Village Clerk in conformance with the rules and regulations of the Control Commission, this chapter and the laws of the State of New York.

**§ 32-5. Restrictions on conduct of games.**

No game of bingo shall be conducted other than in compliance with the laws of the State of New York, this chapter, the license issued and the following restrictions:

- A. No person, firm, association, corporation or organization, other than a licensee under the provisions of this chapter, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.<sup>4</sup>
- B. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.<sup>5</sup>
- C. No single prize shall exceed the sum or value of \$250.
- D. No series of prizes on any one occasion shall aggregate more than \$1,000.
- E. No person except a bona fide member of any such organization shall participate in the management or operation of such game.
- F. No person shall receive any remuneration for participating in the management or operation of any such game.
- G. No games of bingo shall be conducted on Sunday unless it shall be otherwise provided in the license issued.<sup>6</sup>

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

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

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

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

- H. No person under the age of 18 years shall be permitted to participate in any game of bingo unless accompanied by an adult.<sup>7</sup>
- I. No game of bingo shall be held, operated or conducted more than 18 days in any three successive calendar months.<sup>8</sup>
- J. No game of bingo shall be held, operated or conducted in any room or outdoor area where alcoholic beverages are sold, served or consumed during the progress of the game.<sup>9</sup>
- K. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.<sup>10</sup>
- L. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law<sup>11</sup> or from another authorized organization.<sup>12</sup>

#### **§ 32-6. Penalties for offenses.**

The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter shall constitute and be punishable as a misdemeanor.

#### **§ 32-7. Referendum required.**

This chapter shall be submitted to the qualified voters of the village at a referendum to be held in the manner prescribed by Article 3 of the Village Law and shall take effect upon the adoption of a proposition to approve said chapter by a majority of the qualified voters of said village at voting said referendum.<sup>13</sup>

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

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

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

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

11. Editor's Note: See § 430 et seq. of the Executive Law.

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

13. Editor's Note: This ordinance was approved at referendum 5-12-1958.



## Chapter 35

### BURNING, OUTDOOR

§ 35-1. Dumping and/or burning materials prohibited.

§ 35-2. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 12-13-1976 as L.L. No. 6-1976. Sections 35-1 and 35-2A amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

#### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 60.      Littering — See Ch. 75.

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§ 35-1. Dumping and/or burning materials prohibited.<sup>1</sup>

No leaves, trash, garbage, wood, metal or other related items shall be dumped and/or burned within the village limits of the Village of Champlain.

§ 35-2. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both.<sup>2</sup>
- B. Each violation of this chapter shall constitute a violation pursuant to the Penal Law.
- C. In all cases, the Board of Trustees may enforce obedience of this chapter by injunction

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1. Editor's Note: Amended 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.



## Chapter 40

### CURFEW

§ 40-1. Unlawful acts: minors.

§ 40-2. Unlawful acts: adults.

§ 40-3. Disposition of minors.

§ 40-4. Arrest without warrant.

§ 40-5. Exemptions.

§ 40-6. Enforcement; penalties for offenses; construal of provisions.

§ 40-7. Severability.

§ 40-8. When effective.

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 11-4-2019 by L.L. No. 1-2019. Amendments noted where applicable.]

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#### § 40-1. Unlawful acts: minors.

It shall be unlawful for any child under 18 years of age to loiter, peddle, be engaged in any vocation or remain in or upon any of the streets, alleys or public places in the Village of Champlain at nighttime between the hours of 10:00 p.m. and 5:00 a.m. unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person, or is in the performance of an errand or duty directed by such parent having the care or custody of such minor person, provided this exception shall not apply when the person under age shall be playing or unnecessarily loitering in or upon any such street, alley or public place.

#### § 40-2. Unlawful acts: adults.

It is hereby unlawful for any parent, guardian or other person having the legal care or custody of any person under 18 years of age to allow or permit any such child, ward or other person under such age to go in or be in or upon any of the streets, alleys or public places in the Village of Champlain within the time prohibited unless there exists a reasonable necessity therefor.

#### § 40-3. Disposition of minors.

The violation of this chapter by any child under 16 years of age shall constitute juvenile delinquency and such child may be dealt with according to the provisions of the Family Court Act of the State of New York and amendments thereto. The violation of this chapter by a child over 16 years of age but less than 18 years of age shall subject such child to a proceeding concerning whether a person is in need of supervision according to the provisions of the Family Court Act of the State of New York and amendments thereto.

#### § 40-4. Arrest without warrant.

The New York State Police or the Clinton County Sheriff's Department is hereby authorized to arrest, without a warrant, any person violating the provisions of the above section of this

chapter and detain such person for a reasonable time in which a complaint can be made and a warrant issued and served.

**§ 40-5. Exemptions.**

- A. If the child is accompanied by his/her legal guardian or other responsible person over the age of 21 and such person is approved by the child's parent or legal guardian.
- B. Until the hours of 12:30 a.m., if the child is on an errand as directed by his/her parent or legal guardian.
- C. If the child is legally employed for the period from 1/2 hour before to 1/2 hour after work, while going directly between his/her home and place of employment. This also applies if the child is in a public place while in the course of his/her employment. To come under this exemption, the child must be carrying a written statement from the employer attesting to the place and hours of employment.
- D. Until the hour of 12:30 a.m., if the child is on the sidewalk directly adjacent to the building where the child resides.
- E. If the child is coming directly from a school activity or religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event, but in no case beyond 12:30 a.m.
- F. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor must first have given written notice to the Mayor, in writing, signed by the minor and his/her parent or guardian that specifies when, where and in what manner the minor will be on the streets of the Village of Champlain and for what first amendment purpose the minor will be on the streets during the curfew hours.

**§ 40-6. Enforcement; penalties for offenses; construal of provisions.**

- A. A police officer who has probable cause to believe that a child is in violation of this chapter shall take such child to the police station where the child's parent or guardian shall be immediately notified. The child will be held until a parent or guardian comes to take the child home. The parent or guardian will be given a copy of this chapter when they arrive to pick up the child. If no parent or guardian arrives within two hours, the child will be turned over to the custody of the juvenile authorities until the parent or guardian can take custody of the child.
- B. The failure or neglect by any parent, guardian or other person having the legal custody and control of any child to exercise reasonable diligence in the control of any child so as to prevent him from violating the provisions of this chapter or the conduct of any guardian, parent or person who knowingly and willingly is responsible for, encourages, aids, causes, connives at, promotes or procures any violation of any of the provisions of this chapter shall constitute disorderly conduct, and the person violating the same shall be a disorderly person and shall be liable to the following penalties:

- (1) The first violation of this chapter will cause the parent or guardian of the child to receive written notice of the violation, warning them that further violations will result in the imposition of a penalty as provided by law.
  - (2) Upon a second violation, a fine of \$100 will be imposed or stand committed to the Clinton County Jail for a period not exceeding 10 days, or both, for such offense.
  - (3) Upon a third violation, a fine of \$250 will be imposed, as well as a report made to Child Protective Services.
- C. Nothing herein contained shall be construed as to interfere with the jurisdiction of the Family Court of Clinton County to prosecute any parent, guardian, or other person having the legal custody and control of any minor person violating the provisions of this chapter for contributing to the neglect or delinquency of such child.

**§ 40-7. Severability.**

If any article, section, subsection, paragraph, sentence, clause, word, or part or provision of this chapter, or the application thereof, be adjudged by any court of competent jurisdiction as invalid, such adjudication shall not affect or impair or invalidate the remainder thereof, but shall be confined to its operation to the article, section, subsection, paragraph, sentence, clause, word, or part or provisions thereof directly involved in the controversy in which judgment shall have been rendered.

**§ 40-8. When effective.**

This chapter shall take effect immediately upon its filing in accordance with the provisions of § 27 of the Municipal Home Rule Law of the State of New York.

