

Summary – a resolution regarding the prohibition of alcohol and open or uncorked containers in the Alamo Town Children’s Park, and the penalties associated with violating the provisions of such.

**RESOLUTION NO. AT2009-01**

**A RESOLUTION TO PROHIBIT ALCOHOL AND OPEN OR UNCAPPED OR GLASS CONTAINERS IN THE ALAMO TOWN CHILDREN’S PARK,**

**WHEREAS**, the Alamo Town Board has encountered numerous problems regarding intoxicated individuals and refuse including but not limited to alcohol bottles, cans, cartons in the Children’s Park, in Alamo, Lincoln County, Nevada;

**WHEREAS**, The Alamo Town Children’s Park is used by the public including many children;

**WHEREAS**, Lincoln County Ordinance 4-1-15 (b) states it shall be unlawful for any person to have in his or her possession any open or uncorked container, bottle or can of liquor or beer on any public street, public road, or public sidewalk within the county; and

**WHEREAS**, the Alamo Town Board recommends including the language of 4-1-15(b) and extending it to Alamo Town Children’s Park;

**WHEREAS**, a uniform system of ordinances regarding the administration and enforcement of alcohol and open or uncorked containers within the Alamo Town Park Children’s Park is necessary to ensure health, safety and general welfare of the children and citizens of Lincoln County, as well as, out of town visitors and guests;

**WHEREAS**, any ordinance may be commenced by resolution of the town board or the Board of County Commissioners

**NOW, THEREFORE, BE IT RESOLVED BY THE ALAMO TOWN BOARD OF THE UNINCORPORATED TOWNSHIP OF ALAMO, NEVADA, THAT:**

- Section 1. The Alamo Town Board requests an ordinance stating it shall be unlawful for any person to have in his or her possession any open or uncorked container, bottle or can of liquor or beer and glass containers of any sort, in Alamo Town Children’s Park, and requests this ordinance be included as a chapter in Lincoln County Ordinance Title 9, Public Ways and Property

Section 2. Definitions

1. Alcoholic beverage. For the purpose of this proposed Ordinance, the definition of “alcoholic beverage” means and includes the definition of “alcoholic beverage” codified in NRS 202.015.<sup>1</sup>
2. Open uncorked container. For the purpose of this proposed Ordinance, the definition of “open uncorked container” means any beverage container, cup, tumbler, bottle made of glass within the Alamo Town Children’s Park.
3. Alcohol Prohibited. For the purpose of this proposed Ordinance, no person shall consume, possess, or bring into the Alamo Town Children’s Park any alcoholic beverage.
4. Glass Container. Glass containers of any sort.

Section 3. Penalties. For the purpose of this proposed Ordinance, penalties shall be a misdemeanor and shall be punished as prescribed by the Nevada Revised Statutes.

Section 4. Repeal of Conflicting Ordinance. Any and all ordinances heretofore adopted by the Lincoln County Board of County Commissioners with regard to Alamo Town Children’s Park which are in conflict with this ordinance are hereby repealed.

Section 5. Severability. If any provision of this proposed ordinance is held invalid, such invalidity shall not affect other provisions and each provision is hereby declared to be severable.

Section 6. Alamo Town Board does hereby resolve that a public hearing will be held on the \_\_\_ day of \_\_\_\_\_ 2009 at \_\_\_\_\_ p.m. to entertain arguments, opinions and other worthy commentary regarding the recommendation to LC Commission for adoption of an Alcohol and Open or Glass Container Prohibition chapter into Title 9, Chapter 7, of the Lincoln County Code regarding prohibiting the possession and/or

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<sup>1</sup> NRS 202.015 “Alcoholic beverage” defined. For the purposes of NRS 202.020 to 202.065, inclusive “alcoholic beverage” means:

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefore.
2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.
3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

consumption of alcohol and open or glass containers in the Alamo Town Children's Park in Alamo, Lincoln County, Nevada, and the penalties associated with violating the Provisions of Title 9, Chapter 7, of the Lincoln County Code.

**PASSED, AND RECOMMENDED FOR ADOPTION AND APPROVAL BY AN AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE MEMBERS OF THE ALAMO TOWN BOARD OF THE UNINCORPORATED TOWNSHIP OF ALAMO, NEVADA.**

DONE THIS \_\_\_\_ day of July, 2009, upon motion by Alamo Town Board Member \_\_\_\_\_, seconded by \_\_\_\_\_ and \_\_\_\_ members of the Board voting as shown.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Lonny Walch, Chairman  
Alamo Town Board

Attest: \_\_\_\_\_, Secretary