

Local Law No. 4 of 2023  
Village of Palmyra, County of Wayne

**LOCAL LAW NO. 4 OF 2023, WAS REPEALING PREVIOUS LOCAL LAW  
REGULATING ALCOHOLIC BEVERAGES ON AUGUST 7, 2023**

Local Law No. 5 of 2023  
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**LOCAL LAW NO. 5 OF 2023, LOCAL LAW REGULATING ALCOHOLIC  
BEVERAGES PASSED ON AUGUST 7, 2023**

Be it enacted by the Board of Trustees of the Village of Palmyra as follows:

**Section 1. Title**

This Local Law shall be referred to as the "Local Law Regulating Alcoholic Beverages."

**Section 2. Purpose and Intent**

The Village Board of the Village of Palmyra, Wayne County, State of New York, is vested by the State of New York to regulate and control land use within the Village of Palmyra and to protect the health, safety and welfare of its residents.

It is the intent of this chapter to regulate businesses and related activities to promote the health, safety, and general welfare of the citizens of the Village of Palmyra.

**Section 3. Definitions**

INTENT TO CONSUME—Drinking from the container, with alcohol on the breath of the possessor and/or any circumstances evidencing an intent to ultimately consume on any public lands.

PERSON: shall mean an individual, firm, estate, partnership company, corporation, limited liability corporation, trustee, governmental subdivision or other public or private entity.

PERMIT: shall mean a permit issued by the Chief of Police of the Village of Palmyra and only after approval of the Board of Trustees of the Village of Palmyra, as set forth further herein.

**Section 4. Possession or Consumption in Public Places Prohibited.**

A. No person shall have, possess, carry, or transport any liquor, wine, beer or other alcoholic beverage in an open bottle or other open container, with the intent to consume the same, in or upon any public sidewalk, street, lane, highway, building, parking lot, park or recreation area, or other public property, or in any vehicle upon such area, within the Village of Palmyra.

B. No person shall drink or otherwise consume any liquor, wine, beer or other alcoholic beverage in or upon any of the aforesaid public areas or property within the Village of Palmyra.

## **Section 5. Exceptions, Use Permitted.**

As an exception to section 4 above, if any person desires to distribute or consume alcoholic beverages upon any public sidewalk, street, lane, highway, building, parking lot, park or recreation area, or other public property within the Village of Palmyra, said person shall, prior to any such distribution or consumption, apply to the Chief of Police, or his or her designee, for a permit therefor. Said permit application shall specify the: 1) requested date(s) for such permit to be effective; 2) the purpose, including number of members of the public expected as such event; 3) location where such permit will be used; and 4) any other information requested by the Chief of Police. The issuance of said permit shall be based upon the following requirements:

A. Any such permit application must be reviewed and approved by the Board of Trustees prior to the issuance of such permit;

B. The approval/disapproval of such permit request is entirely within the discretion of the Board of Trustees;

C. The Board of Trustees may impose any reasonable conditions, restrictions or limitations on the scope of the permit that they find appropriate, including but not limited to, requiring insurance coverage in amounts deemed appropriate by the Village;

D. The applicant must agree, in writing, to assume full responsibility for supervising the conduct of the group of individuals benefitting from such permit and to properly clean up the premises after use;

E. The applicant must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served alcoholic beverages at the permitted event;

F. No alcoholic beverages shall be consumed other than on the specific premises approved for such permit and only for the approved timeframe.

G. No permit shall be issued to any person which has been previously issued a permit and failed to comply with the provisions hereof.

H. No permit shall be issued for any person who does not have appropriate New York State license(s) for the distribution of alcoholic beverages.

## **Section 6. Discarding containers.**

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, highway, parking lot, park or recreation area, or other public property within the Village of Palmyra, except in the trash or recycling receptacles specifically marked for such purpose.

## **Section 7. Penalties for offenses.**

The violation of any of the provisions of this chapter shall be punishable by a maximum fine of \$250 or by imprisonment for up to six-months, per each violation. Each day any violation shall continue shall constitute a separate violation.

The penalties provided for herein shall be in addition to any other civil or criminal penalties for such violations, and nothing herein shall limit the Village's ability to pursue injunctive relief for any person who violates the provisions of this chapter.

**Section 8. Severability.**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person, firm, or corporation or circumstance, is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law, or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 9. Effective Date**

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.