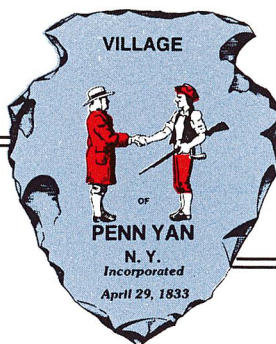


Village of Penn Yan



on Keuka Lake

Danny Condella, Mayor
Kevin McLoud, Deputy Mayor
Daniel Henries, Jr., Trustee
Teresa Hoban, Trustee
Daniel Irwin, Trustee
Norman Koek, Trustee
Richard Stewart, Trustee
Holly Easling, Clerk-Treasurer

P.O. Box 426 111 Elm Street
PENN YAN, NEW YORK 14527
Phone: 315-536-3015
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NOTICE OF ADOPTION

VILLAGE OF PENN YAN COUNTY OF YATES

Local Law to adopt the “Sidewalk Service” provisions of Chapter 174 “Streets and Sidewalks” of the Code of the Village of Penn Yan.

Notice is hereby given that at a meeting of the Board of Trustees of the Village of Penn Yan, County of Yates, State of New York, held on November 21, 2023, the above referenced Local Law was adopted.

The effect will be to amend insurance coverage requirements for sidewalk service permits and procedures for suspending, revoking and/or reissuing sidewalk service permits.

Copies of this Local Law are available at the Office of the Clerk of the Village of Penn Yan, 111 Elm Street, Penn Yan, NY 14527 during regular business hours or on the Village website www.villageofpennyan.com.

Holly Easling, Village Clerk/Treasurer
Village of Penn Yan

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Local Law 19 of 2023 Amending Chapter 174 of the Code of the Village of Penn Yan.

Be it enacted by the Board of Trustees of the Village of Penn Yan, in the County of Yates, as follows:

SECTION 1. SHORT TITLE

This Local Law shall be known as the “2023 Amendment of the “Streets and Sidewalks” Chapter of the Village Code concerning permits for sidewalk service for consumption of food and beverages including alcohol in the Village.”

SECTION 2. LEGISLATIVE FINDINGS AND INTENT

The Board of Trustees determines that for purposes of public safety, the service and consumption of food and beverages, including alcohol, on public and quasi-public sidewalks should be regulated.

SECTION 3. LEGISLATIVE AUTHORITY

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

SECTION 4. PROVISIONS

The following Sections of Article VI, “Permits For Sidewalk Service at Restaurants and Taverns”, of Chapter 174, “Streets and Sidewalks”, are amended as follows:

I. Subsection “D.” of Section 174.-41. “Required conditions” is amended to provide as follows:

D. Prior to issuance of a permit, the applicant shall provide the Village Clerk with a certificate of liability insurance specifying that the Village is a “named insured.” Such insurance shall be in the amount of coverage determined by the Board of Trustees. Such insurance coverage shall remain in effect throughout the period of validity of the permit. The certificate shall state that at least thirty (30) days advance Notice of Cancellation will be provided by the insurer to the Village as a named insured. The cancellation of the permit holder’s insurance shall automatically invalidate the permit as of the date of such

cancellation becoming effective. The cancellation of such insurance shall be a violation of this Article subject to the penalties prescribed in Section 174-5 hereof.

II. The following Sub-sections to Section 174-41. “Required Conditions” are added alphabetically:

F. Upon expiration of, suspension of or revocation of a permit the tables, chairs, barriers and any other items related to outdoor sidewalk service shall be removed from the sidewalk within twenty-four (24) hours of such expiration, suspension or revocation. Such items shall not be returned to the sidewalk until a valid permit is again issued or reinstated by the Board of Trustees. Failure to remove all chairs, tables, barriers and other items related to outside sidewalk service shall be presumptive evidence that outside sidewalk service is occurring without a permit and accordingly, a violation of this Article subject to the penalties prescribed in Section 174-45 hereof.

G. The violation of any of the conditions hereof or of the permit provisions shall be grounds for :

1. Suspension of the Permit;
2. Revocation of the Permit; or
3. Denial of re-issuance of a permit at any time in the future.

Such suspension, revocation or denial shall be by motion duly adopted at a duly held meeting of the Board of Trustees. Permits may only be reinstated or reissued by motion or resolution duly adopted by the Board of Trustees at a duly held meeting thereof. In the event of suspension, revocation or denial of a Permit by the Board of Trustees the reasons therefore shall be set forth in the meeting minutes and such suspension, revocation or denial of a permit shall be in the sole discretion of the Board of Trustees.

III. Section 174.45 “Penalties For Offenses” is amended to provide as follows:

§174-45. Penalties for offenses:

- A. A conviction for a violation of any of the provisions of this Article shall be punishable by a fine not less than \$25.00 nor exceeding \$250.00, incarceration in the Yates County Jail for a sentence not exceeding fifteen (15) days or both such fine and imprisonment.
- B. As an alternative to or in addition to a fine and/or incarceration, as provided in subsection “A” hereof the person convicted of violating such provision may be sentenced to community service. Such a community service sentence would be imposed as a definite term of hours of work to be served under the direction of the Department of Public Works of the Village of Penn Yan and be pursuant to an Order of Conditional Discharge issued by the Court.
- C. Each day that any such violation exists, continues or occurs shall constitute a separate offense.

SECTION 5. SEVERABILITY.

In the event that a court of competent jurisdiction 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 6. SUPERSEDING AND REPEALER PROVISIONS

This Local Law shall supersede any provisions of the Village Law, Executive Law, General Municipal Law, or any other law or regulation to the extent inconsistent with the same and to the extent permitted by the New York State Constitution.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York, subsequent to having been duly adopted by the Board of Trustees of the Village of Penn Yan.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

- 1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as Local Law No. 19 of the year 2023, was duly passed by the Board of Trustees of the Village of Penn Yan on November 21, 2023, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Holly Easling, Clerk/Treasurer

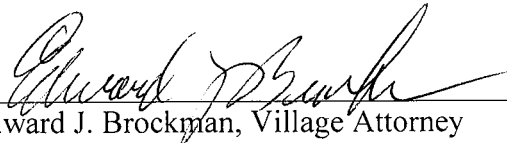
(SEAL)

Date: November 28 2023

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality)

STATE OF NEW YORK)
COUNTY YATES) ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Edward J. Brockman, Village Attorney

Village of Penn Yan

Date: November 25, 2023