

Village of Penn Yan

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NOTICE OF PUBLIC HEARING

VILLAGE OF PENN YAN

Proposed Local Law to Amend the Streets and Sidewalks Chapter of the Village Code.

Notice is hereby given that a Public Hearing by the Board of Trustees of the Village of Penn Yan, County of Yates, State of New York, will be held at the Village Hall, 111 Elm Street, Penn Yan, New York on the 18th day of January, 2022, at 6:05 p.m. upon the proposed Local Law.

The effect of this Local Law will be to amend that Chapter with respect to sidewalk service of food and beverages and the presence of chairs and tables for such service.

The Village Hall is in compliance with accessibility standards of the Americans With Disabilities Act. Any person with a handicap wishing to attend and/or be heard at the public hearing should contact the Village Clerk's Office at least five (5) business days prior to the date of the public hearing to request any special needs.

All persons interested in this proposed Local Law will be heard by the Board of Trustees at the Public Hearing to be held as stated above. Copies of the proposed 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.

A copy of the proposed Local Law may also be examined on the Village website www.villageofpennyan.com.

Gary Meeks, Village Clerk/Treasurer
Village of Penn Yan

Modified 12/09/2021

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.

Proposed Local Law AA of 2021 Amending Article VI of 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 2022 Amendment to “Article VI” 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 has determined 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. It is further determined that the within amendments to Article VI of the “Streets and Sidewalks” Chapter are appropriate for the interests of the community.

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” of the Village Code are amended to provide as follows:

§174-41 . Required conditions

- A. Each permit shall be valid only for the period January 1 to December 31 in the year of issuance.
- B. Sidewalk service for consumption of alcoholic beverages shall be conditioned upon an appropriate license for such service having been obtained from the State

of New York. A copy of said license shall be filed with the Village Clerk prior to sidewalk service or consumption of alcoholic beverages.

C. The sidewalk service requires a barrier approved by the Board of Trustees separating the service and or consumption area from the remainder of the public or quasi-public sidewalk area.

D.. Prior to issuance of a permit the applicant shall provide the Village Clerk with a certificate of insurance naming the Village as an insured, in an amount of coverage determined by the Board of Trustees.

E. The application for any such permit for a location within the Village Historic Preservation District shall be subject to the approval of the Historic Preservation Commission. Such approval shall be applied for through the Village Planning Office.

§174-43. Expiration of Existing Permits.

Any permit issued prior to April 1, 2021 is void and no longer of any effect.

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. 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. _____ of the year 2022, was duly passed by the Board of Trustees of the Village of Penn Yan on _____, in accordance with the applicable