

**VILLAGE OF TRUMANSBURG
LOCAL LAW 2 OF THE YEAR 2015**

**REPEAL OF LOCAL LAW NO. 2 – 1978
“CONSUMPTION OF ALCOHOLIC BEVERAGES”;
AND NEW VILLAGE ‘OPEN CONTAINER’ LAW AND
PROVISIONS**

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

SECTION I PURPOSE AND INTENT

It is the purpose and intent of this Proposed Local Law to (i) repeal in its entirety Local Law No. 2 – 1978, “Consumption of Alcoholic Beverages”, of the Village of Trumansburg; (ii) thereupon adopt this new Proposed Local Law 2 of the Year 2015 so as to clarify, revise and elaborate the Village’s current Open Container Law and provisions; and (iii) further provide new, additional and supplemental provisions to the Open Container Law with respect to the serving and consumption of alcoholic beverages in public spaces utilized by dining establishments in the Village of Trumansburg.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided for in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

**SECTION III REPEAL OF LOCAL LAW 2- 1978 AND ADOPTION OF NEW
OPEN CONTAINER LAW PROVISIONS**

As of the effective date of this Local Law, the current and existing Local Law No. 2 – 1978 will be repealed, and thereupon, by adoption of this local law, the following new and updated Open Container Law and related provisions shall hereby be enacted, it being intended thereby to (i) promote the health, comfort, safety and welfare of all persons in the Village by restricting the consumption of alcoholic beverages in public areas and byways, and (ii) to also enable the Village to grant exceptions to this law in certain specific and limited situations, and (iii) promulgate rules and regulations to govern the aforementioned:

New Open Container Law and Related Local Law Provisions:

- A. It is prohibited within the Village of Trumansburg for any person to consume alcoholic beverages upon streets, sidewalks, or public byways of the Village, nor carry, hold, or exercise control over an open container of an alcoholic beverage upon the same.
- B. A violation of this Local Law shall constitute an offense punishable by a fine of not less than \$50 nor more than \$250, and/or imprisonment for a period not to exceed ten (10) days.

Exceptions

- C. Notwithstanding the foregoing restrictions, the provisions in Sections A and B above shall not apply to the following:
 - 1. Formal or official functions or events of the Village of Trumansburg which may occur on Village property.
 - 2. Special events which have been approved by the Village Board of Trustees, subject to the filing of a Special Event Permit by the organizer of the event, where the organizer has agreed to:
 - a) Specifically designate the locations where alcoholic beverages are to be consumed;
 - b) Specifically designate the individuals or organizations that will be dispensing alcoholic beverages;
 - c) Maintain and provide proof of liability insurance coverage with minimums as established or amended by resolution of the Village Board;
 - d) Name the Village of Trumansburg as an additional insured for the duration of the event and provide proof of same.
 - 3. Dining establishments that maintain outdoor seating for patrons on Village property, sidewalks, or byways provided that:
 - a) The establishment has applied for and received an Outdoor Seating Permit from the Village, as created by resolution of the Village Board, renewable annually, subject to a fee as established by the Village Board, to maintain outdoor seating on public property wherein;
 - i. The outdoor seating area is clearly marked off with removable

ropes, chains, barricades or stanchions of an all-weather type or material;

- ii. A sketch plan of the outdoor seating area is submitted with the Outdoor Seating Permit application outlining the dimensions and seating capacity of the outdoor seating area;
 - iii. The outdoor seating area allows for the minimum ADA required space for pedestrian traffic to safely pass, where applicable;
 - iv. The outdoor seating area and related ropes, chains, barricades or stanchions are removed and/or stored and/or secured nightly in such manner as determined or amended by resolution of the Village Board.
- b) The establishment may only serve alcoholic beverages in the outdoor seating area during meal service, and only during hours as determined or amended by resolution of the Village Board.
 - c) The establishment maintains and provides proof of liability insurance coverage with minimums as stipulated in the application for the Outdoor Seating Permit.
 - d) The establishment names the Village of Trumansburg as an additional insured for the period covered by the Outdoor Seating Permit and provides proof of same.

The terms of the foregoing exceptions shall not amend, modify, alter or change any term or provision of this Local Law other than as expressly set forth in these exceptions.

SECTION IV SUPERSEDING EFFECT

All Local Laws, resolutions, rules, regulations and other enactments of the Village of Trumansburg in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

SECTION V VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION VI EFFECTIVE DATE

This Local Law shall be effective as of the date of filing with the New York Secretary of State, except that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.