

LOCAL LAW NO. 5-2014

“Amendment to Chapter 68 ‘Alcoholic Beverages’”

A LOCAL LAW amending Chapter 68 “Alcoholic Beverages” to clarify the definition of the prohibited activity.

BE IT ENACTED by the Board of Trustees of the Village of Ossining, as follows:

Section 1. Legislative Intent. The purpose of this local law is to preserve, protect and secure the public health, safety and welfare of the Village of Ossining and its residents by exercising police power in an unambiguous, consistent and equitable manner.

Section 2. Chapter 68 of the Village Code “Alcoholic Beverages” is hereby amended as follows, with additional matter underlined and deleted matter in [brackets]:

§ 68-3. General provisions.

A. It shall be unlawful for any person to carry, deliver or transport, except in a closed and sealed container, or serve, drink or consume any alcoholic beverage, as such term is defined in the Alcoholic Beverage Control Law of the State of New York, upon any public sidewalk, street, alley, highway, park, playground, parking lot or other open public ground within the Village of Ossining, New York.

B. This prohibition shall not apply to any person, group or organization granted a special permit pursuant to the provisions of Chapter 190, Parks and Recreation, or to persons serving, possessing or consuming alcoholic beverages in compliance with the terms, conditions and mandates of a lawfully issued license by the State of New York and/or in a sidewalk cafe which is operating in compliance with a duly issued permit and waiver, if applicable, in accordance with the provisions of Chapter 216, Sidewalk Cafes. In the event that the said serving, possessing or consuming of alcoholic beverages is not in compliance with the Village or the State of New York laws, rules and regulations, then the serving, possessing and consuming of alcoholic beverages shall be prohibited.

Section 3. Except as otherwise provided herein, all other provisions of the Code of the Village of Ossining shall remain the same.

Section 4. The provisions of this Introductory Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Local Law

Section 5. This Local Law shall take effect upon the filing and publication as required by applicable law, including filing with the Secretary of State.