

TOWN OF NORTH CASTLE

Local Law No. 3 For the Year 2021 Adopted May 26, 2021

A local law amending certain provisions of the Outdoor Dining Law.

Section 1. Amend Section 218-3.B(1) of the Town Code as follows:

- (1) The license shall be valid only during a single calendar year, from January 1 to December 31, and shall be renewed each year thereafter on application of the licensee specifying any change from the information originally set forth pursuant to § 218-3C unless the Building Inspector, for cause, or the licensee does not renew said license. In the event the Building Inspector determines not to renew a license, he shall give notice to the licensee of said intention, by certified mail, return receipt requested, not later than 30 days after receipt of an application for renewal of said license, and the reason therefor. The licensee may seek review of the Building Inspector's determination by appealing to the Town Board. Such review shall be requested by the licensee in writing and not later than 15 days from the receipt of the denial of the application by the Building Inspector of said license. Upon appeal, the Town Board shall give notice to the licensee of the meeting at which the appeal will be considered, which notice shall be delivered personally or by certified mail and addressed to the licensee's address as shown on the application. Such licensee shall be entitled to attend the meeting before the Town Board and shall be afforded a full opportunity to be heard. The Town Board shall render a final determination within 30 days of the said meeting.

Section 2. Amend Section 218-3.B(1) of the Town Code as follows:

- (3) No outdoor dining area shall operate after 12:00 midnight or when the entity with which it is associated is not open to the public. No outdoor dining area shall operate between January 2 and March 31.

Section 3. Amend Section 218-3.B(4) of the Town Code as follows:

- (4) Furnishing of an outdoor dining area shall consist solely of readily removable tables, chairs, umbrellas, seasonal heating, planters (containing only live plants), and decorative accessories and trash receptacles (together, "furnishings") of a design, type, size and color approved by the Building Inspector, and all of which shall be uniform in style, color and material. The advertising of products or brands on any furnishings shall be prohibited.

Section 4. Amend Section 218-3.B(11) of the Town Code as follows:

Lighting of outdoor dining areas shall not disturb the peace and comfort of the neighboring inhabitants or occupants, or at any time create excessive glare or lighting levels more than is necessary for safely dining by the person or persons who are seated in the outdoor dining area. No live or mechanical music shall be permitted.

Section 5. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 6 Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 7. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.