

VILLAGE OF WASHINGTONVILLE

LOCAL LAW NO. ____ OF 2025

**A LOCAL LAW AMENDING CHAPTER 260 OF THE VILLAGE CODE (STREETS
AND SIDEWALKS)**

BE IT ENACTED by the Village Board of the Village of Washingtonville, Orange County, New York (“Village Board”) as follows:

Section 1. Purpose and Intent.

The purpose of this article is to modify the rules governing the operation of sidewalk cafés in the Village of Washingtonville to allow for outdoor dining of restaurants, and patronage of retail food and beverage establishments within the Village. The Village has found that there is a desire to allow for outdoor patronage of restaurants and similar establishments. The purpose of this law is to set forth the rules and regulations to govern lawful operation of sidewalk cafes and similar establishments within the Village.

Section 2. Authority.

This Local Law is enacted pursuant to the provisions of Municipal Home Rule Law § 10.

Section 3.

Chapter 260 of the Village Code is hereby amended as follows:

§ 260-___. Sidewalk cafés.

- A. Definition of “sidewalk café.” A sidewalk café, for purposes of this section, is an outdoor dining area located on a public sidewalk provided for the patrons of restaurants, delicatessens, and similar retail food establishments serving cooked and prepared foods and beverages.
- B. Permit required. Notwithstanding any inconsistent provision in Chapter 260, sidewalk cafés shall be permitted for the limited purpose of seating patrons of restaurants, delicatessens, and similar retail food establishments, provided that the owner and/or operator of such establishment obtains a sidewalk café permit from the Building Inspector.
- C. Posting of permit. A permit granted pursuant to this section shall be prominently displayed in the permitted establishment next to any other permits posted pursuant to state or local law.
- D. Application for permit. A sidewalk café permit may be issued only to the owner or tenant of a building occupied and used as a restaurant, delicatessen, or similar retail food establishment and abutting a public sidewalk. Any person or entity desiring a

sidewalk café permit shall submit an application to the Building Inspector on forms provided by the Building Department. The Building Inspector shall grant an application for a sidewalk café permit, provided the following requirements are met:

- (1) Any sidewalk café shall be established with a minimum clear distance in accordance with applicable accessibility standards as determined by the Building Inspector, free of all obstructions, such as trees, parking meters, utility poles, streetlights, benches, planters, furniture and movable railings, to allow for adequate and safe pedestrian movements. Sidewalk cafés shall be situated abutting the property line of the permitted establishment erecting the sidewalk café.
- (2) The area to be used for the sidewalk café may not extend beyond the frontage of the permitted establishment. For retail food establishments located on a corner lot, a sidewalk café may be placed on either or both sides of the establishment, subject to the Building Inspector's approval.
- (3) An obstructed, unoccupied space must be provided, not less than four feet in width, across all entrances of the permitted establishment for which the sidewalk café permit is sought.
- (4) The applicant for a sidewalk café permit shall submit with their application a diagram or illustration, as near to scale as possible and drawn in compliance with the requirements set forth in Subsections D(1) through (4), above, depicting the dimensions of the proposed sidewalk café, the unoccupied spaces on the abutting public sidewalk(s) and the approximate location of all furniture to be situated therein. The Building Inspector must approve the diagram or illustration before a sidewalk café permit may be issued.
- (5) Insurance and indemnity.
 - (a) The applicant for a sidewalk café permit shall further submit with their application:
 - (1) A certificate of general comprehensive liability insurance naming the applicant and the Village of Washingtonville, its officers, agents and employees as named insureds, with limits of \$1,000,000 for property damages and \$1,000,000 for personal injury, any such general comprehensive liability insurance policy shall be kept in effect for the duration of the permit.
 - (2) A signed indemnity agreement, as provided by the Building Department, agreeing to defend and indemnify the Village of Washingtonville, its officers, agents and employees for any damage or injury to person or property arising out of the operation of the sidewalk café.

- (b) A sidewalk café permit shall expire immediately if the permit-holder fails, at any time, to maintain the insurance coverage mandated by this section.
- (6) Where the applicant intends to serve alcohol in the sidewalk café, such applicant shall be required to obtain from the State Liquor Authority a liquor permit or modification to their existing liquor permit authorizing the outdoor consumption of alcohol.
 - (a) The applicant for a sidewalk café permit shall also be in full compliance with the licensing requirements of the State Liquor Authority, as may exist, and shall comply with all other laws and regulations concerning the sale of alcoholic beverages in the state. In the event a sidewalk café is not in full compliance with State Liquor Authority laws, rules and regulations concerning the sale of alcoholic beverages in the sidewalk café area shall be prohibited.
 - (b) Nothing herein shall affect the Village Board's ability to issue special permits for the consumption of liquor under Section 109-3 of the Village Code.
- (7) Permits shall be issued annually and shall be effective from January 1 to December 31 each year.

E. Operating restrictions.

- (1) Hours of operation. The permitted hours of operation for all sidewalk cafés in the Village of Washingtonville shall be 11:00 A.M to 10:00 P.M every day of the week, including holidays and weekends.
- (2) Furniture and fixtures.
 - (a) No permanent structures may be affixed to the sidewalk area used for a sidewalk café or to the building abutting the area where the sidewalk café is situated.
 - (b) A sidewalk café may be composed only of the following items: chairs, tables, benches and umbrellas. An applicant wishing to incorporate movable, awnings, or planters in their sidewalk café must make a specific request in their application for a sidewalk café permit, and it shall be in the sole discretion of the Building Inspector whether to grant such request. In no event shall outdoor space heaters be permitted, unless of a permanent nature and approved by the Building Inspector.
 - (c) No advertisements, logos, symbols, writing, designs, pictures, or patterns of any kind shall be permitted on chairs, tables, benches, umbrellas or on any other furniture or fixtures used for sidewalk cafés.

- (d) Umbrellas used for sidewalk cafés shall be a minimum height of seven feet tall and shall be a solid color.
 - (3) Furniture used for a sidewalk café must be removed from the sidewalk each night and stored in a safe and secure location. A sidewalk café operator may not store furniture on the sidewalk or any other public right-of-way during periods of nonuse.
 - (4) The drinking of alcoholic beverages by a member of the public while a patron of the sidewalk café within the confines of the sidewalk café area shall not be construed to be a violation of any Local Law prohibiting the consumption of alcoholic beverages in a public place or area.
 - (5) No cooking or food preparation shall be permitted outdoors.
 - (6) Sidewalk cafés and the public property on which they are located shall be kept neat and clean at all times and free from any substance or items that might damage the sidewalk or cause injury to pedestrians.
 - (7) Neither outdoor lighting nor live music or mechanical music may be installed or used for a sidewalk café, except that:
 - (a) In such cases where streetlighting is insufficient to illuminate the dining area such that a hazard may be created for those traveling the sidewalk, the sidewalk, the Building Inspector shall direct and the applicant shall provide, at its sole cost and expense, such lighting for nighttime hours as the Building Inspector may require; and
 - (b) The use of tabletop lighting shall not be prohibited, provided such lighting does not require running of extension cords, wires, or the like within the sidewalk café or on the unoccupied portions of the public sidewalk.
 - (8) Sidewalk café permits may not be sold, leased, or transferred. In the event a permit holder ceased doing business, or attempts to sell, lease, or otherwise transfer their permit in contravention of this subsection, their permit shall be deemed revoked automatically and shall have no further force or effect.
 - (9) Additional safety measures. The Building Inspector may prescribe additional safety measures as needed for each permit issued.
- F. Fee. The fee for a sidewalk café permit shall be as set forth by resolution and payable upon approval of a sidewalk café permit application but prior to issuance of a sidewalk café permit. There shall be no proration of the fee for permit holders who acquire sidewalk café permits for less than the full permit period.
- G. Village action upon failure to comply. In the event a permit holder fails to remove all items placed upon the public sidewalk upon expiration of their sidewalk café permit

by lapse of time, or for violation of this section, the Building Inspector may have such items removed and charge the permit holder for the cost of such removal, together with the cost for storage of such items until reclaimed by the permit-holder from storage. In the event the permit holder fails to pay the cost of storage and any cost of removal within ninety days after storage, the Village may sell the items at public auction, reimburse the Village for all costs and, if any surplus monies remain, shall pay them over to the permit holder.

- H. Penalties for offenses. A violation of any provision of this section shall be punished in accordance with § 260-20 of the Village Code. The Building Inspector and Police Department of the Village of Washingtonville shall be empowered to enforce this section.
- I. Severability. If any provision or portion of this section is held to be unconstitutional, preempted by federal or state law or otherwise invalidated by a court of competent jurisdiction, the remaining provisions of this section shall not be invalidated.

Section 4. State Environmental Quality Review Act.

Pursuant to 6 NYCRR § 617.5(26) & (33), this Local Law is classified as a Type II action and requires no further review under the State Environmental Quality Review Act.

Section 5. Severability.

If 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. Code Preparation.

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

Section 7. Effective date.

This Local Law shall be effective immediately upon filing with the Secretary of State.