

LOCAL LAW NO. 1 OF 2025

BE IT ENACTED BY THE VILLAGE OF GARDEN CITY BOARD OF TRUSTEES AS FOLLOWS:

Section 1. Chapter 148. Outdoor Dining, shall be repealed in its entirety and replaced with a new Chapter 148 to read as follows:

Chapter 148. Outdoor Dining

§ 148-1. Purpose and intent.

This chapter is designed to permit outdoor dining in areas where it is appropriate and to promote and protect the public health, safety and general welfare. Specific purposes of this legislation are:

- To ensure adequate space for pedestrians on the sidewalk adjacent to outdoor dining areas.
- To preserve and enhance the character of the neighborhoods where such outdoor dining is permitted in the village and to protect the adjacent areas.
- To promote the most desirable use of land.

§ 148-2. Permit required; fee.

- No outdoor dining shall be allowed unless a permit has first been obtained from the Building Department. The fee for such permit shall be in such amount as determined from time to time by resolution of the Board of Trustees.

§ 148-3. Eligible establishments.

- Only commercial establishments with a proper certificate of occupancy for a restaurant use which has heretofore been duly issued by the Village of Garden City, which take orders and maintain table service within their establishments, may take orders and serve food and beverages in such outdoor dining areas.
- Other commercial establishments that are not restaurants referred to in Subsection A above, may apply for an outdoor dining permit but may not take orders or serve food and beverages at such outdoor dining areas.

§ 148-4. Application for permit.

- Any application for outdoor dining shall be made to the Building Department in writing on a form prescribed by the Building Department.
- Such application shall contain the following information:
 - The name, address, email address, and telephone number of the applicant.
 - The name, address, email address, and telephone number of the establishment to be the subject of the application and the name and telephone number of the owner and/or operator of the establishment or designated responsible representative.
 - Whether alcoholic beverages are to be served and, if so, a copy of the appropriate liquor license issued by the State of New York is to be appended to the application.
 - A survey of the subject property also indicating the adjacent property which is village owned.
 - A $\frac{1}{4}$ " Scaled plan showing the complete sidewalk area, with the location of all furniture and fixtures to be used, including a fully dimensioned seating plan and the location of entrances and exits.
 - Descriptive material showing all furniture and fixtures to be used and how such furniture and fixtures shall be stored or secured during nonoperational hours.
 - Whether live or mechanically reproduced music is to be played and a description and site location of the facilities, equipment or other devices needed for amplification of sound.
 - Proof of insurance as required in § 148-8 of this chapter.
 - Any other information that the Building Department Official may find reasonably necessary to determine whether a permit should be issued.

§ 148-5. Standards for issuance of permit.

The following standards shall apply:

- The proposed outdoor dining will not interfere with pedestrian traffic or use of the village owned portion of the property adjacent to the establishment.
- The applicant is in compliance with and has met all other applicable provisions in this chapter and those in the Building and Zoning Codes.
- Outdoor dining areas shall be operated in a manner that meets all requirements of the Health Department of Nassau County and all other applicable laws, rules, regulations, ordinances and standards promulgated by the United States of America, State of New York, County of Nassau, Village of Garden City, or any body or agency thereof having jurisdiction over such matters.

§ 148-6. Effect of permit.

- Notwithstanding § 200-33 of this Code, establishments issued a permit hereunder may engage in outdoor dining as set forth in this chapter.
- The consumption of alcoholic beverages of any and all types and kinds in such outdoor dining areas is prohibited unless served by the licensed premises and accompanied by the service and consumption of food. It is the responsibility of the owner and/or operator of the premises who has obtained a permit hereunder for outdoor dining to ensure compliance with this provision.
- A permit holder shall be bound by all applicable rules, regulations, ordinances, local laws and statutes. The Board of Trustees may, by resolution, adopt, from time to time, any additional rules and regulations pertaining to such permits. The permit may be conditioned on modifications or restrictions intended to ensure compliance with all applicable rules, regulations, ordinances, local laws and statutes and the general protection of health, safety and welfare.
- No other activities of any nature conducted now or hereafter by any commercial establishment, enterprise, business, venture or shop in the village, otherwise prohibited by all applicable rules, regulations, ordinances, local laws or statutes are changed, amended, suspended or altered in any respect because of this chapter.
- Such outdoor dining activities shall be limited to areas directly to the front or rear of each store or merchant's establishment and not extend beyond the property lines.
- There shall be a minimum of five feet total sidewalk width clearance to provide adequate and unobstructed pedestrian movement, such width to be measured from the outermost point of the outdoor dining area to the nearest obstruction. Pending a site inspection, a Building Department Official may reduce requirement to a 4 feet clearance measured from the outermost point of the outdoor dining area to the nearest obstruction.

§ 148-7. Liability of permit holder.

The person or persons to whom a permit for outdoor dining has been issued shall be liable and shall indemnify the village for any loss, damage, or injury or expense sustained by the village arising out of any claim or cause of action instituted or commenced by any person or persons arising out of the issuance of such permit or as a direct or indirect result of the operation of such outdoor dining area.

§ 148-8. Insurance.

Prior to the issuance of a permit, the applicant for a permit shall present to the village a certificate of insurance for comprehensive general liability, naming the Incorporated Village of Garden City as additional insured, for combined single limits of no less than \$1,000,000 per occurrence and \$2,000,000 general aggregate and umbrella limits of \$1,000,000.

§ 148-9. Revocation or suspension of permit.

- The Superintendent of the Building Department shall have the authority to revoke or suspend a permit, when, in the Superintendent's sole discretion, the Superintendent finds a violation of any applicable rule, regulation, ordinance, local law or statute, or that a continuation of said permit would constitute a hazard or nuisance, or upon good cause shown.
- Three occurrences of any one or a combination of the following: rowdy behavior, blocking the passage of pedestrians, or accumulation of refuse/litter, as observed and cited by Village personnel, shall be cause for revocation of the permit.

§ 148-10. Appeal from denial, revocation or issuance of permit.

Appeals from the issuance, denial, revocation or other condition of a permit may be taken to the Village of Garden City Zoning Board of Appeals by any aggrieved person within 30 days from the date of the issuance, denial or revocation,

by filing a written notice of appeal with the Building Department.

§ 148-11. Maintenance of premises.

- The outdoor dining area, the façade of the building, and adjacent areas, shall be periodically cleaned and kept refuse free.
- The outdoor dining area and adjacent areas shall be swept and washed down each night just prior to closing and at other times as needed.
- Sufficient containers for trash shall be placed in the outdoor dining area.
- The sidewalks in the dining area shall be power-washed yearly with invoices provided to Building Department for records.

§ 148-12. Hours of operation.

- Outdoor dining activities may take place between the hours of 6:30 a.m. and 11:00 p.m. on all days of the week, except Sunday. Sunday hours shall be between 8:00 a.m. and 11:00 p.m.
- No orders for food and/or beverages shall be taken after 10:00 p.m.

§ 148-13. Music, lighting and outdoor cooking.

- Music may be provided so long as it is not of a type or volume as to violate any applicable law or ordinance or create a nuisance to surrounding residents or property owners.
- Lighting:
 - Exterior lighting equipment that may present a tripping hazard is not permitted.
 - Temporary electrical connection (such as by extension cord) is not permitted.
 - Exterior electrical lighting specifically designed for the sidewalk dining area is not permitted without separate electrical permit.
 - No outdoor cooking of any type is permitted.
 - No music shall be played after 10:00 p.m.

§ 148-14. Furniture fixtures and signage.

All furniture and fixtures used in conjunction with outdoor dining must be of a temporary nature. No signage shall be permitted to be affixed to any temporary structures. All furniture and fixtures shall be approved by the Building Department in conformity with style guidelines established by the Village Board of Trustees, and Architectural Design Review Board.

§148-15. Umbrellas

Portable umbrellas may be permitted with the following conditions:

- Umbrellas must comply with style guidelines established by the Village Board of Trustees, and Architectural Design Review Board.
- Umbrellas may not contain advertisements.
- Umbrellas may not block the public right of way.

§ 148-16. Planters

Planters may separate patrons from pedestrian traffic and may delineate the sidewalk café with the following conditions:

- The planter shall only contain live plants.
- The Maximum height for the planter is 48 inches including the plants.
- The live plants must be well maintained.
- The live plants and all extensions thereof shall be contained to within the planter and shall not encroach into public space.
- Planters must be of a temporary nature and able to be moved when necessary.
- Planters may be stored against the building when permit expires.
- All planters must conform to guidelines established by the ADRB.

§148-17 Occupancy

The seating contained in an outdoor dining shall not be counted in determining any parking space requirement for a retail food establishment or restaurant use. The seating contained in an outdoor dining area shall be counted as part of

the existing seating limitations for the subject parcel. In no event shall the seating contained in an outdoor eating area, outdoor dining area, or sidewalk cafe which utilizes public right-of-way areas result in increased overall seating with respect to the parcel or use.

§ 148-18. Permit; term; renewals.

- Permits shall be issued on or after April 1 of each year and must be renewed each year.
- Applications for renewal of permits shall be made in the same manner as original applications. Permits are not assignable.
- Any changes made to the outdoor dining area during the outdoor dining season require a new permit application including the amended plan.

§ 148-19. Severability.

If any section, paragraph, subdivision, clause or provision of this chapter shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this chapter shall be deemed valid and effective.

Section 2. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with the Municipal Home Rule Law.