

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of PORT JERVIS

**FILED
STATE RECORDS**

FEB 18 2016

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 16

A local law ADDING DEFINITIONS TO ARTICLE II SECTION 535-4 OF THE PORT JERVIS CITY
(insert Title)

CODE WHICH IS A SECTION OF THE ZONING LAW OF THE CITY OF PORT JERVIS
WHICH SETS FORTH WORD USAGE AND DEFINITIONS SPECIFICALLY DEFINITIONS
FOR MICROBREWERY; BREW PUB; BREWERY; MICRODISTILLERY; DISTILLERY;

WINERY AND TASTING ROOM ARE TO BE ADDED TO THE ZONING LAW

Be it enacted by the COMMON COUNCIL of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of PORT JERVIS as follows:

SEE ANNEXED PAGES.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK
LOCAL LAW NO. 3 OF 2016

A LOCAL LAW ADDING DEFINITIONS TO ARTICLE II
SECTION 535-4 OF THE PORT JERVIS CITY CODE
WHICH IS A SECTION OF THE ZONING LAW OF THE CITY
OF PORT JERVIS WHICH SETS FORTH WORD USAGE
AND DEFINITIONS SPECIFICALLY DEFINITIONS
FOR MICROBREWERY; BREW PUB; BREWERY;
MICRODISTILLERY; DISTILLERY; WINERY
AND TASTING ROOM ARE TO BE ADDED TO
THE ZONING LAW

1. Purpose. The purpose of this Local Law is to add definitions of a microbrewery; brew pub; brewery; microdistillery; distillery; winery and tasting room to the definitions section of the Port Jervis Zoning Law, specifically in Section 535-4 of the Port Jervis City Code. In addition, these uses shall be added as permitted uses within the CBD and SC Zoning Districts of the City of Port Jervis and the Table of Use Requirements which is an Appendix to the Port Jervis Zoning Law within the Port Jervis City Code. The uses shall be as defined within this Local Law and, therefore, in Section 535-4 of Article II of the Port Jervis City Code.

2. Legislation. The following definitions and uses, as so defined, herein shall be added to Article II of the Port Jervis City Code, Section 535-4, entitled "Word Uses and Definitions" where said definitions shall be appropriately added alphabetically to the definition list within said Section. In addition, these uses shall be added as permitted uses in the CBD and SC Zoning Districts in the Table of Use Requirements which is an Appendix to the Port Jervis Zoning Law (Article II of the Port Jervis City Code).

Definitions:

1. Microbrewery - A facility for the production, packaging and sampling of beverages with alcoholic and/or nonalcoholic content for retail or wholesale distribution
2. Brew Pub - A bar or restaurant that includes brewing of malt beverages for consumption on premises. The area for bottling and kegging, shall not exceed 30% of the gross floor area of the bar or restaurant structure.
3. Brewery - A facility for the production, packaging and retail or wholesale sale of beverages with alcoholic and/or nonalcoholic content.
4. Microdistillery - A facility for the production, packaging and sampling of beverages with alcoholic and/or nonalcoholic content for retail or wholesale distribution.
5. Distillery - A facility where distilled liquors or spirits are produced, manufactured or sold, which hold manufacturing, retail or wholesale licenses required by New York State.

6. Winery - A facility where vinous liquors are produced, manufactured or sold in accordance with retail and/or wholesale licenses required by New York State.

7. Tasting room - A facility, or portion of a facility, accessory to a brewery, brew pub, microbrewery, distillery, microdistillery or winery where guests may sample the manufacturer's products and purchase same.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2016 of the (County)(City)(Town)(Village) of Port Jervis was duly passed by the Common Council on 218 2016, and was (approved)(not approved) (repassed after disapproval) by the Mayor (Elective Chief Executive Officer*) and was deemed duly adopted on FEBRUARY 8th 2016, in accordance with the applicable provisions of law.

(Name of Legislative Body)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2/10/2016

(Seal)