

**Local Law No. \_\_\_\_ of 2023**

**A LOCAL LAW AMENDING ARTICLE I CHAPTER 65 OF THE CITY CODE**

**SECTION 1. TITLE**

This Local Law shall be known as Local Law No. \_\_\_\_ for the year of 2023.

**SECTION 2. LEGISLATIVE FINDINGS**

The Common Council of the City of Hudson finds that in order to encourage the provision of retail, restaurant and certain other services and economic opportunities to the residents of Hudson and to avoid inconsistent application of the law when it comes to the providing of alcoholic beverages at public events held within the City of Hudson and on certain city property, it is deemed desirable to modify the provisions of Article I Chapter 65 of the City of Hudson Code.

**SECTION 3. LEGISLATIVE INTENT**

It is the intent of the Common Council to amend the provisions of Article I Chapter 65 of the City of Hudson Code to address the permissible sale, use and possession of alcoholic beverages at certain locations within the City of Hudson.

**SECTION 4. STATEMENT OF AUTHORITY**

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

**SECTION 5. AMENDMENT TO THE CITY CODE**

Article I, Chapter 65 of the City of Hudson Code is hereby amended to provide as follows:

**Article I. Hudson City Code, Chapter 65, §65-2(B) is hereby *AMENDED* as follows:**

- (B) Notwithstanding Subsection A of this section, a person may drink, imbibe or consume beer with an alcohol content of 5.6% or less by weight, or wine with an alcohol content of 17% or less by weight, at any event held at the following venues within the City of Hudson: (i) the City's Waterfront Park, including the public boat launch site; (ii) the City's Seventh Street Park; (iii) Promenade Hill Park, and; (iv) upon a public street or City property for which a permit has been issued by the City Clerk at the discretion of the Mayor as provided for in § 65-8 of this chapter or which is otherwise authorized by § 65-9 of this chapter.

**Article I. Hudson City Code, Chapter 65, §65-8 is hereby *AMENDED* to provide as follows:**

**§65-8 Alcohol Consumption in Public Areas for non-City Sponsored Events**

A. The consumption of beer with an alcohol content of 5.6% or less by weight, or wine with an alcohol content of 17% or less by weight, may be allowed at (i) the City's Waterfront Park, including the public boat launch site; (ii) the City's Seventh Street Park; (iii) Promenade Hill Park, and; (iv) upon a public street or City property for which a permit has been issued by the City Clerk at the discretion of the Mayor for such event, which permit must include the following prohibitions in addition to the prohibitions provided for in Subsection B where applicable:

- (1) Such alcoholic beverages may only be sold or distributed by the event sponsor designated in the beer or wine permit application. Consumption of any other alcoholic beverages at a permitted event is prohibited.
- (2) Such alcoholic beverages may only be consumed in accordance with the beer or wine permit issued by the Mayor in addition to all applicable state laws, including all necessary authorizations required by the New York State Alcohol Beverage Control Board.
- (3) Service of such alcoholic beverages shall terminate one hour before the scheduled end of the event, unless the event is two hours or less.
- (4) Such alcoholic beverages shall not be allowed outside the areas designated in the beer or wine permit.
- (5) Consumption of any alcohol, including beer with an alcohol content of 5.6% or less by weight or wine with an alcohol content of 17% or less by weight, is prohibited in any parking lot or street within the City or in vehicles as provided for in § 65-3.
- (6) In no case is it permissible for a person under the age of 21 to consume any alcohol having any alcohol content at any time upon any public street or City owned property, and no one under the age of 18 may serve any alcohol.

(7) The event sponsor must provide for insurance liability coverage in the amount of \$3,000,000, at a minimum, naming the City of Hudson as an additional insured, for all damages which may arise from the permitted event. The amount of insurance coverage required may be increased at the discretion of the Mayor. In addition, the event sponsor must enter into a binding contract for indemnification of all liability, loss, damages, claims, or actions (including costs and attorney's fees) for bodily injury and/or property damages, to the extent permissible by law, for any incident arising out of the conduct of the event.

B. For all events permitted under this section at which attendance is 50 or more persons at any one time, in the event the sponsor is not a licensed caterer and/or not otherwise licensed to serve alcoholic beverages, the sponsor shall be required to engage a licensed caterer to serve such alcoholic beverages and the following additional requirements shall apply:

(1) The licensed caterer must submit the following information to the City Clerk's office no less than three days prior to the event:

(a) Copy of current catering license or equivalent license to serve alcohol, as approved by the Mayor.

(b) Copy of New York State Alcohol Beverage Control authorization.

(c) Copy of workers' compensation insurance policy or proof thereof.

(d) Copy of current liability insurance certificate in the amount of no less than \$3,000,000 naming the City of Hudson as an insured party for such event.

(e) Number of bartenders at such event.

(f) Hours the bar will be open.

(2) Unless otherwise allowed by the New York State Alcohol Control Board authorization for such event, beer and wine shall be brought into the facility or event serving area prior to the start of the event, shall be stored securely at a common bar prior to service, and shall be served only from a common bar.

(3) Unless otherwise allowed by the New York State Alcohol Control Board authorization for such event, no service containers (bottles, aluminum cans, or pitchers) of beer or wine shall be allowed on the tables, but shall remain at the common bar for service.

**Article I. Hudson City Code, Chapter 65, §65-9 is hereby *AMENDED* to provide as follows:**

**§65-9 Alcohol Consumption in Public Areas for City Sponsored Events**

- A. The City of Hudson may sponsor an event in which it serves beer with an alcohol content of 5.6% or less by weight, or wine with an alcohol content of 17% or less by weight at (i) the City's Waterfront Park, including the public boat launch site; (ii) the City's Seventh Street Park; (iii) Promenade Hill Park, and; (iv) upon a public street or City property for which a permit has been issued by the City Clerk at the discretion of the Mayor for such event, where the City:
  - (1) Obtains all necessary authorizations to serve such beverages from the New York State Alcohol Control Board and complies with all other applicable state laws;
  - (2) Obtains host liability coverage in the amount of \$3,000,000 per event or such other amount as may be deemed reasonably appropriate by the insurance carrier for the City; and
  - (3) Ensures that an adequate level of police and other necessary City services are available to provide for the public's health, safety and welfare during the event.
- B. The City of Hudson may enter into a contract with a licensed caterer and/or other organization or entity licensed to sell alcoholic beverages, in accordance with §65-8B(1)(a) through (f), to serve beer with an alcohol content of 5.6% or less by weight, or wine with an alcohol content of 17% or less by weight, at City-sponsored or co-sponsored events.
- C. Where the City of Hudson agrees to co-sponsor an event where beer with an alcohol content of 5.6% or less by weight or wine with an alcohol content of 17% or less by weight shall be served, the following additional requirements shall apply:
  - (1) Unless a caterer serves such alcoholic beverages and complies with the provisions of §65-8B(1)(a) through (f), either the City or the City's co-sponsor, at the discretion of the Mayor, must provide host liability insurance coverage for the City in the amount of \$3,000,000 or such other amount as may be deemed reasonably necessary by the insurance carrier for the City.
  - (2) The City's co-sponsor may, at the discretion of the Mayor, be required to pay a nonrefundable permit application fee and obtain a beer or wine permit to co-sponsor such event.

**SECTION 6. SEVERABILITY**

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part of provision hereof other than the provision so found to be invalid.

**SECTION 7. EFFECTIVE DATE**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Introduced: \_\_\_\_\_

Seconded: \_\_\_\_\_

Approved \_\_\_\_\_

By \_\_\_\_\_

Kamal Johnson, Mayor