S T A T E O F N E W Y O R K

915

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to prohibiting the sale of beer or wine coolers at retail after ten o'clock post meridiem in cities with a population of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 105-a of the alcoholic beverage control law, as separately amended by chapters 139 and 312 of the laws of 2006, is amended to read as follows:

S 105-a. Sale of beer at retail on Sunday; SALE OF BEER AND WINE COOLERS AT RETAIL IN NEW YORK CITY. 1. No person, firm or corporation holding any license or permit issued under this chapter shall sell, offer for sale or give away beer at retail on Sunday between three [antemeridian] ANTE MERIDIEM and eight [antemeridian] ANTE MERIDIEM. Persons, firms or corporations holding licenses and/or permits issued under the provisions of [the alcoholic beverage control law] THIS CHAPTER permitting the sale of beer at retail, may sell such beverages at retail on Sunday before three [antemeridian] ANTE MERIDIEM and after eight [antemeridian] ANTE MERIDIEM for off-premises consumption to persons making purchases at the licensed premises to be taken by them from the licensed premises.

2. Notwithstanding the provisions of subdivision one of this section, the authority shall allow a brewer, once per annum, and after the property owner obtains a permit under section ninety-seven of this chapter, to sell or offer at no cost beer, beginning at eight [antemeridian] ANTE MERIDIEM and ending at the hours fixed by or pursuant to subdivision five of section one hundred six of this article, at the following two

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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locations in the city of Utica, county of Oneida, and bounded and described as follows:

PARCEL I

Beginning at the northwest corner of the beer storage building at the corner of Edward Street and Wasmer Street and proceeding northerly for a distance of 76 feet 1 inch; thence 128 feet 5 inches easterly along Wasmer Street; thence continuing along said Wasmer Street northeasterly for a distance of 202 feet 10 inches to the corner of Wasmer Street and Hamilton Street.

Thence northerly along Hamilton Street for a distance of 46 feet 8 inches to the intersection of Columbia Street. Thence northwesterly along Columbia Street for a distance of 233 feet 6 inches. Thence southwesterly for a distance of 77 feet 7 inches to a fence. Thence northwesterly for a distance of 62 feet and thence southwesterly a distance of 10 feet 6 inches to the southeastern corner of the brewery garage.

Thence, following the garage's perimeter: first in a southwesterly direction for a distance of 133 feet 2 inches to the southwest corner of the garage; thence in a northwesterly direction for a distance of 22 feet 5 inches; and thence in a northeasterly direction for a distance of 11 feet 2 inches, then in a northwesterly direction for a distance of 100 feet, to a fence just before the sidewalk on Schuyler Street; thence southwesterly for a distance of 234 feet 5 inches to the Brewery main complex.

Thence following the perimeter of the brewery complex buildings southeast for a distance of 82 feet 8 inches, northeasterly for a distance of 81 feet 11 inches; thence southeasterly for a distance of 85 feet 3 inches; thence northeasterly for a distance of 21 feet 6 inches; and thence southeasterly for a distance of 96 feet 8 inches to the northwestern corner of the shipping office.

From the northwestern corner of the shipping office, southeasterly for a distance of 33 feet 9 inches; thence southwesterly for a distance of 37 feet 8 inches; thence southeasterly for a distance of 65 feet 8 inches; thence southerly for a distance of 27 feet 4 inches; thence easterly for a distance of 33 feet, to the point or place of beginning.

PARCEL II

Beginning at the iron fence which is 26 feet northwest of the southwest corner of the tour center on Court Street; thence 66 feet, 7 inches northeast, 11 feet 7 inches northwest to the west corner of the tour center parking lot stairs. Proceeding northeasterly 71 feet 10 inches, thence northwesterly 19 feet 10 inches to the southeastern corner of the boiler room building. Thence northwesterly 161 feet; south by southwest 80 feet; southwest 58 feet 5 inches and finally southeast 155 feet to the point or place of beginning.

3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, NO PERSON, FIRM OR CORPORATION LOCATED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE HOLDING ANY LICENSE OR PERMIT ISSUED UNDER THIS CHAPTER SHALL SELL, OFFER FOR SALE OR GIVE AWAY BEER OR WINE COOLERS AT RETAIL ON ANY WEEKDAY BETWEEN TEN O'CLOCK POST MERIDIEM AND EIGHT O'CLOCK ANTE MERIDIEM THE FOLLOWING DAY OR ON SATURDAY BETWEEN TEN O'CLOCK POST MERIDIEM AND NOON SUNDAY AND ON SUNDAY BETWEEN TEN O'CLOCK POST MERIDIEM AND EIGHT O'CLOCK ANTE MERIDIEM THE FOLLOWING DAY.

S 2. This act shall take effect immediately.