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

2092

2011-2012 Regular Sessions

I N A S S E M B L Y

January 13, 2011

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to empowering the state liquor authority to authorize municipalities to restrict the hours of sale of alcoholic beverages within the municipality upon submission of proof that the hours of operation impact crime rates within the municipality

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

Section 1. Section 17 of the alcoholic beverage control law is amended by adding a new subdivision 11-a to read as follows:

11-A. (A) TO AUTHORIZE A MUNICIPALITY TO RESTRICT THE HOURS OF SALE OF ALCOHOLIC BEVERAGES WITHIN SUCH MUNICIPALITY UPON:

(1) RECEIPT OF A RESOLUTION ADOPTED BY THE BOARD OF SUPERVISORS OR LEGISLATIVE BODY OF A MUNICIPALITY REQUESTING FURTHER RESTRICTION OF HOURS OF SALE OF ALCOHOLIC BEVERAGES WITHIN SUCH MUNICIPALITY UPON THE GROUNDS THAT THE STATISTICS OR REPORTS, AS ACCEPTABLE TO THE AUTHORITY, INDICATE THAT CRIME RATES HAVE INCREASED DURING THE PERMITTED HOURS OF SALE OF ALCOHOLIC BEVERAGES IN THE MUNICIPALITY;

(2) RECEIPT OF A RESOLUTION ADOPTED BY THE BOARD OF SUPERVISORS OR LEGISLATIVE BODY OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED REQUESTING FURTHER RESTRICTION OF HOURS OF SALE OF ALCOHOLIC BEVERAGES WITHIN THE MUNICIPALITY UPON THE GROUNDS THAT THE STATISTICS OR REPORTS, AS ACCEPTABLE TO THE AUTHORITY, INDICATE THAT CRIME RATES HAVE INCREASED DURING THE PERMITTED HOURS OF SALE OF ALCOHOLIC BEVERAGES IN THE MUNICIPALITY;

(3) A FINDING BY THE AUTHORITY THAT SUCH INCREASE IS DIRECTLY RELATED TO THE PERMITTED HOURS OF SALE OF ALCOHOLIC BEVERAGES IN THE MUNICIPALITY AND THAT RESTRICTED HOURS OF SALE WOULD BE BENEFICIAL IN REDUCING SUCH CRIME RATES; AND

(4) NOTICE AND HEARING WITHIN SUCH MUNICIPALITY.

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

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(B) AUTHORIZATION GRANTED PURSUANT TO THIS SUBDIVISION SHALL BE GRANTED FOR A PERIOD NOT TO EXCEED TWO YEARS, PROVIDED THAT THE AUTHORITY MAY EXTEND SUCH PERIOD FOR AN ADDITIONAL TWO YEARS UPON RECEIPT OF A JOINT APPLICATION BY THE BOARD OF SUPERVISORS OR LEGISLATIVE BODY OF THE MUNICIPALITY AND THE BOARD OF SUPERVISORS OR LEGISLATIVE BODY OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED, AND A FINDING BY THE AUTHORITY, BASED UPON A COMPREHENSIVE REVIEW, THAT THE RESTRICTION HAS BEEN SUCCESSFUL IN SUBSTANTIALLY REDUCING THE CRIME RATES WITHIN THE MUNICIPALITY AND A SHOWING BY THE BOARD OF SUPERVISORS OR LEGISLATIVE BODY OF THE MUNICIPALITY AND THE BOARD OF SUPERVISORS OR LEGISLATIVE BODY OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED OF THE CONTINUED NECESSITY OF SUCH RESTRICTIONS.

(C) IN NO EVENT SHALL A MUNICIPALITY RESTRICT THE HOURS OF SALE OF ALCOHOLIC BEVERAGES FOR MORE THAN THREE HOURS IN ANY TWENTY-FOUR HOUR PERIOD. ANY RESTRICTION AUTHORIZED UNDER THIS SUBDIVISION SHALL BE APPLIED TO ALL SALES OF ALCOHOLIC BEVERAGES THROUGHOUT THE MUNICIPALITY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.