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                  I N   A S S E M B L Y

                    March 24, 2014
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    Introduced by M. of A. ROZIC -- read once and referred to the Committee
      on Economic Development

    AN ACT to amend the alcoholic beverage control law, in relation to
      special permits to remain open during certain hours of the morning

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

 1   Section 1. Section 99 of the alcoholic beverage control law, as
 2 amended by chapter 204 of the laws of 1963, subdivisions 1 and 2 as
 3 amended by section 22 of part Z of chapter 85 of the laws of 2002, is
 4 amended to read as follows:
 5   S 99. Special permit to remain open during certain hours of the morn-
 6 ing. 1. Any person licensed to sell alcoholic beverages for consumption
 7 on the premises pursuant to this chapter may apply to the liquor author-
 8 ity for a special permit to remain open on any week day between the
 9 hours of four o'clock a.m. or the closing hour prescribed by a rule
 10 adopted in a county on or before April first, nineteen hundred ninety-
 11 five or pursuant to subdivision eleven of section seventeen of this
 12 chapter, and eight o'clock a.m. The fee for such permit shall be fifty-
 13 one dollars per day.
 14   2. NOT LESS THAN THIRTY DAYS BEFORE FILING AN APPLICATION FOR A
 15 SPECIAL PERMIT PURSUANT TO THIS SECTION, AN APPLICANT SHALL NOTIFY THE
 16 MUNICIPALITY IN WHICH THE PREMISES IS LOCATED OF SUCH APPLICANT'S INTENT
 17 TO FILE SUCH AN APPLICATION. SUCH NOTIFICATION SHALL BE MADE TO THE
 18 CLERK OF THE VILLAGE, TOWN OR CITY, AS THE CASE MAY BE, WHEREIN THE
 19 PREMISES IS LOCATED. FOR PURPOSES OF THIS SECTION:
 20   (A) NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN THE
 21 PREMISES IS LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE; AND
 22   (B) IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSUANT
 23 TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH JURIS-
 24 DICTION OVER THE AREA IN WHICH THE PREMISES IS LOCATED SHALL BE CONSID-
 25 ERED THE APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN.
 26   3. NOT LESS THAN THIRTY DAYS BEFORE FILING AN APPLICATION FOR A
 27 SPECIAL PERMIT PURSUANT TO THIS SECTION, AN APPLICANT SHALL NOTIFY THE

1 LOCAL POLICE DEPARTMENT, OR IF NO LOCAL POLICE DEPARTMENT EXISTS, THE
2 SHERIFF'S DEPARTMENT OF THE COUNTY IN WHICH THE PREMISES IS LOCATED.
3   4. SUCH NOTIFICATION SHALL BE MADE BY: CERTIFIED MAIL, RETURN RECEIPT
4 REQUESTED; OVERNIGHT DELIVERY SERVICE WITH PROOF OF MAILING; OR PERSONAL
5 SERVICE UPON THE OFFICES OF THE CLERK OR COMMUNITY BOARD AND THE LOCAL
6 POLICE DEPARTMENT OR COUNTY SHERIFF'S DEPARTMENT.
7   5. THE APPLICANT MUST INCLUDE, WITH THE APPLICATION FOR A SPECIAL
8 PERMIT, PROOF THAT NOTICE WAS MAILED OR DELIVERED TO THE OFFICES OF THE
9 CLERK OR COMMUNITY BOARD AND THE LOCAL POLICE DEPARTMENT OR COUNTY SHER-
10 IFF'S DEPARTMENT. ACCEPTABLE PROOF THAT NOTICE WAS MAILED OR DELIVERED
11 INCLUDES:
12   (A) A COPY OF THE NOTICE AND A CERTIFIED MAIL RECEIPT CARD;
13   (B) A COPY OF THE NOTICE AND A PROOF OF MAILING VIA OVERNIGHT DELIVERY
14 SERVICE; OR
15   (C) THE ORIGINAL NOTICE OR A COPY OF THE NOTICE, STAMPED AND SIGNED BY
16 THE CLERK OR COMMUNITY BOARD AND THE LOCAL POLICE DEPARTMENT OR COUNTY
17 SHERIFF'S DEPARTMENT.
18   6. A MUNICIPALITY OR COMMUNITY BOARD MAY EXPRESS AN OPINION FOR OR
19 AGAINST THE GRANTING OF SUCH APPLICATION. ANY SUCH OPINION SHALL BE
20 DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR AUTHORITY MAKES ITS
21 DETERMINATION TO GRANT OR DENY THE APPLICATION.
22   7. The liquor authority may, in its discretion, issue to any such
23 licensed person, whose premises are located within a trade area, a
24 special permit to remain open during such hours of the morning on week-
25 days. The fee for such permit shall be at the rate of two hundred
26 fifty-six dollars per annum.
27   [3.] 8. Such permits and the exercise of the privileges granted there-
28 under may be subjected by the liquor authority to such rules as it may
29 deem necessary.
30   S 2. This act shall take effect immediately.