STATE OF NEW YORK

7598

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to year-round outdoor dining

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general municipal law is amended by adding a new section 96-c to read as follows:

§ 96-c. Year-round operation of sidewalk and roadway cafes. 1. The governing board of any city, town or village which, by local law, ordinance or resolution, permits and/or regulates the establishment and operation of sidewalk cafes and/or roadway cafes within such municipality shall permit such facilities to operate year-round.

2. For the purposes of this section:

(a) "roadway cafe" shall mean an open-air portion of a ground floor restaurant containing readily removable tables, chairs and other removable decorative items, which is located in the curb lane or parking lane of a roadway fronting the restaurant; and

(b) "sidewalk cafe" shall mean a portion of a ground floor restaurant located on a public sidewalk or sidewalk widening fronting the restaurant.

3. Nothing in this section shall prohibit a municipality from enacting laws, ordinances or regulations which provide for public health and safety relating to the operation of sidewalk and roadway cafes including, but not limited to, street cleaning, abandonment of a roadway cafe, structural design, snow removal, or ensuring a clear path for pedestrian access.

§ 2. This act shall take effect immediately.

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

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