

VILLAGE OF WALDEN
LOCAL LAW NO. 5 OF THE YEAR 2025

A local law amending Village of Walden Village Code Chapter 305, Article V, Section 305-13(D) entitled “Outdoor cafes in business and mixed-use districts” to simplify the permitting process and clarify the terms and provisions therein.

SECTION 1. PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare by amending Village of Walden Village Code Article V, Section 305-13(D) entitled “Outdoor cafes in business and mixed use districts” to simplify the permitting process and clarify the terms and provisions therein.

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Board of Trustees hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. AMENDMENT OF VILLAGE CODE:

Village of Walden Village Code Article V, Section 305-13(D) entitled “Outdoor cafes in business and mixed-use districts” is hereby extended and amended to read as follows:

Village Code § 305-13(D)(1) is repealed and re-enacted to read as follows:

“No seasonal or permanent outdoor cafe shall operate in any outdoor area without a permit. Application for a seasonal outdoor café shall be made in writing to the Building Inspector on an application form provided by the Village. Application for a permanent outdoor café shall be made in writing to the Planning Board on an application form provided by the Village.”

Village Code § 305-13(D)(2)(h) is repealed and re-enacted to read as follows:

“Any other information the Building Inspector or the Planning Board may find reasonably necessary for the fair determination as to whether a permit should be issued, provided, however, that any of the above application requirements may be waived if it is determined that such information is not required to render a decision on the application.”

Village Code § 305-13(D)(3) is repealed and re-enacted to read as follows:

“(a) Within ten business days following the receipt of a complete application for a seasonal outdoor café permit, the Building Inspector shall either issue the permit, with or without reasonable conditions, or deny the permit with a written explanation for such denial. Notice of permit issuance, with any conditions or restrictions attached, or permit denial, will be distributed to the applicant, the Code Enforcement Officer and the Police Department. The permit holder shall conspicuously post the permit on the establishment so that it is visible from the street and shall keep the same posted for the term of the permit.

(b) Upon receipt of a complete application for a permanent outdoor café permit, the Planning Board shall review the application materials to determine whether the application is complete, and once the application is complete, the Planning Board shall send a copy of the application to the Building Inspector and Chief of Police for their comment and recommendation, which shall be provided to the Planning Board within 10 days of their receipt of the referred application. The Planning Board shall consider the comments and recommendations of the Building Inspector and the Chief of Police, or, if no such comments or recommendations are made prior to the following meeting of the Planning Board, the Planning Board shall then make a determination to issue or deny the permit. Notice of permit issuance, with any conditions or restrictions attached, will be distributed to the applicant, the Building Inspector, the Code Enforcement Officer and the Police Department. The permit holder shall conspicuously post the permit on the establishment so that it is visible from the street and shall keep the same posted for the term of the permit.”

Village Code § 305-13(D)(5) is repealed and re-enacted to read as follows:

“The fee for processing an application for either a seasonal or permanent outdoor cafe shall be as set forth in the fee schedule as adopted by the Board of Trustees.”

Village Code § 305-13(D)(8) is amended to read as follows:

“(d) Temporary tables and chairs must be stored inside the business whenever the business is closed.”

Village Code § 305-13(D)(12) is repealed and re-enacted to read as follows:

“(a) Seasonal permits shall be issued on or after January 1 of each year. All seasonal permits, regardless of when issued, shall expire on December 31 of each year. Applications for renewal of permits shall be made in the same manner as original applications. Permits are not assignable.

(b) Permanent permits shall have a term as established by the Planning Board.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.