

Bill RVC 1A-07

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 2 of the year 2007

A local law to amend the Code of the Village of Rockville Centre, in  
*(Insert Title)*  
relation to definition and regulation of restaurants,  
nightclubs, cabarets and theaters.

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

County

City

of Rockville Centre as follows:

Town

Village

Section one. The definition of "restaurant" in section 340-2 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"RESTAURANT – a commercial establishment with table service, where food and drink are prepared and served from suitable kitchen facilities connected therewith, and consumed primarily on the premises. A restaurant may have limited forms of musical entertainment to accompany the dining experience. However, establishments which provide dancing or stage shows, and/or other music or similar forms of entertainment, in conjunction with dining, and/or in which the dining is accessory to the entertainment, are not restaurants, and shall be considered nightclubs or cabarets."

Section two. Section 340-2 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto, in alphabetical placement, the following additional definitions:

"CABARET –Any commercial room, place or space wherein musical entertainment, singing, dancing in a designated area or other form of amusement or

(If additional space is needed, attach pages the same size as this sheet, and number each.)

entertainment is permitted in conjunction with the sale or service of food or drink. The term "cabaret" does not include a theater, or establishments providing musical entertainment by mechanical means without dancing, or by live performance and/or not more than three musical instruments without any means of electrical or electronic amplification connected directly thereto. The term "cabaret" may include a "nightclub". In distinguishing between a "restaurant" and "cabaret", as defined in this chapter, such factors as the extent to which food is served on the premises, the extent to which there is dancing or entertainment on the premises, and whether an admission, minimum or cover fee is charged shall be considered. "

"NIGHTCLUB – A commercial establishment usually opened to the public in the late evening or early morning hours, where alcoholic beverages are sold and consumed on the premises and where live entertainment and/or centrally controlled recorded performances take place, and which may contain a stage, staging area and/or dance floor."

Section three. Section 340-77(B)(2)(c) of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"(c) Restaurant, nightclub, cabaret, café or other place serving food or beverages, provided, however, that no nightclub, cabaret, or other similar use otherwise permitted by law shall be operated in any portion of a building or premises which is below street level, and no nightclub, cabaret, or other similar use shall be permitted on any premises without the prior consent of the Board of Trustees."

Section four. Section 340-82(A)(3) of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"(3) Restaurant, nightclub, cabaret, café or other place serving food or beverages, provided, however, that no nightclub, cabaret, or other similar use otherwise permitted by law shall be operated in any portion of a building or premises which is below street level, and no nightclub, cabaret, or other similar use shall be permitted on any premises without the prior consent of the Board of Trustees."

Section five. Section 340-82(A)(15) of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"(15) Theater, provided that a special use permit is obtained from the Board of Appeals."

Section six. Section 340-98(A)(6) of the Code of the Village of Rockville Centre is hereby REPEALED.

Section seven. Section 340-98(B) of the Village Code is hereby amended by adding thereto a new paragraph, to be paragraph (4), to read as follows:

“(4) Community theaters, which shall include movie theaters with no more than two screens, and theaters for concerts, plays and community events.”

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

Section nine. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2007 of the ~~(County)(City)(Town)~~(Village) of Rockville Centre was duly passed by the Board of Trustees on July 9, 2007, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 200\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 200\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 200\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 200\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 200\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 200\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 200\_, in accordance with the applicable provisions of law.

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\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 200\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 2000\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 200\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body.

(Seal)

Date: July 9, 2007

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
Village Attorney  
\_\_\_\_\_  
Title  
~~County~~  
~~City~~  
of Rockville Centre  
~~Town~~  
Village  
Date: July 9, 2007