



**Chapter 196 Application**  
**Incorporated Village Of Westhampton Beach**  
(631) 288-1654-Fax (631) 288-4332  
Email: [clerk@westhamptonbeach.org](mailto:clerk@westhamptonbeach.org)

Date: \_\_\_\_\_

**APPLICATION REQUIREMENTS:**

In order to obtain a Village Trustee approval for a parcel, it is necessary to give the following information:

- 1) What are you requesting approval for: OUTDOOR DINING  OUTDOOR MUSIC

**Submit the following:**

- (a) Plot Plan-showing the location of outdoor dining or outdoor music  
(b) Submit a written statement describing the dates requested, the times of operation, number of tables and chairs or musical instruments and any other information needed to adequately describe the proposed plan.  
(c) Fee \$100 each

**PART I: OWNER INFO - Please type or Print below**

Suffolk County Tax Map Number: 0905- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Property Location: \_\_\_\_\_

Owner(s) of Record: [ Full Name ] \_\_\_\_\_

Home Phone #: ( ) - \_\_\_\_\_ Work #: ( ) - \_\_\_\_\_ Cell #: ( ) - \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address of Owner(s): \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

If Corporate Officer, Business Name and Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Business Phone #: \_\_\_\_\_

**Note: If this application is being made by someone other than the owner, the owner must sign the owner's authorization at the end of this form.**

Name of Applicant/Agent/Attorney/ Other (if applicable) \_\_\_\_\_

Address \_\_\_\_\_ Telephone Number \_\_\_\_\_

**PART II: VIOLATIONS**

Are there currently any violations of the Village Code at the proposed location? YES  NO

If "YES" please list and describe all violations

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART III: OWNER AUTHORIZATION**

STATE OF NEW YORK )  
  ) s s . :  
COUNTY OF SUFFOLK )

OWNER SIGNATURE

Sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_.

NOTARY PUBLIC

**Chapter 196, OUTDOOR DINING AND MUSIC**

[HISTORY: Adopted by the Board of Trustees of the Village of Westhampton Beach 4-6-2006 by L.L. No. 1-2006. Amendments noted where applicable.]

GENERAL REFERENCES  
Alcoholic beverages -- See Ch. 54.  
Noise -- See Ch. 110.  
Zoning -- See Ch. 197.

**§ 196-1. Outdoor dining; conditions for permit.**

- A. Outdoor dining shall be prohibited unless there is a valid permit in effect issued pursuant to the provisions of this chapter.
- B. The issuance of the permit shall be subject to the following conditions:
  - (1) A permit may only be issued for property used and operated as a standard restaurant, luncheonette, coffee shop, coffee house or tea house as defined in the Zoning Code.
  - (2) The property must be located within the B-1 and B-2 Zoning Districts.
  - (3) The outdoor dining area shall be located on the restaurant property.
  - (4) The outdoor dining area must be shown on a plan that is submitted with the application.
  - (5) Only movable tables, chairs and service counters may be permitted in the outdoor dining area. A service bar or other similar structure shall be prohibited.
  - (6) All garbage and other refuse must be adequately provided for.
  - (7) No garbage or trash shall be allowed to accumulate in the area of the outdoor dining or any area adjacent thereto.
  - (8) The outdoor dining area will not interfere with or prevent the orderly and reasonable use of adjacent properties.
  - (9) The outdoor dining area will not impair the peace and comfort of adjacent properties.
  - (10) Outdoor dining shall be permitted during the period of May 1 to October 31 of each year, and all equipment used for outdoor dining shall be removed by November 10 of each year.
  - (11) Umbrellas, awnings or other similar shading devices shall be permitted with or without advertising.
  - (12) Waiter or waitress service may be, but does not have to be, provided.
  - (13) The permit provided for in this section shall be revoked if there is a written notice of a violation of the conditions set forth herein and said violation continues for a period of 10 days or if there have been two prior written notices of violation within any year.

**§ 196-2. Outdoor music; conditions for permit.**

- A. Outdoor music shall be prohibited unless there is a valid permit in effect issued pursuant to the provisions of this chapter.
- B. The issuance of the permit shall be subject to the following conditions.
  - (1) Outdoor music shall be only allowed in the B-1 Zoning District.
  - (2) The outdoor music shall be located on private property or the area abutting the public sidewalk and the curb.
  - (3) The area of the outdoor music must be shown on a plan that is submitted with the application.
  - (4) The application for the outdoor music shall be made by the owner or tenant of the property or the area abutting the public sidewalk and the curb.
  - (5) Only live musical instruments and karaoke music shall be permitted. [Amended 7-3-2006 by L.L. No. 4-2006]
  - (6) Any amplification shall be limited to the music being played, and all amplification shall not be directed onto adjacent properties.
  - (7) Outdoor music shall be permitted during the period of May 1 to October 31 of each year.
  - (8) The public sidewalk shall not be obstructed to the extent that it prevents the reasonable movement of pedestrian traffic on the public sidewalk.
  - (9) No garbage or trash shall be allowed to accumulate in the area of the outdoor music or any area adjacent thereto.

- (10) *The permit provided for in this section shall be revoked if there are two written notices of violation of the conditions set forth herein within any year.*

**§ 196-3. Issuance of permit.**

*The Board of Trustees may issue a permit subject to the following:*

- A. *An application for a permit shall be filed yearly with Board of Trustees.*
- B. *A permit shall only be issued to the landlord or tenant of the property.*
- C. *The permit shall be effective for the period of May 1 to October 31 of each year.*
- D. *A public hearing on the initial application shall be held by the Board of Trustees.*
- E. *The Board of Trustees may waive the requirement for a public hearing on the renewal of the permit, provided that the renewal application is the same as the original application. If the renewal application contains any minor changes the Board of Trustees may waive the requirement for a public hearing.*
- F. *Before acting on any application, including any renewal, the Board of Trustees shall receive and review a report and recommendation submitted by the Planning Board, Police Department and Department of Public Works. The Board of Trustees may also request additional information from the Village Engineer or any other consultant or professional, and if the Board of Trustees requests such additional information the cost thereof shall be paid by the applicant prior to any determination by the Board of Trustees.*
- G. *Separate permits shall be issued for outdoor dining and for outdoor music.*
- H. *It shall be the obligation of the holder of the permit to insure that the conditions set forth in §§ 196-1 and 196-2 are complied with.*
- I. *In the issuance of a permit for music pursuant to § 196-2, the Board of Trustees may impose conditions including but not limited to the following:*
  - (1) *The period or periods that the permit is in effect;*
  - (2) *The cancellation of a permit for any period or periods if the Board of Trustees determines that it is in conflict with another permit or permits that have been issued based upon noise, interference with the flow of pedestrian traffic on the sidewalk, or litter.*
- J. *The Board of Trustees may deny the renewal of any permit based upon any violations occurring in the prior year.*
- K. *The filing fee for the permit shall be determined from time to time by resolution of the Board of Trustees.*

**§ 196-4. Penalties for offenses.**

*Each violation of the provisions of this chapter shall constitute a separate offense punishable by a fine not to exceed \$500 for the first offense and \$1,000 for each subsequent offense. Each day the violation continues shall constitute a separate offense.*