

(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.

~~XXXX~~

~~XX~~

of Lyndonville, New York, Orleans County

~~XXXX~~

Village

Local Law No. 8 of the year 1998

A local law Prohibiting Loitering
(Insert Title)

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

~~XXXX~~

~~XX~~

of Lyndonville, New York, Orleans County as follows:

~~XXXX~~

Village

A LOCAL LAW PROHIBITING LOITERING

SECTION I - LEGISLATIVE INTENT

It is the intent of the Village Board of Trustees of the Village of Lyndonville to encourage and promote an inviting and friendly Main Street business district wherein the public will feel welcome and comfortable in patronizing specific businesses in said district without the threat of harassment or harm.

SECTION II - LOITERING PROHIBITED

A person is guilty of loitering when he or she:

- a) Loiters or remains in a public place, as defined in the New York State Penal Law, § 240.35; or
- b) Loiters, remains, occupies, congregates, sits or impedes access to the entrance doorway of any business located within the Village of Lyndonville, not having any specific legitimate reason for being there, and not having permission from anyone authorized to grant the same. A legitimate reason shall be a reason connected to the purposes for which the business exists.

SECTION III - GUIDELINES FOR LAW ENFORCEMENT TO PREVENT ARBITRARY OR DISCRIMINATORY ENFORCEMENT

Upon observing a violation of this law by a member of the Orleans County Sheriff's Department, said Sheriff's Department member shall issue a written notice of said violation to the person or persons involved and said person or persons shall be directed to cease and desist said activity. Upon the failure of the person or persons involved to comply with said direction, said person or persons shall be formally charged under this law.

A record shall be kept of said written notices and upon documentation of a repeat violation of this law, the person or persons involved shall be formally charged under this law.

SECTION IV - PENALTIES

If any person shall knowingly violate the provisions of this local law or engage in conduct in violation of this local law, her or she shall be punished as follows:

First Offense: A person under the age of 16 years shall receive a warning notice with a copy of the same being sent to the parent, parents, or guardian of said person. A person over the age of 16 years shall receive a warning notice.

Subsequent Offenses: Persons under the age of 16 shall be detained, and the parent, parents, or guardian notified to retrieve said person under the age of 16.

Persons 16 years of age and over shall be punished by fine of not less than \$100.00 and not more than \$250. Each incidence of any violation of this local law shall constitute a separate offense.

SECTION V - ENFORCEMENT

It shall be the duty of the Orleans County Sheriff's Department to enforce the provisions of this local law.

SECTION VI - SAVINGS CLAUSE

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

SECTION VII - EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State.

(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. 8 of 1998 of the ~~(County) (City) (Town)~~ (Village) of Lyndonville, New York, Orleans County was duly passed by the Board of Trustees on November 9, 19 98, in accordance with
(Name of Legislative Body)
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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)
(Name of Legislative Body)
(not disapproved) (repassed after disapproval) by the _____ and was deemed
(Elective Chief Executive Officer*)
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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)
(Name of Legislative Body)
(not disapproved) (repassed after disapproval) by the _____
(Elective Chief Executive Officer*)
on _____ 19____. 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 _____ 19____, 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was
(Name of Legislative Body)
(approved) (not disapproved) (repassed after disapproval) by the _____
(Elective Chief Executive Officer*)
on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

* 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 chairman 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.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ 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 _____ 19____, 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 19____ 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 a unit and of 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.

(Seal)

Debra H. Miller
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/13/98

(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 ORLEANS

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]
Signature

Village Attorney
Title

~~XXXXX~~
~~XXXXX~~ of Lyndonville, New York, Orleans County
~~XXXXX~~
Village

Date: 11/13/98