

(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 Lyndonville, New York, Orleans County
~~Town~~
Village

Local Law No. 3 of the year 2004.

A local law To Control Loitering in the Village of Lyndonville
(Insert Title)

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

County
City of Lyndonville, New York, Orleans County as follows:
~~Town~~
Village

Local Law To Control Loitering in the Village of Lyndonville

Section 1. Legislative Intent; Findings

The Village Board of the Village of Lyndonville makes the following findings:

- A. There have been numerous citizen complaints directed to the Mayor and Trustees and other local officials concerning the incidence of persons gathering in the public areas of the Village without a legitimate reason for being there. Investigation of these complaints has resulted in the finding that in the places complained of large quantities of refuse, empty beverage containers and other litter have accumulated. In addition, it has been recognized and reported that such illegitimate gatherings have discouraged citizens from legitimate utilization of these areas.
- B. The complaints received and the investigations show that such illegitimate gatherings very often are participated in by groups of people and are associated with noise, yelling, often of an obscene nature, fighting and rowdiness in addition to litter.
- C. It is also found that where this kind of illegitimate gathering occurs, acts of vandalism have been found to occur and damage to public and private property has been sustained. It is also found that the protection of the health, safety and welfare of the community requires action in the public interest to regulate such behavior.

Section 2. Definitions

As used in this chapter, the following terms have the meanings indicated:

LOITER - To stand, lounge, congregate or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this chapter. "Loiter" also means to collect, gather, congregate or be a member of a group or of a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this chapter.

PLACE OPEN TO THE PUBLIC - Any place open to the public or any place to which the public is invited and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship or any place of entertainment, whether or not a charge of admission or entry thereto is made. It includes the entry, corridors and areas open to the public of any store or office building, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned by or under the control of his or her parent or guardian.

PUBLIC PLACE - Any public street, road or highway, alley, lane, sidewalk, crosswalk or other public way or any place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot.

VILLAGE - Village of Lyndonville

Section 3. Prohibited Conduct

- A. It shall be unlawful for any person or group of persons to loiter at, on or in a public place or a place open to the public in such manner:
- (1) As to interfere with, impede or hinder the free passage of pedestrian or vehicular traffic; or
 - (2) As to interfere with, obstruct, harass, curse or threaten or do physical harm to another member or members of the public; or
 - (3) That, by words, acts or other conduct, it is clear and there is a reasonable likelihood to result in a breach of the peace or disorderly conduct or to cause annoyance, inconvenience or alarm or to create a risk thereof.
- B. It shall be unlawful for any person to loiter, as defined herein, at a public place or place open to the public and to fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall endanger the public peace and safety.

Section 4. Exceptions

- A. A gathering of persons shall not be considered to be guilty of loitering if it has a legitimate purpose for being in the public place or shopping area.
- B. Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

Section 5. Penalties for Offenses

Any person violating any of the provisions of this local law shall be punished, upon conviction, by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each offense. Each day that a violation of or failure to comply with any provision of this enactment or any regulations promulgated hereunder by the Village Board occurs, it shall constitute a separate and distinct violation.

Section 6. Severability

If any provision of this chapter shall be invalidated by any court, such provision shall be deemed severable, and the remaining provisions shall continue in full force and effect.

Section 7. Repealer

Village of Lyndonville Local Law No. 8 of the Year 1998 is hereby rescinded and repealed.

Section 8. When Effective

This local law shall take effect immediately upon filing with the Secretary of state as provided by 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. _____ of 20_04_ of the ~~(County)~~ (City) ~~(Town)~~ (Village) of Lyndonville, New York, Orleans County was duly passed by the Board of Trustees on September 13, 20_04_, in accordance with the (Name of Legislative Body) 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 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (Name of Legislative Body) (not disapproved) (repassed after disapproval) by the _____ and was deemed (Elective Chief Executive Officer*) duly adopted on _____ 20____, 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 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (Name of Legislative Body) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. 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 _____ 20____, 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 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 20____, and was (Name of Legislative Body) (approved) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 20____ 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 _____ 20____, 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 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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)

Albee W Miller
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Sept 14 2004

(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

County
City of Lyndonville

Town
Village
Date: 9/14/04