

Local Law Filing

(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 CAPE VINCENT
~~Town~~
~~Village~~

Local Law No. 8 of the year 2003

A local law LOITERING LAW
(Insert title)

Be it enacted by the VILLAGE BOARD of the
(Name of Legislative Body)

~~COUNTY~~
~~City~~ of CAPE VINCENT as follows:
~~Town~~
~~Village~~

Article 1. - Statement of Authority. The Board of Trustees of the Village of Cape Vincent, pursuant to the authority granted it under Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village of Cape Vincent has found that numerous individuals congregating for extended periods in public places, including door stoops, steps, and sidewalks, have had a detrimental impact on business and the general welfare of the Village and have otherwise led to littering and other unsightly or unsafe conditions. It is the purpose of this local law to provide a mechanism for law enforcement officials to disburse individuals from congregating in certain public areas to therefore protect the economic climate of the Village and the Business District and to otherwise provide for a cleaner, safer and more sanitary downtown area.

~~(If additional space is needed, attach pages the same size as this sheet, and number each.)~~ The Board of Trustees of the Village

of Cape Vincent hereby enacts as follows:

- 1) Loitering defined. For the purpose of this local law, loitering shall encompass but not necessarily be limited to one or more of the following acts:
 - a) Obstruction of free, uninhibited passage of pedestrians or vehicles.
 - b) Obstructing, molesting, or interfering with any person lawfully upon any street, park, or other public place.
 - c) Remaining or wandering about in a public place for the purpose of begging.
 - d) Remaining in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia.
 - e) Refusal to disperse after being requested by law enforcement officer to do so.
- 2) It shall be unlawful for any person or persons to loiter in any public street or road, public sidewalk, public park, alley or lane owned and maintained by the Village of Cape Vincent or refuse to move when so directed by a police officer.
- 3) Penalties for Offense.
 - A) Any person violating any provision of this Chapter shall be guilty of a violation as defined under the Penal Law of the State of New York and may be punished by a fine of not less than \$25.00 nor more than \$50.00 or imprisonment for a period not exceeding fifteen days or both. As an alternative, the Court may impose up to twenty hours of community service.
 - B) In the event any person charged under the law is under the age of sixteen (16) years of age, then that persons parent, custodian or legal guardian may be held responsible and cited for any such violation.

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.