

Chapter 74: PEACE AND GOOD ORDER

GENERAL REFERENCES

Alcoholic beverages — See Ch. 72.
Curfew — See Ch. 104
Littering — See Ch. 71.
Noise — See Ch. 73.

§ 74-1. Title.

This chapter shall be known and may be cited hereinafter as the "Offenses Law of the Village South Blooming Grove."

§ 74-2. Legislative intent.

It is the intention of the Village Board of the Village of South Blooming Grove by the adoption of this chapter to establish and to promote peace and good order, protect public property, places and lands and protect in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the Village of South Blooming Grove.

§ 74-3. Word usage; definitions.

- A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense shall include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. As used in this chapter, the following words shall have the meanings indicated:
- PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.
- VILLAGE — The Village of South Blooming Grove.
- VILLAGE BOARD or BOARD — The Village Board of the Village of South Blooming Grove.
- MOTOR VEHICLES — Any vehicle defined as such by the New York Vehicle and Traffic Law, including, but not limited to, automobiles, motorcycles, mini-bikes, dune-mobiles, snowmobiles, all-terrain vehicles or amphibious vehicles.
- PUBLIC PLACES, PUBLIC LANDS — Including, but not limited to, streets, highways, alleys, sidewalks, drives or parking lots located within the Village of South Blooming Grove.
- VILLAGE PROPERTY — All lands, buildings, Village garages, sewer and water district property, parks, parking facilities and/or any other property, or special districts owned by the Village of South Blooming Grove, New York.

§ 74-4. Offenses against public peace.

No person in the Village shall engage in tumultuous conduct or be a vagrant, defined as follows:

- A. Tumultuous conduct. Disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.
- B. Vagrancy. For the status or condition of a vagrant, the following persons shall be termed vagrants:

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- (1) No lawful means of support. Any person having no lawful means of employment and having no lawful means of support, realized solely from lawful occupations or sources, or any person who lives wildly and without visible means of support.
- (2) Loitering. Any person found loitering or strolling in, about or upon any street, alley or other public way or public place, in or at any public gathering or assembly or in or around any store, shop or business or commercial establishment or on any private property or place without lawful business and conducting himself in a loud, wanton or lascivious manner in speech or behavior.
- (3) Abroad at unusual hours. Any person who wanders about the streets, alleys or other public ways or places or who is found abroad at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself.

§ 74-5. Offenses against property.

No person in the Village shall:

A. Against public and private property.

- (1) Unlawfully, maliciously, wantonly, negligently or otherwise remove or mar, cut, mark or otherwise injure real property or improvements thereto or belonging to the Village or any person in the Village.
- (2) Fasten in any way any show card, poster or other advertising device upon any public or private property in the Village unless legally authorized to do so.
- (3) Trespass upon any public or private property within the limits of the Village of South Blooming Grove.

B. Against public property.

- (1) Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fire hydrant, topographical survey monument or any other personal property erected or placed by the Village.

§ 74-6. Applicability to cemeteries.

Commission of the offenses described in the aforementioned provisions of this chapter upon any tomb, monument, grave, bench, tombstone, footstone, headstone, post, marker or other monument for or of the dead, erected or being in any of the cemeteries within the Village of South Blooming Grove or upon the lands, grounds or real property of any cemetery located within the Village of South Blooming Grove, shall be subject to prosecution in accordance with this chapter.

§ 74-7. Parking.

No person may operate or park any motor vehicle on Village property, except on established roadways or in designated areas pursuant to the rules and regulations established by resolution of the Village Board from time to time.

§ 74-8. Fires.

No person shall kindle, build, maintain or in any other way use a fire on public places, public lands or Village property without permission of the Village Board and such other permits as may be required by agencies having jurisdiction.

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§ 74-9. Disorderly conduct.

No person shall indulge in disorderly or noisy or disturbing conduct within the Village or on Village property. Any person who commits any of the acts in the following subsections will be considered in violation of this chapter.

- A. Uses or indulges in offensive, threatening, conduct or behavior.
- B. Acts in such manner as to annoy, disturb, interfere with, obstruct or be offensive to others, or cause such conditions, as to require any request for police or fire service.
- C. Causing crowd to collect. By his actions causes a crowd to collect, except when lawfully addressing such a crowd.
- D. Propel, throw or shoot any missile or solid object, such as stones, eggs, snowballs, sticks, metal, bullets or similar materials, upon or across or toward any street, sidewalk, highway or other public place in the Village where such act would, in fact or potentially, injure or threaten injury to any person or property.
- E. Commit or indulge in any lewd, wanton, indecent, immodest, obscene or filthy act or gesture or expose, display, post, exhibit, paint, print or mark upon any wall or object or place any placard, poster, bill, painting or sign, either as an advertisement or otherwise, upon any building, billboard, wall, fence, tree or other surface so as to be visible from any street or public place, public land or Town property which shall be of a lewd, indecent, immodest, immoral or vulgar character and as may be calculated to shock the sense of decency and propriety.

§ 74-10. Enforcement.

Police officers of the Town of Blooming Grove, or any Police Department serving the Village, and the Building Inspector (as so stated in **§ 70-17** of the Village code) of the Village of South Blooming Grove, **except as regards § 74-4**, shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York.

§ 74-11. Penalties for offenses.

Every person violating any provision of this chapter is subject to a penalty of up to \$1,000 for each such offense and shall pay as a minimum penalty for such violation the following sums:

- A. For the first offense: \$150.
- B. For the second offense within a period of three months: \$200.
- C. For a third offense within a period of six months: \$400.
- D. For a fourth offense within a period of 12 months: \$1000.

§ 74-12. Supersession of other laws; authority.

- A. This chapter supersedes, and is in derogation of, Chapter 169 of the Code of the Town of Blooming Grove, County of Orange, State of New York.
- B. This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

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§ 74-13. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 74-14. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.