

LOCAL LAW NO. 2 OF 2022

A Local Law to Amend Local Law No. 2 of 2022, entitled ‘A Local Law Prohibiting Camping on Public Places Within the Village of Wellsville.’

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE as follows:

SECTION 1: LEGISLATIVE INTENT & AUTHORITY.

The purpose of this local law shall be to prohibit camping and lodging on public streets, publicly owned or leased property, public parks and other prohibited public spaces. People camping on public property and on public right of ways create a public health and safety hazard because of the lack of proper electrical and/or sanitary facilities for such campers. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Moreover, it is probable that large numbers of transient people camping on public streets or public property would strain current Village police, fire and disposal facility resources.

The authority to adopt this local law is derived from Article IX, Section 2(c) of the New York Constitution; Article 2 Section 10 of the Statute of Local Governments and Article 2, Section 10 of the Municipal Home Rule which authorize the Town to adopt local laws and regulations provisions that advance and protect the health, safety and welfare of the community.

SECTION 2: DEFINITIONS.

For the purposes of this local law, the following words, phrases and terms and their derivations shall have the meanings herein given. When not inconsistent with the context, words used in the present tense include the future, words used in the singular include the plural (and vice versa) and words used in the masculine include the feminine. The word “shall” is always mandatory and not merely directory.

A. CAMPING: Residing in or using any public street, publicly owned or leased property, public park or other prohibited public space as determined by the Village Board of Trustees or those charged with the authority to enforce this local law for living accommodations, lodging or sleeping purposes, as exemplified by remaining for prolonged or repeated periods of time (but in no instance overnight) not associated with ordinary use of the street, property, park or public place, with ones possessions or while storing one’s possessions (including, but not limited to, clothing, sleeping bags, bed rolls, sheets,

hammocks, or other sleeping implements, luggage, backpacks, kitchen utensils, cookware and food or beverages) cooking or consuming meals, or lodging in a parked vehicle, tent or other structure or accommodation not suited for permanent living as defined by the New York State Uniform Fire Prevention and Building Code or by any local law adopted as permitted by Executive Law Section 379. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person (or group of persons) is using the public street or right of way or other public property or place as a living, lodging or sleeping accommodation regardless of his intent, or the nature of any other activities in which he might be engaged without a permit from the Village.

B. PROHIBITED PUBLIC PLACES -- Any place not designated as a public campground pursuant to Federal, State or local statute or ordinance and shall include the following:

- a. Public streets, sidewalks, alleyways, passageways and rights of way;
- b. Publicly owned property;
- c. Public parks;
- d. Public parking lots, whether publicly owned or privately;
- e. Public landscaped areas, whether publicly or privately owned and maintained pursuant to a public easement or agreement for public maintenance;
- f. Private property that is readily accessible to the general public or is otherwise open to common general use;
- g. Vacant lots that are readily accessible to the general public or otherwise open to common general use or that attract activity that may pose a threat to public health and safety.
- h. Drainage culverts and basins

SECTION 3. PROHIBITED CAMPING

Except as otherwise provided in this Local Law, no person shall camp or lodge on a public street, including in a vehicle parked on a public street, on publicly owned or leased property, and other prohibited public places. However, nothing herein shall be construed to prohibit camping in public campgrounds pursuant to a permit or license authorized under Federal, State or local statute or ordinances.

SECTION 4: PERMITTED CAMPING

Nothing herein shall prohibit camping on special occasions or for special events provided approval is granted in accordance with the rules, regulations and fees of said regulatory authority. The Village Board of Trustees may establish and may

revise rules, regulations and fees from time to time by resolution.

SECTION 5. FINES AND PENALTIES

Upon conviction, a violation of this local law shall be deemed an offence and punishable by a fine of between \$100 and \$500 or by imprisonment of a term not exceeding 15 days, or by both fine and imprisonment. The court shall consider the number of offences when imposing fines and penalties.

The continued violation of this local law shall constitute, for each day the offence is continued, a separate and distinct offense hereunder.

SECTION 6: ENFORCEMENT

This local law shall be enforced by any officer of the Wellsville Village Police Department, the Village Zoning Officer or the Village Code Enforcement Officer County Sheriff or State Trooper. The Village Zoning Officer, Code Enforcement Officer or Village Attorney is authorized to prosecute violations of this Local Law.

SECTION 7: SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this local law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State as required by law.