

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 Town Village
(Select one:)

of Rockville Centre

Local Law No. 4 of the year 2018

A local law to amend the Code of the Village of Rockville Centre, in relation to
(Insert Title)
use of street, sidewalks and other public places.

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

County City Town Village
(Select one:)

of Rockville Centre as follows:

Section one. Section 274-11 of the Code of the Village of Rockville Centre (Village Code) is hereby amended, to read as follows:

“§ 247-11. Dangerous missiles. No person shall propel, throw or shoot any missiles or solid objects, such as stones, snowballs, sticks, metal, bullets or similar materials, upon or across or toward any street, sidewalk, highway or other public places in the Village where such act would cause, threaten or create injury, or a substantial or unreasonable risk of injury, to any person or property”

Section two. Village Code section 287-15 is hereby amended, to read as follows:

“§ 287-15. Prohibition. Except as provided in Chapter 118, Building Drains, or in Article XII of Chapter 287 of this Code, no person shall install, construct, place or maintain, or permit to be installed, constructed, placed or maintained, in the area between the curb and property line of premises owned or occupied by him, adjoining any street, parking field or parking field walk, any structure, masonry, stones, sprinkler pipes, sprinkler heads, garbage receptacles or any similar devices or fixtures. Notwithstanding the foregoing, sprinkler pipes and sprinkler heads may be located in such area with the written permission of the Superintendent of Public Works, provided that any such permission shall be granted only on condition that the Village shall not be responsible for any damage to such sprinkler pipes and sprinkler heads, or costs to replace or repair the same, or any other consequential damages resulting from any Village

maintenance or repair activity conducted in the area of such sprinkler pipes or sprinkler heads.”

Section three. Village Code section 287-38 is hereby amended, to read as follows:

“§ 287-38. Leaving belongings on streets or public property unlawful. Except as provided in Article XII of Chapter 287 of this Code, it shall be unlawful for any person, his agent or employee, to leave or to suffer or permit to be left, any vehicle, cart, wagon, box, barrel, bale of merchandise or other movable property, either owned by him or in his possession, custody or control, upon any street, sidewalk or municipal parking field, or to erect or cause to be erected thereon any shed, building or other obstruction; excepting, however, that this section shall not apply to materials lawfully placed at the curbs or sides of streets for collection by the Department of Sanitation.

Section four. Village Code section 287-40 is hereby amended, to read as follows:

“§ 287-40. Removal. The Police Commissioner shall remove or can cause to be removed any vehicle, cart, wagon, box, barrel, bale of merchandise or other movable property found upon any street, sidewalk or municipal parking field in violation of any law, rule or regulation, and shall take same, or cause same to be taken, to property or premises of the Village where same shall be held until redeemed or sold as hereinafter provided.”

Section five. The Village is Code is further amended, by adding to Chapter 287 a new article, to be Article XII, to read as follows:

“Article XII. Recreational equipment and activities in or upon public streets, highways, sidewalks or adjacent areas.

§287-49. Definitions. As used in this article, the following terms shall have the indicated meaning:

A. Recreational equipment. Equipment or materials designed and intended to be used for play, which is either portable or attached to a moveable support base, including a portable basketball hoop, or other sports equipment net, base or frame.

B. Public street or highway. Any property (including a sidewalk) constituting part of a public right of way, whether paved or unpaved, or used or open to use by the public for vehicular, bicycle or pedestrian traffic or passage, including adjacent property.

C. Adjacent property. The area of property (i) located between the paved portion of any public right of way and the property line of any adjoining property, whether in private or public ownership, or (ii) adjacent to and within fifteen feet of the boundary of any public right of way or sidewalk.

D. Public place. Any property open to public use which is not part of a public street or highway.

§287-50. Placement of recreational equipment in or upon public places, streets or highways, or adjacent property.

A. No person may place or maintain, or cause or suffer to be placed or maintained, any equipment or materials designed and intended to be used for play, in or upon, or over, any public place (other than a public street or highway), without the express written permission of each Village department having jurisdiction over such public place.

B. No equipment or materials designed or intended to be used for play may be permanently affixed or installed in or upon, or over, any public street or highway, sidewalk, or adjacent property.

C. No person may place or maintain, or cause or suffer to be placed or maintained, any recreational equipment in or upon, or over, any public street or highway, sidewalk or adjacent

property, except as authorized pursuant to this section.

1. No recreational equipment may be used or located in or upon, or over, any street or highway having more than two lanes for vehicular travel.

2. No recreational equipment may be located within five feet of any manhole, catch basin, traffic sign, fire hydrant, light pole, mail box, ground electrical transformer, telephone or other communication ground equipment or installation.

3. Recreational equipment shall be located in a manner which does not impede the safe lawful passage of motor vehicles, bicycles, or pedestrians or the lawful parking of motor vehicles.

4. All persons using recreational equipment in, upon or over a public street or highway, or on adjacent property, shall yield to the lawful passage of motor vehicles, bicycles or pedestrians, including the removal or relocation of such equipment to permit such passage.

5. No recreational equipment may be located in, upon or over a public street or highway when such equipment is not in active use. No recreational equipment may be located or stored in, upon or over an adjacent property when such equipment is not in active use unless such equipment is in an upright position, and in a location where it will not unreasonably obstruct or interfere with lawful passage of vehicles or pedestrians.

6. All recreational equipment shall be maintained in good repair and in a clean and serviceable condition at all times when located on or over a public street or highway, or adjacent property.

7. All recreational equipment in active use shall be attended by one or more persons responsible for such equipment.

8. All persons using recreational equipment shall move or remove the same at the request of any Village official or employee in a manner, and for a period of time, reasonably required to accommodate cleaning, maintenance, construction, snow removal or regulation of traffic upon such public street or highway or adjacent property.

§287-51. Liability.

A. The Village shall not be subject to any claim, nor be liable, for any injury, loss or damage to person or property which results from the use or placement of recreational equipment in or upon any public street or highway, whether in compliance with this article or otherwise, unless the Village has received prior written notice of any cause or condition in the same manner as provided for any claim arising out of the use, maintenance, or design of any public sidewalk, street or highway.

B. Any person who places, or maintains any recreational equipment, or causes or suffers such equipment to be placed or maintained, in, upon or over any public street, highway, sidewalk, or public place, whether in compliance with this article or otherwise, shall be liable for, and shall indemnify and hold harmless the Village, its officers, agents and employees, from and against, any and all claims, liability and expenses (including reasonable attorneys' fees) for or related to any injury to person or property caused or arising out of the use, maintenance, or placement of any recreational equipment on any street, highway, sidewalk or public place.

C. The Village shall not be subject to any claim, nor be liable, for any injury, loss or damage to recreational equipment which is placed, located or maintained in, upon or over any public place or street, or adjacent property, in violation of this article,

§287-52. Violations. Any person who shall be found to have performed or caused to be performed any act in violation of this article shall be guilty of a violation, and shall be subject to punishment as provided in this Code. "

Section six. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such

repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

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

Section eight. This local law shall take effect upon adoption and filing pursuant to the Municipal Home Rule Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 4 of 2018 of the ~~(County)~~(City)~~(Town)~~(Village) of Rockville Centre was duly passed by the Board of Trustees on May 7, 2018, in accordance with the applicable *(Name of Legislative Body)* 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)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. *(Elective Chief Executive Officer*)*

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 (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. Such local *(Elective Chief Executive Officer*)* 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 chairperson 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.

5. (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 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.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: May 7, 2018