

Proposed Changes to the Village Code: Tracked Changes from Existing Code 9/12/2024

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Chapter 2 | Alcoholic Beverages

Alcoholic Beverages 2.1. Consumption Restrictions

The following restrictions shall apply to any person consuming alcoholic beverages including beer, wine and spirits in any container in the Village of Brockport. It shall be unlawful in the Village of Brockport to consume from or possess ~~consume any open container holding liquor, beer, wine, or other~~ alcoholic beverages:

- A. While in or on a public street, public lane, public sidewalk, public facility, public park or trail, or in any public conveyance.
- B. In a private motor vehicle while the same is in motion or parked in or upon any public street, lane or public parking lot.
- ~~C. While upon any private property without the express permission of the owner, legal inhabitant or other person having authority to grant such permission.~~
- D. The sale, offering for sale or serving in connection with other commodities sold or offered for sale of beer or other intoxicating beverages in any public parks in the Village of Brockport is hereby prohibited.

2.2. Penalties for Offenses

A. Any person, corporation or other entity who violates the provisions of this chapter shall be guilty of a violation and shall be subject a fine not to exceed \$250.

~~B. In addition to the penalty above prescribed, it is hereby ordained that each and every violation of 5 2-1 shall constitute disorderly conduct, and the person violating the same shall be liable to a penalty not exceeding \$250 for each and every violation thereof.~~

~~2.3. Publication and Effective Date This chapter shall be entered in the minutes of the proceedings of the Board of Trustees of the Village of Brockport, New York, and published in the Brockport Republic Democrat, the official paper of the Village of Brockport, New York, on September 23, 1937, and a printed copy thereof posted conspicuously in at least three public places in said Village, upon the date of publication thereof in the official paper, and an affidavit of the publication and posting thereof shall be filed with the Village Clerk; and this chapter shall take effect 11 days after such posting and publication.~~

~~2.4. Repealer All ordinances or parts of ordinances in conflict with the foregoing are hereby repealed insofar as such ordinances conflict with the foregoing ordinance.~~

Definitions As used in this Chapter, the following terms shall have the meanings indicated: ALCOHOLIC BEVERAGE Includes all distilled or rectified spirits, wine, fermented and malt liquors. BEER Includes beer, lager, ale, porter and similar fermented malt beverages, the sale of which is not prohibited by a Statute of the United States. CONTAINER Any vessel such as a bottle, glass, cup or similar article, regardless of labeling, designated to hold, or capable of holding a liquid. VEHICLE Any vehicles or motor vehicles as defined by the New York State Vehicle and Traffic Law.

14.4 Garbage – Storage

E. Burning Within Village Limits

1. No person shall burn garbage ~~or refuse material outdoors within the Village of Brockport, brush, leaves, rubbish, refuse, filth, waste, wood, paper or any other material outdoors within the Village of Brockport,~~
2. Open burning is permitted in manufactured appliances, such as grills, which contain and use gas, charcoal or burnable wood materials, as permitted only between the hours of 6:00 a.m. and 11:00 p.m. The burning of manufactured wood products and treated lumber is expressly forbidden.
3. The location and use of food cooking grills and appliances burning solid-fuel materials shall be conducted in a manner acceptable under the provisions of the New York State Uniform Fire Prevention and Building Code ("Fire Code").

F. Hazardous, Offensive or Objectionable Fire

1. Recreational fires shall be supervised by a responsible adult, aged 18 years or older.
2. Any responsible adult enacting a recreational fire in the Village shall have a garden hose connected to the water supply or other fire-extinguishing equipment or materials readily available for use.
3. The Fire Chief, ~~or~~ Chief of Police, Code Enforcement Officer or their designee shall be authorized to order the extinguishing of a recreational fire at their discretion.

Chapter 23 – Parking

Approves parking on South side of King St. there should not be

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-All sections are renumbered from simplified tickets issued by officers all currently list Section 34

Needs to have alternate lot section added back in as follows to enforce parking lot restrictions:

34-3B(1-3)

No person shall park a motor vehicle or trailers of any kind within any of the following public lots, described spaces or zones located in the Village of Brockport:

(1) Parking lots at the following locations between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Wednesday and Friday:

(a) Parking lot between King Street and Erie Street.

(b) North side of Water Street, west lot.

(c) Harvester Park Welcome Center, 11 Water Street.

Exception: Parking can be prohibited when either posted or given notice of any Village of Brockport authorized or sanctioned event.

(2) Parking lots at the following locations between the hours of 2:00 a.m. and 7:00 a.m. on Tuesday and Thursday:

(a) South side of Erie Street.

(b) South side of Water Street.

(c) South side of Market Street.

(d) North side of Water Street, east lot.

Exception: parking spaces adjacent to 38 Market Street for Brockport Fire Department members.

(e) South side of Clinton Street.

Exception: parking spaces in front of 1 Clinton Street for employees and vehicles conducting business with the Brockport Police Department.

(f) Merchant Street, west side from Clinton Street to 38 Merchants Street.

(3) Village of Brockport Municipal Office, 127 Main Street, between the hours of 2:00 a.m. and 7:00 a.m. on any day.

Exception: vehicles parked for conducting business with the Village of Brockport.

Chapter 25 | Peace and Good Order 25.1-

Loitering A. Prohibited Conduct

1. 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 a manner:

- a. As to interfere with, impede or hinder the free passage of pedestrian or vehicular traffic.
- b. As to interfere with, obstruct, harass, threaten, or do physical harm to another member or members of the public.
- c. As to engage in noisy, boisterous or unruly behavior so as to disturb or disrupt the public peace and quiet or to otherwise cause public inconvenience, annoyance or alarm or recklessly create a risk thereof.

2. 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~~disperse when ~~not~~failure to obey such direction shall endanger the public peace and safety.

B. Exceptions

1. 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 center.
2. Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

25.2. Disorderly and Unlawful Conduct

A. No person shall, while in a public place within the limits of said Village, ~~shall~~ engage in disorderly conduct, as is defined by §240.20 in Chapter 40 of New York State law. Disorderly conduct shall include:unlawful conduct as enumerated below:

1. ~~Engaging-Engage~~ in fighting or ~~in~~ violent, tumultuous, or threatening behavior.
2. ~~Making unreasonable noise during the hours of 10:00PM-7:00AM.~~
3. ~~Using obscene language or making obscene gestures in a public place.~~
4. ~~Disturbing any lawful assembly or meeting of persons.~~
5. ~~Obstructing vehicular or pedestrian traffic.~~
6. ~~Congregating with other persons in a public place and refusing to comply with a lawful order of the police to disperse.~~
7. ~~Creating-Create~~ a hazardous or physically offensive condition by any act which serves no legitimate purpose.

3.

~~B. No person shall B~~break, remove or deface any building, fence, awning, sign, tree, shrubbery or ornamental planting in the Village of Brockport.

~~4. A. No person shall engage in such acts so as to cause the D~~discarding of any papers, cans, bottles, garbage, offensive matter, or waste material of any type at any place within the Village, except as provided for and in conformance with Chapter 14 of the Code of the Village of Brockport.

5. Engage in any obscene, lewd, or vulgar act including public urination or defecation.

25.3. Interference with Lawful Assemblages

A. No person or persons shall, in any manner whatsoever, disturb or interrupt or aid in disturbing or interrupting any of the persons composing or belonging to any lawful meeting, congregation or gathering of persons, school, society or association while going to or returning from the same.

~~Redundant~~

~~25.4. Throwing Garbage, Litter or Waste Material~~

~~A. No person shall engage in such acts so as to cause the discarding of any papers, cans, bottles, garbage, offensive matter, or waste material of any type at any place within the Village, except as provided for and in conformance with Chapter 14 of the Code of the Village of Brockport.~~

25.54. Appropriation of Public Property

No person shall take or use any of the property of said Village for his private use without first obtaining the consent of the Board of Trustees.

25.5 Unlawful Noise

- A. No person with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof shall cause, suffer, allow or permit to be made unreasonable noise.
- B. The following acts among others by any person are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.
1. Noise from any sound-reproduction device, playing any radio, personal audio equipment or similar device that produces, reproduces, or amplifies sound in such a manner as to be heard 40 feet from its source or over any property line.
 2. Repetitive noise from a pet/animal, malfunctioning car or building alarm system that is continuously disturbing the comfort and repose of any person in the vicinity and exceeds 15 minutes in duration.
- C. No person shall, within the limits of said Village, keep or maintain any disorderly house; no person shall take part or join or aid or abet in any riotous or tumultuous assemblage or unnecessary crowds upon the streets or in the doorways or stairways adjacent thereto or loiter about such places.

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25.6 Penalties for Offenses

Any person, corporation or other entity who violates the provisions of this chapter shall be guilty of a violation and shall be subject a fine not to exceed \$250.

25.76. Definitions

As used in this Chapter, the following terms shall 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 article. "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 article.

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 amusement and entertainment, whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, hall, corridors and area open to the public of any store, office or apartment 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 article or, in the case of a minor, not owned by or under the control of his parent or guardian.

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

[UNREASONABLE NOISE is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities](#)