

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. 2 of the year 2019

A local law to amend the Code of the Village of Rockville Centre,

(Insert Title)

in relation to placement of objects or materials, including signs, on property of the Village of Rockville Centre.

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. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new Chapter, to be Chapter 311, to read as follows:

“Chapter 311. Village Property.

§311-1. Findings. The Board of Trustees (“Board”) of the Village of Rockville Centre (“Village”) concludes that it is in the best interests of the residents of the Village, and others, that the Village have a clear policy regarding placement of objects or materials on Village property. Due to the passage of time, and changes in legal standards, the current provisions of the Village Code in regard to this subject may now be unclear, insufficiently effective, or inadequate, to provide guidance in regard to the Village’s policies and practices in regard to objects or materials placed on Village property, without permission from the Village or other legal authority to do so. Accordingly, the provisions of this chapter are hereby enacted, to clarify the permissible placement of objects or materials on Village property.

§311-2. Prohibition.

A. No person or entity shall place, or cause to be placed, any objects or material on any property owned by the Village of Rockville Centre except as specifically authorized by law, or pursuant to the provisions of this chapter.

(i) As used in this chapter, the term "Village property" includes, but is not limited to, all property owned by the Village or under the control of the Village, whether or not the property has been made available for public use either as a limited or unlimited public forum or for any other purpose. The term "Village property" also includes streets and utility strips owned by the Village or which are under the Village's control. The Village policy prohibiting placement of objects or materials includes the prohibition of signs or structures of any type and for any purpose unless authorized by law.

(ii) As used in this chapter, the term "law" includes a local law, ordinance, rule or regulation, or other provision of the Village Code.

B. The prohibitions set forth in this section shall not apply where:

(1) a provision of the Village Code authorizes such placement;

(2) the Village has granted express permission for such placement, as permitted by law and under conditions clearly stated in such permission;

(3) the placement is by, or authorized by, a person acting under the authority of the Village, and in furtherance of Village business or purposes;

(4) the placement is by, or authorized by, a person acting under authority of another governmental entity having jurisdiction to allow such placement, and the placement is in furtherance of the business or purposes of that governmental entity;

(5) the placement of such object or material on Village property is specifically authorized by law.

C. Any object or material placed on Village property in violation of the provisions of this chapter shall be considered to have been abandoned by the owner thereof. Any such object or material may be removed by any person acting under authority of the Village, and upon such removal shall be brought to the Village Department of Public Works for storage until disposition.

(1) where the owner of such object or material can reasonably be identified, the Village shall give written notice to such owner that the object or material has been removed to the Department of Public Works, and will be disposed of if not claimed by the owner within thirty (30) days after the date of such notice. Any person purporting to be the owner of such property, and

claiming return of the property, shall provide identification and proof of ownership of such object or material reasonably satisfactory to the Department of Public Works. Prior to the return of such property to such owner, such owner shall be required to pay to the Village the reasonable costs or expenses incurred by the Village for the removal and storage of such object or material, as determined by the Department of Public Works, but in no event less than One Hundred (\$100.00) Dollars.

(2) where the owner of such object or material cannot reasonably be identified, the Village shall retain such object or material for a period of thirty (30) days after removal. If the owner of such object or material does not claim the object or material within such period of time, and pay the costs of removal and storage, in the same manner as provided in the preceding paragraph (1), then upon the expiration of the said thirty (30) day period the Village may dispose of the object or material in any manner permitted by law."

Section two. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section three. This law shall take effect immediately upon adoption and filing with the New York Secretary of State 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. 2 of 2019 of the ~~(County)~~(City)(~~Town~~)(Village) of Rockville Centre was duly passed by the Board of Trustees on April 1, 2019, 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.)

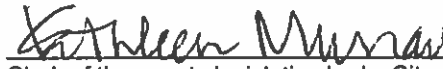
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: April 1, 2019