

VILLAGE OF MONTGOMERY

LOCAL LAW NO. ____ OF 2024

A LOCAL LAW ENTITLED “A LOCAL LAW AMENDING CHAPTERS 80 (PARKS) AND 83 (PEACE AND GOOD ORDER) TO PROHIBIT SLEEPING IN PUBLIC PLACES”

Be it enacted by the Board of Trustees of the Village of Montgomery, County of Orange, State of New York as follows:

Section 1. Title.

This Local Law shall be referred to as “A Local Law Amending Chapters 80 (Parks) And 83 (Peace And Good Order) To Prohibit Sleeping In Public Places”

Section 2. Legislative Findings, Purpose and Intent.

It is the opinion of the Board of Trustees of the Village of Montgomery that it is appropriate to amend certain Chapters of the Village Code to supplement current regulations governing permitted conduct in public places of the Village to include prohibitions against sleeping in such public places.

Pursuant to the statutory powers vested in the Village to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board of the Village enacts this local law.

Section 3. Amendments to Village Code Chapter 80 Entitled “Parks”.

Chapter 80 of the Village Code entitled “Parks” is hereby amended by adding the following bold language to subsection “J” of §80-2 Unlawful Acts:

J. Sleep, tent or camp or erect or maintain a tent, lean-to, shelter or camp in any park except by special permit of the Village Board of Trustees.

Section 4. Amendments to Village Code Chapter 83 Entitled “Peace and Good Order”.

Chapter 83 of the Village Code entitled “Peace and Good Order” is hereby amended by adding the following bold language to §83-5 Loitering and Unlawful Assembly:

No person or persons shall congregate, stand, loaf, **sleep, camp** or loiter upon any street, sidewalk, entrance to building or other area so as to obstruct same, hinder or prevent persons passing or attempting or desiring to pass thereon; nor shall they congregate, stand, loaf **sleep, camp** or loiter in such a manner so as to annoy, disturb, inconvenience, alarm or be offensive to others.

Section 5. Superseding and Repealer Provisions.

This Local Law shall supersede all sections of Article 7 of the New York State Village Law, Article 8 of the New York State Environmental Conservation Law and its associated DEC regulations at 6 NYCRR 617.1 et seq., and Executive Law Section 381 to the extent inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other statute determined to be in conflict with the provisions hereof.

Section 6. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Montgomery hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 7. Repeal.

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

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.