

PROPOSED LOCAL LAW

CHAPTER 1 PUBLIC NUISANCE

Article 1

1-1 Legislative Intent

The Board of Police Commissioners of the Port Washington Police District finds and determines that the peace, good order, health, safety and ambience of the Police District has been jeopardized, diminished and eroded in certain areas by the careless and unseemly custom and practice of individuals who engage in defecation or urination in public places. The Board also finds that the occurrence of such conduct is detrimental to the health, safety, and welfare of the general public.

1-2 Definitions

Public Place- "Public place" means a place within the geographical boundaries of the Police District to which the public or a substantial group of persons has access, and includes, but is not limited to, highways, sidewalks, transportation facilities, parking lots, schools, places of amusement, parks, playgrounds, community centers, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

1-3 Prohibition

No person shall defecate or urinate in any public place, as defined herein, except in a public or private toilet or restroom.

1-4 Penalties for Violations

Any person found guilty of violating Section 1-3 of this chapter shall be subject to a fine of not less than twenty-five (\$25) dollars and not more than one-hundred (\$100) dollars for a conviction of a first offense; upon a conviction of a second offense, within a period of five (5) years of the first conviction, a fine of not less than one-hundred (\$100) dollars and not more than two hundred and fifty (\$250) dollars; and

upon a conviction of a third or subsequent offense, within a period of five (5) years of the second conviction, a fine of not less than two hundred and fifty (\$250) dollars, and not more than five hundred (\$500) dollars, or by imprisonment not exceeding ten (10) days in jail, or by both such fine and imprisonment.

1-5 Severability

If any clause, sentence, paragraph, subdivision, section or part of this chapter is adjudged invalid by a court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part of this chapter that shall be directly involved in the controversy in which such judgment shall have been rendered.