

**RESOLUTION NO. 2022-**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW  
ENTITLED “PUBLIC NUISANCE”**

**WHEREAS**, pursuant to Section 309.0(c) of Article 2 of the Nassau County Civil Divisions Act (the “Charter”), which Charter constitutes state law, the Board of Police Commissioners (the “Board”) is responsible for all the affairs of the Port Washington Police District (the “District”) and for such purpose shall have all the powers of a Town Board; and

**WHEREAS**, as the legislative body of the Port Washington Police District (the “District”), the Board is thus empowered to adopt and amend a Code pursuant to the provisions of the Charter, Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed local law has been prepared, pursuant to enabling legislation, to establish Chapter 1, Article 1, entitled “Public Nuisance”; and

**WHEREAS**, the proposed local law, in final form, has been on the desks or tables of all members of the Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice was heretofore given of a public hearing to be held on March 9, 2022 concerning the adoption of the proposed local law, which local law was available for viewing by the public on the District’s website and during regular business hours at the office of the District Clerk; and

**WHEREAS**, the Board has carefully considered the proposed local law during the seven-day period, conducted a public hearing on March 9, 2022 with respect to the local law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations ("SEQRA"), the adoption of the local law is determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

**WHEREAS**, the Board deems it in the public interest to adopt the proposed local law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Local Law No. 1 of 2022 be and is hereby adopted, which local law reads as follows:

**PORT WASHINGTON POLICE DISTRICT  
LOCAL LAW NO. 1 of 2022**

**A LOCAL LAW ADOPTING CHAPTER 1 OF THE  
DISTRICT CODE ENTITLED "PUBLIC NUISANCE"**

**BE IT ENACTED** by the Board of Police Commissioners of the Port Washington Police District, as follows:

**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.

## **1-6 Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State;

**AND BE IT FURTHER,**

**RESOLVED,** the District Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the local law with the Secretary of State, and to publish a notice of adoption of the local law, which notice shall be in substantially the following form:

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, the Town Law, and Section 309.0(c) of Article 2 of the Nassau County Civil Divisions Act, at a meeting of the Board of Police Commissioners of the Port Washington Police District duly held on March 9, 2022, Local Law No. 1 of 2022 was adopted. The local law created Chapter 1 of the District Code, entitled "Public Nuisance."

Dated: Port Washington, New York  
March 9, 2022

**BY ORDER OF THE BOARD OF POLICE COMMISSIONERS  
OF THE PORT WASHINGTON POLICE DISTRICT**

Dated: Port Washington, New York  
March 9, 2022