

DRAFT # 8

VILLAGE OF OCEAN BEACH, NEW YORK BOARD OF TRUSTEES

Local Law No. __ of 2024

A LOCAL LAW TO AMEND
CHAPTER 123 OF THE VILLAGE
CODE CONCERNING Peace and
Good Order Minor.

WHEREAS, there have been numerous complaints directed to the Mayor and Trustees and other local officials from residents concerning **the instances of disturbances cause by some juveniles in the Village**; and,

NOW, THEREFORE,

BE IT ENACTED, by the Board of Trustees of the Village of Ocean Beach, as follows:

Section 1. Chapter 123, entitled “Peace and Good Order” shall hereby be amended and adopted as follows:

Chapter 123: Peace and Good Order

§ 123-a. Legislative intent; findings.

The Village Board of Trustees of the Village of Ocean Beach makes the following findings:

- A.** There have been numerous complaints directed to the Mayor and Trustees and other local officials from residents concerning **incidences related to juveniles** in the Village.
- B.** The complaints received and the investigations of same show that the protection of the health, safety and welfare of minors and the community requires action undertaken by the Village in the public interest to regulate the presence of minors. The Village acknowledges that the attributes particular to juveniles whose immaturity, inexperience and lack of judgment may serve to impair their ability to exercise their rights wisely necessarily increases the importance of protecting the public welfare.

C. In recognition of the special traits, vulnerabilities and needs of minors and the Village's interest and responsibility to protect its citizens **and visitors** from harm, the purpose of this local law is to protect minors from each other and from other persons on the streets and in public areas..

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§ 123-11**Definitions.**

a. Any violation of this section shall constitute disorderly conduct; and any person, firm or corporation violating the same shall be deemed a disorderly person.

b. MINOR

Any person under the age of 18 years.

c. PARENT

Any natural or adoptive parent or legal guardian or custodian of any minor.

§ 123-11-a. - Procedures

A. Any police officer may detain any minor apparently violating any of the provisions herein without warrant, for a reasonable period of time, while attempting to notify his or her parent of the violation.

B. Any police officer detaining a minor shall, at the officer's discretion, take the minor home or require his or her parent **or guardian** to report to the site of the alleged violation, the Ocean Beach Police Department Headquarters or where directed by the Ocean Beach Police Department.

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§ 123-17 **Penalties for offenses.**

A. It shall be unlawful for any minor to violate any of the provisions of the Village Code.

B. Any minor violating any of the provisions of this chapter or the Village Code may be **arrested, fined, or** required to perform community service as determined by the court.

C. Any parent **or guardian who is responsible for any minor** convicted of violating any of the provisions of this chapter may be punished, by the imposition of a fine not to exceed \$100 for a first offense and not to exceed \$250 for any subsequent offense.

- D.** Any police officer witnessing a violation of this chapter **or receiving a complaint from a witness or victim** may, as an alternative to making an arrest, issue to said violator a notice of violation or appearance ticket, which notice, in addition to such factors as shall be required by such form of notice as may be approved by the Village, shall specify the violation with which said violator is charged and shall set forth the hour, date and location that said violator is summoned to appear in the Justice Court for the Village of Ocean Beach in Ocean Beach, New York, to answer said charge.
- E.** A violation of this Chapter of the Village Code or any Chapter of the Village Code shall be punishable as set forth in this Chapter, the Village Code and Chapter **1**, § **1-14**, of this Code.

§ 123-21 - **Severability.**

If any provision of this chapter shall be invalidated by any court, such provision shall be deemed severable, and the remaining provisions shall continue in full force and effect.

§ 123 **When effective.**

This chapter shall take effect immediately upon filing with the Secretary of State.

Section 2. This local law is determined to be a TYPE II action under the NY State Environmental Quality Review Act (“SEQRA”).

Section 3. This local law shall take effect immediately upon filing with the Office of the Secretary of State.