

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. ___ OF 2022**

**A LOCAL LAW AMENDING CHAPTER 57 OF
THE TOWN CODE ENTITLED “TOWN FACILITIES”.**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Town Board of the Town of North Hempstead finds that loitering in public parking lots for the purpose of engaging in illegal conduct or conduct that is threatening to the public or property of the Town erodes public safety and provides challenges to the proper management of public parking lots. As such, the Town Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 57 of the Town Code entitled “Town Facilities” in prohibit loitering in the off-street parking areas of the Port Washington Public Parking District.

Section 2.

Chapter 57 of the Town Code is hereby amended to add Article III as follows:

Article III Loitering.

§ 57-16 Definitions.

As used herein and unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

OFF-STREET PARKING AREA

A parking area described in Section 83 of the Uniform Traffic Code of the Town of North Hempstead.

§ 57-17. Loitering Prohibited.

No person shall loiter within any Off-Street Parking Area. For purposes of this Section 57-17, a person loiters when he or she:

- A. Loiters, remains in an Off-Street Parking Area or wanders about for the purpose of tumultuous, violent or threatening conduct or when, being present at an assembly which either has become or becomes tumultuous, violent or threatening to members of the assembly or the public, he or she remains there with intent to advance that purpose; or**
- B. Loiters, remains or wanders about in an Off-Street Parking Area for the purpose of any activity which is intended to intimidate the public or interferes with the free passage of another; or**

C. Loiters, remains or wanders about in an Off-Street Parking Area for the purpose of the consumption of alcohol in a public place in violation of any local, state or federal law; or

§ 57-18. Penalty for violation of subsection.

Any person who violates the provisions of this Article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of Section 57-17 above shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date.

This Local Law shall be effective upon filing with the Secretary of State.