

## Chapter 108

### PEACE AND GOOD ORDER

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| § 108-1. Operating motor vehicles.                                | § 108-5. Loitering.                                      |
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**[HISTORY: Adopted by the Board of Trustees of the Village of Camden 2-7-1977 as Ch. 65 of the 1977 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Curfew — See Ch. 75.

Noise — See Ch. 99.

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#### § 108-1. Operating motor vehicles.

No person shall operate a motor vehicle or motorcycle on a public highway or on private property in such a manner as to cause or create any noise of such a character, intensity or duration as to unnecessarily disturb the public comfort, peace or repose.

#### § 108-2. Littering.<sup>1</sup>

No person shall sweep, throw, cast, drop, put or place, or having accidentally dropped, fail to pick up any bag, bottle, bottle cap, box, container, garbage, paper, piece of paper, wrapper or any other trash or litter in or upon any public place, park or building except in receptacles provided for such purposes, or to permit any person under his control or employ to do the same.

#### § 108-3. Depositing trash, snow or other debris on public places.

- A. No person shall sweep, throw or deposit, or cause to be swept, thrown or deposited, any ashes, dirt, stone, brick, leaves, grass, weeds or any other debris or rubbish of any kind; or any water or liquid of any kind except for purposes of cleansing the same into any gutter or public place or upon any sidewalk within the village.<sup>2</sup>
- B. This section shall not apply to water or liquids running into streets as a result of fire fighting or flushing of fire hydrants by authorized personnel or the use in a reasonable

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

manner of ashes, salt or other material for the purpose of reducing the hazard of or providing traction on snow, ice or sleet.

**§ 108-4. Littering by trucks or other vehicles.<sup>3</sup>**

No truck or other motor vehicle or trailer or other motor conveyance shall be operated or loaded in such a manner that any part or portion of its load, whether sand, gravel, stone, dirt, rubbish, paper, boxes, trash or other material shall be dropped, blown or caused to fall or be dropped upon any public place in the village.

**§ 108-5. Loitering.<sup>4</sup>**

- A. Findings and purpose. The Board of Trustees of the Village of Camden hereby finds and determines that the adoption of this section is necessary to protect the public health, safety and welfare.
- B. Definitions. The following terms shall be given the meaning indicated when utilized in this section:

ADULT — A person who has attained at least the age of 18 years.

LOITER — To consume time idly, linger, delay, dawdle, move slowly, lounge, congregate, gather, hinder, be dilatory, spend time in an idle manner or travel indolently in a public place or public area in a manner prohibited under this chapter.

MINOR — A person who has not yet attained the age of 18 years.

PERSON — Any minor or adult.

PUBLIC PLACE or PUBLIC AREA — Any place to which the public or a substantial group of the public has access and includes, but is not limited to, any hospital, school building, library, office building, common area of any apartment building, alley or alleyway, street, street crossing, highway, expressway, lane, road, turnpike, toll road, bridge, overpass, underpass, sidewalk, crosswalk, skybridge, park, playground, plaza, courtyard, square, driveway, parking lot or transportation facility, vacant lot, resort, place of amusement, carnival, show, retail building, shopping center, restaurant and hotel lobby and any other building, structure or land or area, whether publicly or privately owned, which is open to the public or a substantial group of the public.

REMAIN — To linger or stay, whether on foot, skateboard, roller blades, roller skates, bicycle, moped, motorcycle, automobile, truck or other mode of transportation in a manner prohibited under this chapter; or to fail to leave the premises when requested to do so by a peace officer or the owner, operator or person in control of the public place or public area.

WANDER ABOUT — See "loiter."

- C. Prohibited conduct.

<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>4</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) It shall be unlawful for any person or group of persons to loiter, remain or wander about in a public place or public area when he, she or they:
  - (a) Do so for the purpose of gambling with cards, dice or other gambling paraphernalia;
  - (b) Are masked or disguised in unusual attire or facial alteration, or permit or aid persons so masked to loiter, remain or wander about in a public area or public place, unless this conduct is in connection with a masquerade party or like entertainment if, when held in a city which has promulgated regulations in connection with these affairs, permission is first obtained from the police or other appropriate authorities;
  - (c) Are present in school buildings or on school grounds or college or university buildings or grounds without any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having permission from anyone authorized to grant the same;
  - (d) Are present in a transportation facility, unless specifically authorized to be there for the purpose of soliciting or engaging in any business, trade or commercial transaction involving the sale of merchandise or services, or for the purpose of entertaining persons by singing, dancing or playing any musical instrument;
  - (e) Do so in a manner which interferes with or obstructs the ordinary or free use of such public place or public area by persons passing along and over the same;
  - (f) Commit any act or do anything which constitutes an obstruction to or interference with the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon any public place or public area;
  - (g) Have been requested to move on by a police or peace officer enforcing this chapter or the owner, operator or person in control of the public place or public area; or
  - (h) After having been requested to move on by a peace officer or the owner, operator or person in control of the public place or public area, reassemble to loiter, remain or wander about in the public place or public area on the same day.
- (2) Loitering for the purpose of unlawfully using or possessing a controlled substance. It shall be a Class B misdemeanor for any person or group of persons to loiter for the purpose of unlawfully using or possessing a controlled substance. "Controlled substance" is defined in § 220.00 of the Penal Law.
- (3) Loitering for the purpose of promoting or engaging in prostitution.
  - (a) Promoting prostitution. It shall be a Class A misdemeanor for any person or group of persons to loiter, remain or wander about in a public place or public area for the purpose of promoting prostitution. "Prostitution" is defined in § 230.00 of the Penal Law.
  - (b) Engaging in prostitution.

- [1] It shall be a violation for any person or group of persons to loiter, remain or wander about in a public place or public area for the purpose of engaging in prostitution as defined in § 230.00 of the Penal Law.
  - [2] It shall be a Class B misdemeanor if such person or persons has or have been previously convicted of a violation of this section.
- (4) Daytime curfew.<sup>5</sup> It shall be a violation for any minor subject to compulsory education to loiter, remain or wander about in a public place or public area unsupervised between the hours of 8:30 a.m. and 2:30 p.m. on days when school is in session, unless the minor:
- (a) Is on an emergency errand directed by his or her parent, guardian or other adult person having care and custody of the minor;
  - (b) Is going to or coming from his or her place of employment, or is in a place he or she is required to be relative to a business, trade, profession or occupation in which the minor is lawfully engaged;
  - (c) Has permission to leave campus for lunch and has in his or her possession a valid, school-issued, off-campus permit;
  - (d) Is going to or coming from a medical appointment; or
  - (e) Is returning directly home from a public meeting, place of public entertainment, sporting event or other school activity.
- D. Guidelines for application of prohibitions. Any peace officer charged with the enforcement of this chapter shall do so in a reasonable manner and in such further manner so as to prevent arbitrary or capricious enforcement. The Chief of Police shall promulgate further guidelines for the enforcement of this chapter.
- E. Constitutionality. Nothing in this chapter shall be construed so as to deny the rights of peaceful assembly and free speech as guaranteed by the Constitution of the State of New York or the Constitution of the United States of America.

#### **§ 108-6. Discharge of firearms, air guns or spring guns.**

No person shall discharge any firearm, air gun, spring gun, sling shot or other instrument or weapon within the village except in self defense or in the discharge of official duty or during a Memorial Service or Veteran's Funeral or at an indoor rifle range operated under the supervision, guidance and instruction of a duly commissioned officer of one of the armed forces, including the National Guard and Reserve forces, or a duly qualified adult citizen of the United States who has been granted a certificate as an instructor of small arms practice issued by one of the armed forces of the United States, the Adjutant General of the State, or by the National Rifle Association of America.

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<sup>5</sup> Editor's Note: For additional curfew provisions, see Ch. 75, Curfew.

**§ 108-7. Penalties for offenses.**

Any violation of any provision of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.