

# Local Law Filing

New York STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City  
Town of Baxter Estates  
Village

FILED  
STATE RECORDS  
DEC 26 2023

DEPARTMENT OF STATE

Local Law 4 of the year 2023

*(Insert Title)*

A local law establishing a new Chapter 145, "Public Places, Regulation of," of the Village Code, to prohibit certain unsanitary conduct in public places

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

County  
City  
Town of Baxter Estates  
Village

**Section 1.** Legislative Findings and Intent. The Board of Trustees (the "Board") of the Village of Baxter Estates (the "Village"), has determined that the peace, good order, health, safety and welfare of the Village and its residents has been adversely impacted in certain areas of the Village by the careless and unseemly custom and practice of some individuals who engage in human waste elimination in public places having no sanitary facilities, or by not using available sanitary facilities. The Board has determined that such activity is detrimental to the health, safety and welfare of the public, including Village residents. The Board finds that amending the Village Code to include the provisions set forth hereinafter should discourage and reduce instances of such unsafe and unhealthy conduct.

**Section 2.** A new Chapter 145, "Public Places, Regulation of," is hereby added to the Code of the Village of Baxter Estates, to read in its entirety as follows:

"Chapter 145            Public Places, Regulation of

Article 1        Prohibited Sanitary Conduct

§ 145-1        Prohibition. No person may defecate or urinate in or on any public street or sidewalk anywhere within the Village of Baxter Estates, or in or on any park, field, playground, building, facility or other area of public assembly, owned or operated by the Village of Baxter Estates, except in a public or private toilet or restroom.

§ 145-2        Penalties for offenses. Each and every violation of, or failure to comply with, any provision of this Chapter shall constitute a violation, punishable as follows: for a conviction of a first offense, by a fine up to but not more than \$250, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; for a conviction of a second offense, both of which were committed within a period of five years, by a fine not less than \$250, nor more than \$500, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; and for a conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine not less than \$500, nor more than \$1,000, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment. Each day that a violation occurs or continues shall be deemed a separate and distinct violation hereunder."

**Section 3.**Effective Date.

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the (County)(City)(Town)(Village) of Baxter Estates was duly passed by the Board of Trustees on October 4, 2023, in accordance with the applicable provisions of law.  
(Name of Legislative body)

~~**2. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ (Name of Legislative body) \_\_\_\_\_ (re-passed after disapproval) by the \_\_\_\_\_ and was deemed duly \_\_\_\_\_ (Elective Chief Executive Officer<sup>1</sup>) adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ (Name of Legislative Body) and was (approved)(not approved) (re-passed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer<sup>1</sup>) on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was \_\_\_\_\_ (Name of Legislative Body) (approved)(not approved) (re-passed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer<sup>1</sup>) on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

<sup>1</sup> Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**6.—(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph   1  , above.

  
Clerk of the Incorporated Village of Baxter Estates

(Seal)

Date: October 20<sup>th</sup>, 2023