

## Chapter 70

### PEACE AND GOOD ORDER

#### GENERAL REFERENCES

Penalties for offenses — See Ch. 1, § 1-12.	Noise by dogs — See Ch. 32.
Access to Village — See Ch. 25.	Films and movie making — See Ch. 51.
Aircraft — See Ch. 27.	Peace and good order — See Ch. 70.
Noise from alarm devices — See Ch. 29.	Peddling and soliciting — See Ch. 71.
Public consumption of alcoholic beverages — See Ch. 30.	

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#### § 70-1. Legislative intent.

This chapter is intended to preserve the public peace, good order, safety and welfare of the people of the Village of Tuxedo Park and to regulate the use of public and private premises.

#### § 70-2. Definitions.

In addition to the definitions contained in Chapter 1 hereof, the following terms shall have the meanings indicated:

**BUILDING** — In addition to its ordinary meaning, includes any structure, vehicle or watercraft used for overnight lodging of persons or used by persons for carrying on business therein, or an enclosed motor truck trailer. Where a building consists of two or more units separately secured or occupied, each unit shall be deemed both a separate building in itself and a part of the main building.

**DWELLING** — A building which is usually occupied by a person lodging therein at night.

**ENTER OR REMAIN UNLAWFULLY** — A person "enters or remains unlawfully" in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders does so with license and privilege unless notice against trespass is personally communicated to him by the owner of such land or other

authorized person or unless such notice is given by posting in a conspicuous manner.

NIGHT — The period between 30 minutes after sunset and 30 minutes before sunrise.

PREMISES — Includes the term "building," as defined herein, and any real property.

PROPERTY OWNER — For purposes of this chapter only, any individual or entity noted on the Village tax records as a property owner, family members of such property owner(s), and residents of the property. **[Added 11-12-2008 by L.L. No. 6-2008]**

### **§ 70-3. Entering or remaining unlawfully prohibited.**

No person shall knowingly enter or remain unlawfully in or upon any public or private premises within the Village of Tuxedo Park.

### **§ 70-4. Use of Village-owned property.**

- A. Under no circumstances shall any person, firm or corporation be permitted to damage, build upon, pave, fill, excavate, timber upon or conduct any other encroachment or unauthorized use of any Village-owned property, including public highways and lake beds.
- B. Exemptions may be granted only upon prior review and written permission from the Board of Trustees.

### **§ 70-5. Discharge of firearms.**

- A. The discharge of firearms in the Village is restricted to the discharge of shotguns with birdshot only on the property of the owner or the property of another with written permission and in compliance with any other state, federal or local law.
- B. The provisions of this chapter shall not apply to the use of recurve bows for target practice only, provided that proper safety precautions are observed.
- C. The use of compound bows or crossbows are prohibited.
- D. Any person violating this section shall be fined not less than \$500 nor more than \$1,000 for a first offense; nor less than \$1,000 nor more than \$2,000 for a subsequent offense thereof.

### **§ 70-6. Restricted activities.**

- A. Work creating noise, including the delivery, removal or use of heavy equipment, construction, demolition, excavation, tree cutting, landscaping work, exterior repairs or any other work that creates noise beyond the subject property line shall be permitted only on weekdays between 8:00 a.m. and 4:30 p.m. No such activity shall be permitted on

Saturday or Sunday or on any New York State recognized holiday. **[Amended 4-24-2004 by L.L. No. 2-2004; 11-12-2008 by L.L. No. 6-2008]**

- B. Excepted from Subsection A above are snow or ice removal by snowblowers and other machinery designed for the purpose of removing snow or ice, but specifically excluding leaf blowers and other similar equipment, and abatement of imminent hazards. Also excepted from Subsection A above is normal property maintenance performed by the property owner on any day, other than New York State recognized holidays, between 9:00 a.m. and 4:30 p.m. Normal property maintenance may be performed by nonproperty owners on Saturdays between 9:00 a.m. and 4:30 p.m., provided that such maintenance does not create noise beyond the subject property line. Nonproperty owners performing leaf removal and landscaping activities may create noise that extends beyond the subject property line between 9:00 a.m. and 4:30 p.m. on any Saturday in November prior to the Thanksgiving holiday of each year. **[Amended 11-12-2008 by L.L. No. 6-2008; 3-18-2009 by L.L. No. 2-2009]**
- C. Village operations, authorized garbage collection vehicles operating under a permit issued by the Board of Trustees and bona fide medical, fire and utility emergencies are exempt from these restrictions. Other exceptions may be granted by the Mayor, Police Chief or Board of Trustees upon prior written request.