

**ORDINANCE REGULATING PARKING OF VEHICLES ON TOWN HIGHWAY IN
THE TOWN OF LAKE LUZERNE**

Restriction on parking of vehicles

No vehicle shall be parked or left standing on any public street or highway in the Town of Luzerne between the hours of 12:00 p.m. and 6 a.m. from the 15th day of November to the 15th day of April of each year.

Penalties

A violation of this ordinance shall be an offense punishable by a fine not exceeding the sum of \$50.00 for each violation. The Town Superintendent of Highways is hereby authorized to cause any vehicle found parked or left standing on any public street or highway in the Town of Luzerne during the hours prohibited by this ordinance to be towed away and removed from such public street or highway and in lieu of a fine, the owner of such vehicle or the persons who parked such vehicle or left the same standing in violation of this ordinance, must pay the actual and reasonable cost of towing or removing such vehicle from the public street or highway.

ORDINANCE REGULATING PARKING IN THE TOWN OF LAKE LUZERNE

The Town Board of the Town of Lake Luzerne, Warren County, New York, pursuant to Section 1660 of the Vehicle and Traffic Law of the State of New York, does hereby enact and ordain the following ordinance.

Section 1. For the purposes of this ordinance, the words “vehicle”, “owner”, “parked”, and “standing” shall have the meaning as defined in the Vehicle and Traffic Law of the State of New York. No vehicle shall be parked or left standing at any time on the easterly side of the entire length of the street or highway designated as Lawrence Street or on the north side of the street of highway designated as Bay Road between the street or highway designated as School Street and the street or highway designated as Hill Street or on the northerly side of School Street. No vehicle shall be parked or left standing. on the southerly side of the street or highway designated as Broadway, between Pierpont Road and Seventh Avenue. There shall be no parking on the east side of Howe Road from the bridge over the main stream and continuing south a distance of 1400 feet.- *Added May 7, 2003.* There shall be no parking on the premises within the Pierpont Beach, and Wayside beach area between the hours of 9:00 p.m. and 7:00 a.m. –*Added March 28, 2001.* A violation of this ordinance shall constitute an offense and shall be punishable by a fine of no more than \$50.00. No vehicle shall be parked or left standing at any time on the northerly side of the highway designated as Hidden Valley Road between a point at the main driveway of the Double H Hole in the Woods Ranch southerly to the entrance to the main parking lot of the Double H Hole in the Woods Ranch

ORDINANCE TO INSURE THE FUTURE PRESERVATION AND ENVIRONMENT OF IVY ISLAND

It shall be unlawful for any person to trespass upon Ivy Island at any time, except within the written permission of the Town Board of the Town of Lake Luzerne. A violation of this Ordinance shall be an offense punishable by a fine not to exceed \$250.00

This Ordinance to take effect immediately.

Adopted October 10, 1995.

TOWN OF LAKE LUZERNE, WARREN COUNTY, N.Y.
AN ORDINANCE RELATING TO LITTERING

No person shall throw, or deposit, or cause to be thrown or deposited any dirt, filth, wastes, tin cans, containers, bottles, or any discarded substances of a solid nature in or upon and public place whatsoever within said Town except in the area designated as the Town Dumping area.

A violation of this ordinance shall constitute an offense punishable by a fine of up to \$250.00 as determined by the Court.

Should any section or provision of this ordinance be decided by the Court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Amended May 27, 2004

ORDINANCE REGULATING THE DEPOSIT OF GARBAGE AND RUBBISH

BE IT RESOLVED AND ORDAINED by the Town Board of Lake Luzerne, Warren County, New York as follows:

Section 1. Definitions: The term “person” as used by this ordinance shall include an individual, society club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

The term “rubbish” as used in this ordinance shall include waste metal, tin cans, ashes, cinders, glass, pottery and all discarded substances of a solid and incombustible nature.

The term “garbage” as used in this ordinance shall include waste food, papers, dead animals or parts thereof, and all waste or discarded wood, lumber or vegetable matter of any kind, or other matter which shall be inflammable or capable of fermentation or decay.

Section 2. Site: The premises owned by the Town of Lake Luzerne on Towner Road are hereby designated as the Transfer Station of this Town for rubbish by the residents of the town, subject to the provisions of this ordinance. The regulations herein contained shall also apply to any other lands hereafter acquired or leased for the purpose of disposal of rubbish.

Section 3. Manner of Use: No person shall deposit or cause to be deposited any substance of any kind in the Transfer Station herein designated, except at here stated places and in the manner directed by the person in charge of the premises under authority of the Town Board, whether such direction is given personally, or by another person by his authority, or by a sign or signs erected upon the premises by this authority.

Section 4. Further General Restrictions: No person shall throw or cause to be deposited or thrown, any garbage, rubbish or abandoned vehicles or parts thereof, in or upon any public highway, street or place within said Town of Lake Luzerne excepting upon the Transfer Station aforesaid pursuant to the regulations thereof.

Section 5. No Shooting: No person shall engage in or conduct on the premises described in section 2, the discharging of any firearms at any time.

Section 6. Time: Rubbish and garbage shall be deposited only during posted hours.

Section 7. Penalties: Any person violating any of the provisions of this ordinance shall subject guilty of a violation, by a fine not exceeding \$250.00 for each offence. A violation of this ordinance shall be considered disorderly conduct.

Section 8. Restrictions of use, garbage: No person shall carry or leave or cause to be carried or left upon the premises mentioned in Section 2 of this ordinance, any garbage as herein described; or any materials, waste or offal of any kind when and which shall give any offensive odor, either when left upon the premises or thereafter, or which creates or thereafter may create a nuisance of any kind, or which shall be or may become dangerous to human or animal life.

Section 9. Restrictions against Burning: No persons shall burn rubbish or garbage upon the premises mentioned in Section 2 of this ordinance, but this shall not prevent the caretaker of the Transfer Station under the direction of the Town Board from burning combustible articles in a confined area.

AN ORDINANCE REGULATING DRINKING IN PUBLIC

1. No person shall have in his possession any open bottle or container containing liquor, beer, wine, or other alcoholic beverage while such person is on any public highway, public street, public parking area or in any vehicle or public place, except those premises duly licensed for sale and consumption of alcoholic beverages on the premises, whatsoever in said Town.
2. An open bottle or open container in any vehicle shall be presumptive evidence

that the same is in possession of all the occupants thereof and in violation hereof.

3. A violation of this ordinance shall constitute an offense punishable by a fine not exceeding \$150.00.
4. Should any section or provision of this ordinance be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

PEDDLING, VENDING AND SOLICITING
ORDINANCE TOWN OF LAKE LUZERNE

ENACTED AND ORDAINED by the Town Board of the Town of Lake Luzerne,
Warren
County, New York, as follows:

Section 1. Definitions. The terms Vendor, Hawker and Peddler – Include, except as hereinafter expressly provided, any person, either principal or agent, who, from any boat or car or on a railroad track or in any public place or by going from house to house or place of business to place of business on foot or on or from any animal or vehicle, sells or barter, offers for sales or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk or newspapers.

The term “solicitor” as used in this ordinance shall mean and include any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take, orders for goods, wares or merchandise, excepts as hereinafter exempted, or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

The term “established place of business” as used in this ordinance shall mean and include a building or store in which the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits for during regular business hours.

The word “person” as used in this ordinance shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

Section 2. Exemptions. Nothing in this ordinance shall be held to apply to any sales conducted pursuant to statute or order of any court, to any person selling personal property at wholesale to dealers in such articles, to merchants having an established place of business within the Town or their employees or to the peddling of meats, fish, fruit and similar produce by farmers and persons who produce such commodities, or to dealers in milk, baked goods, heating oil and daily newspapers, to any honorably discharged member of the armed forces of the United States who has procured a license by the General Business Law of the State of New York; or to persons soliciting or collecting for any bona fide charitable organization. This ordinance shall

also not apply so as unlawfully to interfere with interstate commerce.

Section 3. License Required. It shall be unlawful for any person, within the territorial limits of the Town of Lake Luzerne, New York, to act as a hawker, peddler or solicitor as herein defined without first having obtained and paid for, and having in force and effect, a license therefore.

Section 4. Application for License. Every applicant for a license herein shall submit to the Town Clerk a written application, under affidavit, setting forth the following information to wit: That he is a citizen of the United States; that he has never been convicted of a felony or misdemeanor (or if so, giving the details); a detailed statement of the particular business, trade or occupation for which the license is requested; the number and kind of vehicles, if any, to be used by the applicant in carrying on the business for which the license is requested; the kinds of goods, wares and merchandise he desires to sell or the kind of service he desires to render; the name, address and age of the applicant; the name and address of the person, firm or corporation he represents; the names and addresses of all partners, if a partnership, and the names and addresses of the principal offices, if a corporation, and the name and address of a person upon whom a legal notice may be served; and such other information as may be required by the Town Clerk.

Section 5. License. Upon the filing of the application, as provided in the preceding section, the Town Clerk shall, upon his approval of such application, issue to the applicant a license as provided in Section 3, signed by the Town Clerk. Except as hereinafter provided no license shall be refused except for a specific reason and for the protection of public safety, health, morals or general welfare. A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person shall be guilty of a violation of this ordinance. Such license shall automatically expire on December 31 following the date of issuance of such license, but such license may be provided for an earlier expiration date. No license shall be granted to a person under eighteen years of age. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection or revocation no longer arises. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand to any police officer or citizen.

Section 6. License Fee. The license fee to hawkers, peddlers or solicitors shall be as follows: Residents of the Town of Lake Luzerne, \$25.00. Non-residents of the Town of Lake Luzerne, \$50.00 - one calendar year. Other Fees: Vending Permit - \$500.00 for non-resident, \$300.00 for residents. Also a State Health Certificate and Certificate of Insurance with \$100,000 coverage and having the Town named as an additional insured shall be provided.

Section 7. Employees of Licensee. Any licensee may not employ more than two persons to assist in selling and delivering the wares, but such persons shall so act only while accompanying a licensed peddler, hawker or solicitor.

Section 8. Name and Address on Vehicle. Every vehicle used by a licensed hawker,

peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such vehicle and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

Section 9. Refusal or Revocation. Upon the refusal of the Town Clerk to issue a license to any applicant or upon the determination of the Town Board that any license shall be revoked the procedure prescribed in Section 137 of the Town Law shall be complied with. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason therefore in writing shall be served by the Town Clerk upon the person named in the application or by mailing the same to the address given in the application, and a copy of such notice shall be filed with the Town Clerk.

Section 10. Restrictions. A licensed hawker, peddler or solicitor shall:

- (a) not falsely, or fraudulently misrepresent the quantity or quality of any article offered for sale, or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- (b) keep the vehicles, and receptacle used by him in a clean and sanitary condition and the food stuff and edibles offered for sale well covered and protected from dirt, dust and insects.
- (c) conduct business only in those public places or streets that may from time to time be designated by the Town Board and such periods of time as the Town Board shall determine from time to time. - *Amended June 22, 1992*
- (d) not sell any confectionery or ice cream within 250 feet of any school between the hours of 8:00 A.M. and 4:00 P.M. on school days.
- (e) not permit any vehicle used by him to stop or remain on any cross walk.
- (f) not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- (g) not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares or shout or cry out his wares.
- (h) not solicit business between the hours of 9 o'clock in the evening and 9 o'clock of the following morning.

Section 11. Orders. All orders taken by licensed solicitor, who demand, accept or receive payment or deposit of money in advance of final delivery, shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given

to the purchaser at the time the deposit of money is paid to the solicitor.

Section 12. Records. It shall be the duty of the Town Clerk to keep a record of all applications and of all licenses granted under the provisions of this ordinance, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

Section 13. Penalty. Any person, who himself or by his agent, or employee, shall act as a hawker, peddler or solicitor as herein defined, without a license, or shall violate any of the provisions of this ordinance or who having had his license revoked, shall continue to act as a hawker, peddler or solicitor, shall, upon conviction, be punished by a fine of not less than \$500.00 or more each day on which such violation occurs shall constitute a separate offense.

Section 14. Saving Clause. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 15. Effective Date. This ordinance shall take effect ten days after publication and posting, or immediately upon personal service, as provided by Section 133 of the Town Law.

**AN ORDINANCE REGULATING THE OPERATION OF MOTOR BOATS ON THE
WATERS OF LAKE LUZERNE IN THE TOWN OF LAKE LUZERNE, WARREN
COUNTY, NEW YORK**

ENACTED AND ORDAINED by the Town Board of the Town of Lake Luzerne,
Warren County, New York, as follows:

Section 1. Definitions. The term “person” as used in the ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

The term “boat” as used in this ordinance shall include any vessel propelled in any other manner than by hand.

The term “motor” as used in this ordinance shall include both inboard and outboard engines using gasoline or similar fuel.

The term “waters” as used in this ordinance shall include only the waters of Lake Luzerne.

Section 2. Restrictions on use. No person shall operate on the waters of Lake Luzerne any boat having installed in or attached thereto a motor having a rated power exceeding 7 and one-half (7 ½) horsepower.

Section 3. Penalties. Any person violating any of the provisions of this ordinance shall be guilty of a violation and be punishable by a fine not exceeding \$350.00 for each offense, and in addition shall be guilty of disorderly conduct.

**AN ORDINANCE TO RESTRAIN THE RUNNING AT LARGE OF DOGS IN THE
TOWN OF LAKE LUZERNE, NEW YORK, AND GENERALLY REGULATING DOG
OWNERS' RESPONSIBILITIES**

BE IT RESOLVED AND ORDAINED, by the Town Board of the Town of Lake Luzerne, Warren County, New York, as follows:

Section 1. It shall be unlawful for any person owning, harboring or otherwise keeping or having in his custody a dog, to:

- (a) Permit such dog to run at large within the Town of Lake Luzerne other than upon the premises of the owner or custodian unless said dog shall be on a leash or accompanied by a competent person having control of such dog, or unless it be upon the premises of another person with the knowledge and consent of the person.
- (b) Engage in habitual loud howling or barking or to conduct itself in such a manner so as to habitually annoy any person other than the owner or person harboring such dog.
- (c) Cause damage or destruction to property, or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.
- (d) Chase or otherwise harass any person in any manner as shall cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

Section 2. For the purposes of this ordinance:

- (a) A dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by the owner.
- (b) A female dog, in heat, shall be confined to the owner's premises and shall not be permitted to run at large.
- (c) Shall not apply to seeing-eye dogs during such time as such dogs are performing the function for which they are trained.

Section 3. Any dog found to be running at large in violation of this ordinance shall be seized, and such dog shall be properly fed and cared for until disposed of as provided by Section 114 of

the Agriculture and Markets Law.

Section 4. If any dog kept in the Town of Lake Luzerne has attacked or chased a person or domestic animal at any time, the owner thereof or person harboring or having custody of the same shall keep such dog properly muzzled at all times thereafter.

Section 5. The Town Board may also enforce obedience to this ordinance by injunction.

Section 6. The invalidity of any section, provision, or portion of this ordinance shall not invalidate any other section, provision, or remaining portion thereof.

Section 7. Any person convicted for violating any provision of this ordinance shall be liable to a fine \$100.00 not to exceed \$300.00 and a violation of this ordinance shall constitute disorderly conduct.

Section 8. A dog owner may redeem his or her dog from impoundment upon paying a seizure/pickup fee in the amount of \$30 for the first offense and \$40 for each offense thereafter plus the cost of board as per contracting agency, plus the cost of emergency veterinary care necessary while impounded, as well as a maximum holding period of 3 days.

Section 9. Authority to seize a dog is pursuant to Article 7, Section 118 of the New York State Agriculture and Markets Law.

ORDINANCE PROHIBITING THE RUNNING AT LARGE OF DOMESTIC AND FARM ANIMALS, THE SEIZURE THEREOF, AND REGULATING THE KEEPING OF FARM AND DOMESTIC ANIMALS

Note that the previous ordinance is not explicitly repealed by this one.

Section I: Purpose - The Town Board of the Town of Lake Luzerne, Warren County, New York, hereby determines that the general health, safety and welfare of the citizens of the Town of Lake Luzerne will be served by an Ordinance prohibiting the running at large of domestic and farm animals in public places and upon private property, and that an Ordinance is needed to regulate the manner in which domestic and farm animals are kept by the owners thereof.

Section II: Definitions - As used in the Ordinance:

TOWN BOARD shall be the Town Board of the Town of Lake Luzerne, Warren County, New York.

DOMESTIC/FARM ANIMAL shall mean any domesticated or farm animal and shall include sheep, horses, cattle, goats, swine, fowl, ducks, geese, swan and/or turkeys.

HARBOR shall mean any person who provides food, water and shelter for any domestic/farm animal defined in this Ordinance.

NON-RESIDENT shall mean any person who does not reside in the Town of Lake Luzerne, Warren County, New York.

OWNER shall mean any person who harbors or keeps any domestic/farm animals as defined in this Ordinance.

PERSON shall mean any individual, corporation, partnership, association or other organized group of persons, and/or other legal entity.

PRIVATE PROPERTY shall mean any real property other than a public place as defined herein, whether posted or unposted.

PUBLIC PLACE shall constitute all highways, sidewalks, waterways including ditches, and all Public Property including Public Park grounds, or other such public places as defined by Section 240.000 of the New York State Penal Law.

Section III: Running at Large in a Public Place - No person shall permit any domestic/farm animal to run at large in any Public Place as defined in this Ordinance.

Section IV: Running at Large on Private Property - No person shall permit any domestic/farm animal as defined in this Ordinance to run at large upon private property without the permission of the owner, lessee or lawful occupant thereof.

Section V: Non-Resident Who Owns or Harbors Domestic/Farm Animals - Any person owning, leasing, or renting real property in the Town of Lake Luzerne, Warren County, New York, for the purpose of boarding and/or raising of domestic/farm animal(s) as defined in this Ordinance and is NOT residing on said property, must reside within one-half hour normal driving distance from said property.

Section VI: Seizure and/or Humanely Destroying of Domestic/Farm Animal(s) - Any domestic/farm animal as defined in this Ordinance which cannot be seized and/or confined in a humane manner and is causing a safety hazard to human life shall be humanely destroyed by any Peace Officer, Police Officer, and/or by any person after a good faith effort is undertaken to consult with the local Animal Control Officer under the circumstances. No liability in damages or otherwise shall be incurred on account of such destruction.

Section VII: Seizure and Impoundment - Any domestic/farm animal as defined in this Ordinance having been humanely seized shall be transported and confined to a facility where sufficient supply of good and wholesome air, food, shelter and water will be provided. The owner or person responsible for and domestic/farm animal as defined in this Ordinance which is being so housed shall be liable for all expenses incurred in the seizure of said animal(s) as well as all confinement expenses.

If any domestic/farm animal as defined in this Ordinance while being confined becomes sick and/or dies, the facility where the domestic/farm animal is or was confined shall not be liable in damages or otherwise be held liable on account of such sickness or death.

Section VIII: Damage to Property - whenever any domestic/farm animal as defined in this Ordinance enters upon any Public or Private Property and destroys or damages any bars, gates and/or fence, or any part thereof, or defaces or damages any vehicle, building, lawn, shrub, tree, plant or ornamental fixture or appurtenances to said real property, the owner or person harboring the domestic/farm animal as defined in this Ordinance shall be responsible to the owner of said real property for all damages incurred.

Section IX: Fencing Requirements - Any person who owns or harbors domestic/farm animals upon real property within the Town of Lake Luzerne shall provide for adequate fencing of said animals and such fencing shall be constructed and installed in accordance with the specifications for fencing which specifications are annexed hereto and made a part of this Ordinance.

Section X: Penalties - Any person who violates any of the provisions of this Ordinance shall be guilty of a violation and subject to payment of a fine of \$100 not to exceed \$300.

Section XI: Alternative Remedies - In case of any violation or threatened violation of any of the provisions of this Ordinance, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such violation or to restrain, correct or abate such violation.

Added 1996.

**ORDINANCE AMENDING THE TERMS AND PROVISIONS OF THE AGRICULTURE
AND MARKETS LAW RELATING TO LICENSING, IDENTIFICATION AND
CONTROL OF DOGS**

The Town Board of the Town of Lake Luzerne, Warren County, New York, in accordance with the authority granted by Section 110, Paragraph 4 of the Agriculture and Markets Law of the State of New York does enact and ordain as follows:

Section 1. The annual fee for each dog license issued pursuant to subdivision 1, Section 109 of the Agriculture and Markets Law.

Section 2. This ordinance shall take effect upon the Agriculture and Markets department printing the amount of said local license fee on the license renewal forms mailed to the dog owners.

Adopted February 14, 1983

A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE AND COLLAPSED STRUCTURES

BE IT ENACTED by the Town Board of the Town of Lake Luzerne, Warren County, New York, as follows:

Section 1: Purpose. Unsafe buildings pose a threat to life and property in the Town of Lake Luzerne. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health protection and general welfare of persons and property in the town of Lake Luzerne by requiring that such unsafe buildings be repaired or demolished and removed.

Section 2: This Local Law shall be known as “Unsafe buildings Law: of the Town of Lake Luzerne.”

Section 3: Definitions. (1) “Building” means any building, structure or portion thereof used for residential, business or industrial purpose. (2) “Building Inspector” means the building inspector of the Town of Lake Luzerne or such other person appointed by the Town Board to enforce the provisions of this Local Law. (3) “Town” means the town of Lake Luzerne.

Section 4: Investigation and Report. When in his own opinion or upon receipt of information that a building (1) is or may become dangerous or unsafe to the general public; (2) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers; (3) is or may become a place of rodent infestation; (4) presents any other danger to the health, safety, morals and general welfare of the public; or (5) is unfit for the purpose for which it may be lawfully used, the building inspector shall cause or make an inspection thereof and report in writing to the Town Board of the Town of Lake Luzerne his findings and recommendations in regard to its repair or demolition and removal.

Section 5: Town Order. The Town shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and the manner provided herein.

Section 6: Notice; Contents. The notice shall contain the following (1) a description of the premises; (2) a statement of the particulars in which the building is unsafe or dangerous; (3) an order outlining the manner in which the building is to be made safe and secure, or demolished

and removed; (4) a statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be shortened or extended; (5) a date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of the service of the notice; and (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

Section 7. A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Warren.

Section 8. Refusal to Comply. In the event of the refusal or neglect of the person so notified to comply with said order of the town and after the hearing, the Town shall provide for the demolition and removal of such building or structure either by Town employees or by contract. Except in emergency as provided in Section 10 hereof, any contract for demolition and removal of a building in excess of \$20,000 shall be awarded through competitive bidding.

Section 9. Assessment of Expenses. All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereof, shall, at the option of the Town either:

- (1) Be assessed against the land on which such building is located and shall be levied and collected in the same manner as the general tax.
- (2) Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law Section 78-b.

Section 10. Emergency Cases. Where it is reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may by resolution authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 9 hereof.

Section 11. Separability. Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

ORDINANCE FOR CONDUCT OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS

The Town Board of the Town of Lake Luzerne, County of Warren and State of New

York, having complied with all the provisions of Chapter 960 of the Laws of 1976 and amendments thereto (Article 9-A of the General Municipal Law of the State of New York) for the purposes set forth therein and in accordance therewith do enact and ordain, subject to approval by a majority of the electors of the said Town of Lake Luzerne, voting on a proposition submitted at a general election, held within such municipality who are qualified to vote for officers of said Town, as follows:

Article I - Games of Chance. It shall be lawful for any organization authorized pursuant to the provisions of this ordinance upon obtaining a license therefore as hereinafter provided, to conduct games of chance within the territorial limits of the said Town of Lake Luzerne, subject to the provisions of this ordinance, the provisions of Article 9-A of the General Municipal Law of the State of New York, and such provisions as may be set forth by the New York State Racing and Wagering Board.

Article II - Definitions. As used in this ordinance, the terms defined in Article 9-A of the General Municipal Law, Section 186, shall have the meanings set forth therein.

Article III - Restrictions upon Conduct of Games of Chance. The conduct of games of chance authorized pursuant to this ordinance shall be subject to the following descriptions:

1. No person, firm, association corporation or organization other than a licensee under the provisions of Article 9-A, shall conduct such game or shall lease or otherwise make available for conducting games of chance a hall or other premises for any consideration whatsoever, direct or indirect, except as provided in Section 190 of Article 9-A of the General Municipal Law.

2. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease, is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

3. No authorized organization licensed under the provisions of Article 9-A, shall purchase or receive and supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the board or from another authorized organization.

4. The entire net proceeds of any game of chance and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

5. No prize shall exceed the sum or value of one hundred dollars in any operation or conducting of a single game of chance as provided in Section 186 of Article 9-A of the General Municipal Law. No single wager shall exceed two dollars.

6. No authorized organization shall award a series of prizes consisting of merchandise with an aggregate value in excess of one thousand dollars during the successive operations of any one merchandise wheel.

7. In addition to merchandise wheels no more than five other single types of games of chance shall be conducted during any one license period.

8. Except for merchandise wheels, no series prizes on any one occasion shall aggregate more than two thousand dollars when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, no series of prizes on any one occasion shall aggregate more than two hundred fifty dollars when the licensed authorized organization conducts less than five single types of games of chance, exclusive of merchandise wheels, during any one license period.

9. Except for the limitations on the sum or value for single prizes or series of prizes, no limit shall be imposed on the sum or value of prizes awarded to any one participant during any occasion or any license period.

10. No person except a bona fide member of the licensed authorized organization shall participate in the management of such games; no person except a bona fide member of the licensed authorized organization, its auxiliary or affiliated organization, shall participate in the operation of such game, as set forth in section 195 of this Article.

11. No person shall receive any remuneration for participating in the management or operation of any such game.

12. No authorized organization shall extend credit to a person to participate in playing a game of chance.

13. No game of chance shall be conducted on other than the premises of an authorized organization or an authorized games of chance lessor.

14. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor pursuant to Section 189 of Article 9-A of the General Municipal Law.

Article IV - Application for License

1. To conduct games of chance, each applicant for a license shall, after obtaining an identification number from the New York State Racing and Wagering Board, file with the Town Clerk, a written application therefore in a form to be prescribed by the said Board, duly executed and verified, pursuant to Section 190 of Article 9-A of the General Municipal Law.

2. Authorized games of chance lessor: Each applicant to lease premises to a licensed organization for the purpose of conducting games of chance therein shall file with the Town Clerk, a written application therefore in a form prescribed by the New York State Racing and Wagering Board, duly executed and verified pursuant to Section 190 of Article 9-A of the General Municipal Law.

Article V - Investigation; Matters to be Determined; Issuance of Licenses; fees; Duration of Licenses.

1. The Town Clerk shall make an investigation of the qualifications of each applicant and the merits of each application with due expedition after the filing of the application pursuant to the provisions of Section 191 of the General Municipal Law.

- a) Issuance of licenses to conduct games of chance. If such Town Clerk shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this article; that the member or members of the applicant designated in the application to conduct games of chance are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime, or, if convicted, have received a pardon or a certificate of good conduct; that such games are to be conducted in accordance with the provisions of Article 9-A of the General Municipal Law and in accordance with the rules and regulations of the New York State Racing and Wagering Board, and that the proceeds thereof are to be disposed as provided by Article 9-A of the General Municipal Law and in accordance with the rules and regulations of the New York State Racing and Wagering Board, and if such Town Clerk is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operating or conducting of any such games excepts as in Article 9-A of the General Municipal Law otherwise provided; and that no prize will be given in excess of the sum or value of one hundred dollars in any single game and that the aggregate of all prizes given on one occasion, under said license shall not exceed the sum or value of one thousand dollars, it shall issue a license to the applicant for the conduct of games of chance upon payment of a license fee of twenty-five dollars for each license period.
- b) Issuance of licenses to authorized games of chance lessors. If such Town Clerk shall determine that the applicant seeking to lease a hall or premises for the conduct of games of chance to an authorized organization is duly qualified to be licensed under Article 9-A of the General Municipal Law; that the applicant satisfied the requirements for an authorized games of chance lessor as defined in Section 186 of Article 9-A of the General Municipal Law, that such Town Clerk shall find and determine that there is a public need and that public advantage will be served by the issuance of such license; that the applicant has filed its proposed rent for each game of chance occasion; that there is no diversion of the funds of the proposed lessee from the lawful purposed as defined in Article 9-A of the General Municipal Law; and that such leasing of a hall or premises for the

conduct of such games is to be in accordance with the provisions of Article 9-A of the General Municipal Law and in accordance with the rules and regulations of the New York State Racing and Wagering Board, it shall issue a license permitting the applicant to lease said premises for the conduct of such games to the authorized organization or organizations specified in the application during the period therein specifies or such shorter period as such Town Clerk shall determine, but not to exceed one year, upon payment of a license fee of fifty dollars.

2. On or before the thirtieth day of each month, the treasurer of the municipality in which the licensed property is located shall transmit to the state Comptroller a sum equal to fifty percent of all authorized games of chance lessor license fees and the sum of fifteen dollars per license period for the conduct of games of chance collected by such Town Clerk pursuant to Section 191 of the General Municipal Law.

3. No license shall be issued under 9-A of the General Municipal Law which shall be effective for a period of more than one year.

Article VI - Hearing; Amendment of License

1. No application for the issuance of a license to an authorized organization shall be denied by the Town Clerk until after a hearing held pursuant to Section 192 of Article 9-A of the General Municipal Law.

2. Any license issued under this ordinance pursuant to the provisions of Article 9-A of the General Municipal Law may be amended upon application to the Town Clerk which issued it, pursuant to the provisions of Section 192 of Article 9-A of the General Municipal Law.

Article VII - Forms and Contents of License; Display of License. The form and content of each license and the display of each license shall be pursuant to the provisions of Section 193 of Article 9-A of the General Municipal Law.

Article VIII - Control and Supervision; Suspension of Licenses; Inspection of Premises. The provisions set forth in Section 194 of Article 9-A of the General Municipal Law shall be in full force and effect and the powers and duties set forth in Subdivision I of Section 194 of Article 9-A of the General Municipal Law shall be exercised by the chief law enforcement officer of the County of Warren, State of New York, pursuant to the said Section 194.

Article IX - Sunday; Conduct of Games on.

1. Games of chance may be conducted on the first day of the week, commonly known and designated as Sunday, pursuant to Article 9-A of the General Municipal Law, and if any game is to be so conducted, the license shall so indicate.

Article X - Conduct of Games. This ordinance shall be subject to the provisions of Article 9-A of the General Municipal Law, including but not limited to those provisions contained in Section 195-A, 195-B, 195-C, 195-D, 195-E, 195-F, 195-G, 195-H, 195-I, 195-J, 195-K, 195-L, 195-M, and 195-N.

Article XI. The validity of any article, section or provision of this ordinance shall not invalidate and other article, section or provision thereof.

Article XII - Date of Taking Effect. This ordinance shall take effect on the day following approval by a majority of the electors of the said Town voting on the proposition submitted at a general election held within such municipality who are qualified to vote for officers of said Town.

ORDINANCE FOR REGULATION OF PARKS AND BEACHES IN THE TOWN
OF
LAKE LUZERNE, NEW YORK

1. Legislative Intent. The purpose of this ordinance is to ensure the safety, comfort and Convenience of the public in their appropriate uses of parks, beaches and parking areas in the Town of Lake Luzerne.

2. Domestic Animals Prohibited. It shall be unlawful for any person to bring or otherwise possess any domestic animal, except seeing eye dogs, leashed or otherwise, within the area designated as beach area or town park area. - *Amended June 8, 2004*

3. Vehicles and Bicycles Prohibited. Vehicles, motor scooters, motorcycles, minibikes, snowmobiles and bicycles are prohibited within the confines of any beach or park, except in the exercise of governmental functions or in case of a bona fide emergency, or launching fishing craft or pleasure craft from the access road on Route 9N beach.

4. Standing on Benches and Walls Prohibited. It shall be unlawful to stand upon any benches or any wall or climb over any wall or fence located within or on the boundary of any beach or park. It shall be unlawful to stand upon or climb upon the Lake Luzerne Dam or Spillway. This shall not include authorized personnel in the performance of their duty.

5. Performances Prohibited Except by Permit.

a. It shall be unlawful to conduct performances of any nature whatsoever, including but not limited to concerts, dramas, shows, parades, drills, reviews, speeches, playing of musical instruments, within any park, beach or parking area except upon first obtaining a permit from the Town Clerk. The denial of such permit must be reasonable and to protect the public welfare.

b. Requests for permits must be made in writing, on the letterhead of the organization, at least seven (7) days in advance. Requests should state the purpose, intent and hours of the performance as well as the person responsible. All permit requests will be acted

upon within twenty-four (24) hours.

6. Occupation of Parks Prohibited During Certain Hours.

a. It shall be unlawful to occupy any beach or park area between the hours of 9:00 p.m. and 7:00 a.m. The foregoing shall not include the launching site for fishing and pleasure craft being used outside of beach areas.

b. It shall be unlawful to occupy the parking area on Route 9N and within the Pierpont Road area between the hours of 9:00 p.m. and 7:00 a.m. The foregoing shall not include the launching site for fishing and pleasure craft being used outside the beach areas and shall not apply to the parking area on Route 9N when such area is being used in connection with official school functions.

c. When school dances are being held at the Hadley-Luzerne Central School, the town parking lot at Wayside Beach also known as Nick's Beach will be closed for parking purposes.

7. Bathing Attire Required for Beach. It shall be unlawful for any person to occupy or otherwise use any beach or swimming area within the Town of Lake Luzerne unless he be clothed in a bathing suit or similar attire.

8. Playing of Games on Beach Prohibited. It shall be unlawful to play any ball game or any other game that may inhibit or disturb the user of the swimming area or beach.

9. Firearms and Other Weapons. No person shall have in his possession or control any rifle, shotgun, pistol or other firearm, slingshot, pellet gun, air rifle, fireworks, explosives, knife, bludgeon or other dangerous weapons within the boundaries of any park, beach or parking area, provided that this rule shall not apply to any law enforcement officer.

10. Swimming, Bathing and Wading.

a. Swimming, bathing and wading are permitted only in those areas designated for that purpose.

b. No person shall swim, dive or enter the water of any bathing beach while wearing or carrying air or gas tanks for the purposes of underwater breathing in the activity commonly known as "skin" or "scuba" diving.

c. Children under the age of eight (8) must be accompanied by an adult or responsible guardian.

d. No person shall enter the water of beaches except during open hours and when a lifeguard is on duty.

11. Boating. Boating shall be permitted only in designated areas. Boating in any bathing areas is forbidden.

12. Advertising. A person shall not post, distribute, cast or leave about any bill, placard, tickets, handbill, circulars, advertisement in any form or any other matter for advertising purposes, directly in or in the immediate vicinity of any park, beach or parking area.

13. Alcoholic Beverages and Illegal Drugs. Alcoholic beverages are prohibited within Town parks, playgrounds, beaches and parking areas except when consumed with a meal in designated picnic areas. It shall be a violation of this ordinance to bring into use, or contribute to the use of kegs or other liquid-dispensing devices for beer or other alcoholic beverages.

14. Defacing Public Property is Prohibited. It shall be unlawful for any person to deface any public or private buildings, walls, fences, trees, benches or tables by cutting, painting, scratching or removal of same.

15. Vending and Solicitation of Alms. A person shall not use park property or streets within park property for business or professional purposes involving the sale of any goods or the rendering of any service for a fee or for the purpose of soliciting alms or contributions, without first securing necessary permits for the same.

16. Responsibility For Loss, Damage or Theft. The Town will not be responsible for loss, damage or theft of personal property brought into any park, beach or parking area.

17. Enforcement. The Constable of the Town of Lake Luzerne shall see to the enforcement of all ordinances and regulations related to the parks and beaches. The foregoing shall not be deemed to be exclusive nor shall prohibit Town or other law enforcement agencies in their enforcement of this section.

18. Penalties for Offenses. Every violation of this ordinance shall constitute an offense, as defined, as defined by Section 10.00 of the Penal Law of the State of New York, and shall be punishable by a fine of not more than fifty dollars (\$50.00).