

PART II – GENERAL LEGISLATION

Chapter 176 – Peace and Good Order – Reserved

[This chapter has not been adopted. It is inserted here to allow for its review by the Board of Trustees and its possible enactment, as well as integration into this part of the Code as Ch. 176]

Article I	Alarm Systems	Sections 176-1 – 176-9
Article II	Buildings, Numbering of (911 System)	Sections 176-10 – 176-15
Article III	Curfew	Sections 176-16 – 176-25
Article IV	Festivals and Special Events	Sections 176-26 – 176-40
Article V	Injury to Property	Sections 176-41 – 176-45
Article VI	Offensive, Toxic or Noxious Matter	Sections 176-46 – 176-55

Article I Alarm Systems

General References

Fire prevention — See Ch. 44

Noise — See Ch. 154

Section 176-1 – Purpose – The purpose of this chapter is to establish standards and controls of various types of intrusion, holdup, fire alarm and other emergency signals from alarm devices that require Police Department and Fire Department responses for investigation, action and safeguarding of property at the location of an event which is reported by a signal transmitted by telephone, leased wire, radio or in any other way relayed to the Police Department or Fire Department by an alarm device requiring investigation or other action by any person acting in response to a signal actuated by an alarm device, including such devices already in use within the village.

Section 176-2 – Definitions – For the purpose of this chapter, the following definitions shall apply:

ALARM DEVICE — Any mechanism, equipment or device which is designed to operate, automatically or manually, to transmit an audible or visible signal, message or warning from one place to another location.

FALSE ALARM — Any signal actuated through an alarm system or device to which the Police Department or Fire Department responds which is not the result of a holdup, robbery or other crime, fire or other emergency.

FIRE DEPARTMENT — The Fire Department of the Town of Marcellus

POLICE DEPARTMENT — The Police Department of the Village of Marcellus

REGISTRATION — A registration on a form supplied by the Village Clerk of the Village of Marcellus and approved by the Police Chief of the Marcellus Police Department

Section 176-3 – Registration required

- A. No person, firm, partnership or corporation shall operate or maintain an alarm system or device without first registering the same as required by this chapter.
- B. New registration is required within 30 days of expiration or change of owner or lessee of a system.

Section 176-4 – Registration form – Required information – Registration of an alarm system or device shall be filed with the Village Clerk and Police Department on forms supplied by the Village Clerk. Said registration shall include but not be limited to:

- A. The name and address and telephone number of both the installer and service person of the system and the owner, lessee or user of the premises where the alarm system or device will be installed.
- B. The name and address and telephone number of the person to be notified in the event of the alarm system or device actuation.
- C. A description of any hazards or potentially dangerous features of the premises and surrounding property where the alarm system or device will be installed.

Section 176-5 – Compliance date – All presently existing alarm systems or devices must comply with the provisions of this chapter within six months of the adoption of this law.

Section 176-6 – False alarms prohibited – It shall be a violation of this chapter to intentionally or negligently cause a false alarm to be made, and any person who intentionally or negligently causes such false alarm shall be subject to the penalty provision of this chapter.

Section 176-7 – Charges for false alarm

- A. Any owner or lessee of property having an alarm system or device on his or its premises on the effective date of this chapter shall pay to the Village Clerk, upon conviction, a charge for each and every false alarm to which the Police Department responds in each year as follows:
 - (1) First and second false alarm each calendar year: no charge.
 - (2) All additional false alarms over two in each year: not to exceed \$25, at the discretion of the court, for each and every false alarm.

- B. Failure to pay any such false alarm charges within 60 days, upon conviction, shall subject such owner, lessee or user to the penalty provision of this chapter.

Section 176-8 – Automatic cutoff required – Penalty – Installation and maintenance of system

- A. Automatic cutoff systems.
 - (1) Requirement of cutoff system. No person shall install or maintain in any building, structure or establishment in the Village of Marcellus an external audible alarm of any type which does not also contain an automatic cutoff system or feature automatically cutting off the source of power to the alarm after it has sounded for a period of no longer than 15 minutes.

(2) Penalties.

(a) Any person who violates this section shall be deemed a disorderly person and shall be subject to a fine of up to \$250. Each day on which an alarm remains in nonconformity with this section shall be deemed a separate violation.

(b) The owner and the occupant of any building, structure and establishment shall each be responsible for the conformity with this section of any alarm located on or in premises owned or occupied by him.

(3) Effective date. This section shall be effective immediately, but persons responsible for the existing nonconforming external audible alarms shall have 90 days from the effective date of this chapter to bring such alarms into conformity.

B. The installation and maintenance of the alarm system or device permitted by this chapter, including the connections to locations designated by the Police Chief, shall be made at no cost to the village. The owner, lessee or user shall be responsible for the maintenance and service of their or its alarm device equipment and shall be responsible for all malfunctions of their or its equipment. If it is necessary to change the location within the area designated by the Police Chief to another location designated by the Police Chief, the village shall not be responsible for any expenses incurred by the owner, lessee or user of the alarm system or device for reconnecting said alarm system or device.

Section 176-9 – Penalties for offenses – Any person, firm or corporation who does not pay any charge or fee established in this chapter or who violates any provision of this chapter shall be subject to a fine of an amount which shall not be in excess of \$250 for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs or is committed; and such violation may constitute disorderly conduct, in which event such person shall be a disorderly person.

Article II – Buildings, Numbering of

General References

Building construction — See Ch. 44

Zoning — See Part III or Ch. 250

Section 176-10 – Authority – This chapter is enacted pursuant to the authority granted by § 10 of the Municipal Home Rule Law.

Section 176-11 – Adoption of uniform renumbering system – The Village of Marcellus hereby adopts the uniform renumbering system compiled by Onondaga County in connection with the 911 Emergency Program, and the same shall become effective as of January 1, 1993.

Section 176-12 – Purpose – This chapter is enacted to require that all property owners prominently display their property address number so as to ensure that said premises can be quickly located in the event of an emergency.

Section 176-13 – Numbering and display requirements

A. All principal structures located within the Village of Marcellus shall display in at least one location the street number assigned to it by the village. The number must be prominently displayed on the side of the structure nearest or facing the roadway.

B. Mailbox or post.

(1) In the case where the principal structure is not clearly visible from the street, the assigned street number shall be displayed:

(a) On the mailbox, if the mailbox is within 25 feet of the property access or if the mailbox is directly across the roadway and within 25 feet of the property access; or

(b) On a post set on the property, outside the roadway right-of-way, in a location clearly visible from the roadway. The post shall not exceed five feet in height. The street number shall be displayed on the side of the post facing the roadway.

(c) When displayed on a structure or post, each number shall be a minimum of five inches in height. When displayed on a mailbox, each number shall be a minimum of four inches in height and shall be displayed on both sides of the mailbox so as to be visible from the roadway in both directions.

C. Each number displayed as required by this chapter shall be Arabic in design and shall sharply contrast from its background. In no case shall script design alone be used.

D. In the case of new construction, no temporary or final certificate of occupancy shall be issued until the Building Department verifies that a property address street number, as required by this chapter, has been properly installed.

E. The absence of address numbers or the insecure fastening or the absence of any whole number thereof or the use of any number not properly assigned by the village or its failure to meet visibility requirements shall be considered to be in violation of this chapter.

Section 176-14 – Existing structures – Any structure which is existent prior to the enactment of this chapter and upon which is displayed the assigned street number that is Arabic in design, a minimum of four inches in height and which is displayed in compliance with Section 176-12 – Section 176-13 of this chapter shall be considered as being in substantial compliance with this section.

Section 176-15 – Penalties for offenses – Any violation of this chapter shall be punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment, for each violation hereof. Each week that any violation continues shall be considered a new violation of this chapter.

Article III – Curfew

Section 176-16 – Title – This chapter shall be known as the "Curfew Law of the Village of Marcellus."

Section 176-17 – Legislative intent – The Village Board has considered the reports of the Marcellus Police Department with regard to persons under the age of 18 years who engage in acts of vandalism, trespassing, use of alcohol and drugs and other behavior that violates the laws of the State of New York and ordinances of the Village of Marcellus. The village has considered the health, safety, and general welfare of the residents of the Village of Marcellus and finds that such behavior requires a curfew upon such persons under the age of 18 years.

Section 176-18 – Prohibited acts – Subject to the exceptions listed in Section 176-20, it shall be unlawful for any person under the age of 18 to congregate, loiter, play in or upon a public place between the hours of 11:00 p.m. and 6:00 a.m. the following day, except on weekends, when such restricted hours shall be from 12:00 midnight on Friday and Saturday to 6:00 a.m. off the following day.

Section 176-19 – Parental responsibility

A. It shall be unlawful for the parent, guardian or other adult having custody of a minor under the age of 16 years to knowingly or negligently, by insufficient control, permit, cause or allow to be or fail to prevent such minor from being in any public place in violation of this article.

B. A public place shall be defined as any place to which the public has access and includes but is not limited to highways, streets, parking lots, sidewalks, parks, alleys, vacant lots, public buildings and common areas of commercial districts, such as parking lots.

Section 176-20 – Exceptions – The provisions of this article shall not apply to:

A. A minor accompanied by his or her parent, guardian or other person having legal custody of such minor.

B. A minor traveling on legitimate business directed by his or her parent, guardian or person having legal custody of such minor.

C. A minor traveling directly to or from any adult-supervised activity sponsored by any school, church, civic or not-for-profit agency.

D. A minor traveling directly to or from his or her employment.

E. A minor engaged in interstate travel.

F. A minor engaged in any activity guaranteed by the Constitutions of the State of New York and of the United States of America.

Section 176-21 – Penalties for offenses

A. Each violation under this article shall constitute a separate offense.

B. Police officers are hereby authorized to take into custody any minor who shall violate the provisions of this article and to promptly notify his or her parent, guardian or person having legal custody that such minor is in custody and where the child can be picked up.

C. A parent, guardian or person having legal custody of a minor or a minor the age of 16 and older who violates this article shall be punished by a fine of a maximum of \$250 for each offense.

Sections 176-22 – 176-25 – Reserved

Article IV – Festivals and Special Events

General References

Garage sales — See Ch. 133

Handbills, notices and billboards— See Ch. 133

Noise Control — See Ch. 154

Peddling and soliciting — See Ch. 133

Section 176-26 – Purpose – The Mayor and the Village Board find that streets and other public places in the Village are from time to time temporarily closed and used as sites for ethnic festivals, art shows, neighborhood celebrations and other public events which are privately sponsored but open to the public. Events of this kind serve to improve the quality of life of the residents of the Village and often result in large numbers of people congregating within the confines of the temporarily closed streets and public places, and the resulting crowd conditions create concerns for police and fire access and control and other concerns relating to health, safety and welfare of the public and of persons and property in the closed area. It is therefore essential that a policy be established for governing these events, which shall facilitate control over them by the sponsor and by Village officials from departments involved with the events to safeguard persons and property.

Section 176-27 – Definitions – As used in this chapter, the following terms shall have the meanings indicated:

BLOCK PARTY — An event held by the residents of a defined section of the Village to be attended by the residents of that particular section.

PUBLIC PROPERTY — Property that is owned, operated, maintained, and/or controlled by the Village which is not rental in nature. Examples of public property include, but are not limited to, parking lots, streets, sidewalks and parks.

SPECIAL EVENT — A preplanned single event or series of events that, because of its nature, interest, location, promotion or any combination of similar influences, is expected or later found to draw a large number of people, sponsored by an individual or entity other than the Village, proposed to be held on public property or on private property but affecting public property or requiring Village support services, for the purpose(s) of entertainment, celebration,

amusement, cultural recognition, arts and crafts displays and/or sales, amateur sports demonstration or competition, or similar activities generically considered recreational in nature. Examples include, but are not limited to, ethnic festivals, street fairs, street art shows, public celebrations, outdoor concerts, parades, road races and walk-a-thons.

SPONSOR — The individual, group of individuals, corporation or other entity responsible for organizing the event.

SUPPORT SERVICES — Those which can or must be provided by the Village to ensure that a special event is conducted in such a manner as to protect the safety, health, property and general welfare of its citizens. Examples include fire protection, crowd management and control and traffic management and control.

Section 176-28 – Permits required – It shall be unlawful for any person, firm, corporation, association, group or organization within the corporate limits of the Village of Marcellus to conduct a special event or to act as a special event vendor as herein defined without first having obtained and paid for and having in force and effect a valid, current permit or license therefor.

Section 176-29 – Application and cost estimates

A. Application for special event permit. The sponsor of the special event must submit a completed application form to the Village Clerk. All applications are to be submitted on the forms provided by the Village Clerk. Any application submitted less than 30 days prior to the event shall be subject to late fees.

B. Village costing process. The completed forms shall be distributed to the appropriate Village departments, which will estimate the additional costs that would be incurred as a result of the event. This information may be used in establishing terms and conditions under which an event may be conducted when the use of police or other Village personnel is appropriate, possible and not in conflict with any other administrative policies and procedures and/or labor agreements.

Section 176-30 – Fees – Fees for the event will be determined in accordance with Section 176-29

Section 176-31 – Approval process – The Mayor will review all special event applications and shall be authorized to either approve or deny said applications.

Section 176-32 – Additional requirements – Deadlines

A. Permits and licenses. Approval to conduct a special event by this process does not relieve the sponsor or any participant, including but not limited to food stands, vendors, peddlers or exhibitors, from the responsibility of applying for any other permits or licenses or meeting any other requirements which may be applicable.

B. Due date. All required permits, licenses, security deposits and insurance policies must be obtained no later than seven days prior to the due date of the event.

Section 176-33 – Event guidelines

A. Daily time restriction. The hours of operation for any special event taking place on the streets of the Village shall be between 9:00 a.m. and 10:00 p.m. on any day of the week.

B. Site maintenance. All areas used must be left in a clean condition.

C. Services available from the Village. The Village will provide certain equipment and materials to facilitate comfort and control over the event, subject to availability and the Village's prior need for such equipment and materials.

(1) Temporary parking signs. All temporary signs for restricting parking must be posted 24 hours in advance and maintained by the sponsor. Requests for the necessary materials should be directed to the Marcellus Police Department, which shall have responsibility for the initial posting of the temporary signs either through physical placement or directive as to locations. Any usage of temporary signs without the authorization of the Police Chief or his designee will be neither recognized nor enforced. Upon the event's completion, all signs must be taken down by the sponsor and returned to the Police Department.

(2) Barricades. Moveable barricades shall be delivered to the site where the sponsor or its designated representative shall sign for their receipt. The cost of replacing lost or damaged barricades lies with the sponsor.

(3) Fees. A fee for providing police officers above the number normally scheduled may be charged. Said fee is to be determined by the Chief of Police and shall not be in excess of the actual cost.

Section 176-34 – Penalties for offenses

A. Fine. Special events shall not be held without the authorization of the Mayor nor held in contravention of the terms and conditions set forth by the Village Board of Trustees. Violation of this chapter may subject the sponsor to a fine of \$500 in addition to any other penalty provided in the ordinances or in any other law on account of commencement of said special events without required permits, licenses or authorization.

B. Closing of unauthorized special events. The Police Chief or his designee may close any special event conducted without authorization of the Mayor, and the sponsors and participants may be subject to arrest.

C. Closing of events due to public safety hazard. The Police Chief or his designated representative(s) may close any special event or any portion of a special event that is subsequently determined to be an imminent hazard to the public health, safety or welfare.

Section 176-35 – Exclusion from policy

A. Block parties. Block parties as herein defined are excluded from the provisions of this policy

B. Village events. Events initiated by and/or sponsored or cosponsored by the Village are excluded from the provisions of this policy.

C. Events solely within parks. Events that are held entirely within the jurisdiction of the Town of Marcellus Recreation Commission that do not require the intervention of any other Village department shall be deemed to be an event sponsored or cosponsored by the Village for the

purposes of this chapter and shall be regulated by the Town of Marcellus Recreation Commission.

Sections 176-36 – 176-40 – Reserved

Article V – Injury to or Destruction of Public Property

Section 176-41 – Prohibitions

A. No person shall willfully deface, injure, break or destroy any lamp, lamppost, lamp supporter or part thereof; or any globe, wire, fixture or protection of such lamp, lamppost or lamp supporter or part thereof; or willfully meddle with or light any lamp; or obstruct or extinguish the light thereof on any public street, sidewalk or in any public place in the Village of Seneca Falls.

B. No person shall willfully and unlawfully cut, injure, mark, break, deface, remove or destroy any building, structure, bridge, fence, tree, shrubbery or other property or part thereof; or willfully and unlawfully break any window or window glass in any building or structure; or tear down or remove any notice posted in the Village of Seneca Falls.

Section 176-42 – Penalties for offenses – An offense against the provisions of this article shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 15 days, or both.

Sections 176-43 – 176-45 – Reserved

Article VI – Offensive, Toxic or Noxious Matter

Section 176-46 – Definitions – As used herein, the following terms shall have the meanings indicated:

DENSE SMOKE — Includes smoke which is so heavy and thick as to prevent the seeing of objects through it at the point of emission into the external air; or the equivalent of No. 3 Grade of the Ringelmann Smoke Scale, the standard device used by the United States Bureau of Mines.

OFFENSIVE ODOR — Any unpleasant, disgusting or putrid odor which offends the sensibility of or which interferes with the repose, health, comfort or welfare of a substantial segment of the community residing in residential districts adjacent to the building from which such offensive odor is emanating.

SUBSTANTIAL SEGMENT — Fifteen or more residents in such residential zone, whether or not such persons are members of the same household.

TOXIC OR NOXIOUS MATTER — Any solid, liquid or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists, containing properties which by chemical means are:

- A. Inherently harmful and likely to destroy life or impair health; or
- B. Likely to cause injury to the well-being of persons or damage to property.

Section 176-47 – Emission of offensive odors – It shall be unlawful for any person, firm or corporation or any agent, officer or employee thereof to cause, allow or permit any land use which emits any offensive odor outside of such land or any building thereon in which such use is conducted.

Section 176-48 – Dissemination of toxic or noxious matter – It shall be unlawful for any person, firm or corporation or any agent, officer or employee thereof to cause, allow or permit any land use which will cause any dissemination whatsoever of toxic or noxious matter outside such land or any building thereon in which such use is conducted.

Section 176-49 – Emission of substances endangering comfort, health, safety or property – It shall be unlawful for any person, firm or corporation or any agent, officer or employee thereof to cause, allow or permit to escape into the open air such quantities of dense smoke, soot, ash, dust, steam, cinders, dirt, trade wastes or other pollution or noxious gas, in such place or manner as to cause, or have a natural tendency to cause, injury, detriment or annoyance to any person or persons or to the public, or to endanger the comfort and repose, health or safety of any person or persons, or the public, or in such manner as to cause or have a natural tendency to cause injury or damage to business or property.

Section 176-50 – Emission of substances causing nuisance – It shall be unlawful for any person, firm or corporation or any agent, officer or employee thereof to cause, allow or permit to escape into the air such quantities of dense smoke, soot, ash, dust, steam, cinders, dirt, trade wastes or other pollution or noxious gas in such place or manner as to cause, or have a natural tendency to cause, nuisance to persons residing in the vicinity.

Section 176-51 – Inspection and enforcement – Any police officer, member of the Sanitation Department, Building Inspector or persons designated by the Chief of Police or the Village Clerk shall have the right and authority, at all reasonable times, to visit and inspect premises and machinery, equipment and appliances for the purpose of ascertaining the amount or character of fuel used and manner of using the same, and any fact or facts showing compliance with or violation of this chapter.

Section 176-52 – Penalties for offenses – A violation of the foregoing shall be a misdemeanor punishable by a fine not exceeding \$250 or by imprisonment not exceeding 30 days, or both.

Sections 176-53 – 176-55 – Reserved