

Chapter 31
OFFICERS AND EMPLOYEES

ARTICLE I
Mayor and Board of Trustees

§ 31-2. Transition of terms.

§ 31-3. Referendum.

§ 31-1. Extension of term of office.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Mayor and Board of Trustees
[Adopted 11-21-1968]

§ 31-1. Extension of term of office.

The term of office of the Mayor and all Trustees of the Village of Sodus Point be extended from two to four years.

§ 31-2. Transition of terms.

The elections for the offices of Mayor and Trustee shall be held biennially in the odd numbered years. To complete the transition from two years to four year terms as required by Article 4 of the Village Law, the successors to the Mayor and Trustees whose terms expire in 1969 shall at the 1969 general village election be elected for terms of four years (expire 1973) and the successors to the Trustees and Police Justice whose terms expire in 1970 shall at a general village election to be held in March 1970 as required by law be elected for terms of five years (expire 1975) and their successors thereafter elected for terms of four years.

§ 31-3. Referendum.

- A. This article is adopted subject to a permissive referendum.
- B. The Village Clerk is hereby ordered to publish a certified copy of this article in the Sodus Record, the official village newspaper, together with a notice that such article was adopted subject to a permissive referendum.

Chapter 35

PLANNING BOARD

§ 35-1. Board established.

§ 35-2. Membership; terms of office; alternate members.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 4-2-1984; amended in its entirety 10-5-1998 by L.L. No. 5-1998. Subsequent amendments noted where applicable.]

§ 35-1. Board established.

Pursuant to Article 7 of the Village Law, § 7-718, the Village Board of the incorporated Village of Sodus Point does hereby establish a Village Planning Board, consisting of five members.

§ 35-2. Membership; terms of office; alternate members.

- A. The first appointments of members thereto shall be for terms so fixed that at least one will expire at the end of each official year commencing at the end of the current such year and continuing in succeeding years until the entire original appointments run out. At the expiration of each original appointment the succeeding members shall be appointed for five-year terms. No such term shall exceed five years.
- B. Alternates.
- (1) Position established for alternate members. The position of alternate member(s) of the Planning Board of the Village of Sodus Point is hereby established. The Village Board is authorized to appoint up to three alternate members.
 - (2) Terms. All alternate members of the Planning Board of the Village of Sodus Point shall be appointed for a one-year term and in the same manner as regularly appointed members of the Planning Board.
 - (3) Duties. Alternate members shall serve in the absence, unavailability or inability of a regular member of the Planning Board to serve. Copies of notices shall be sent to all members. When a meeting of the Planning Board shall be duly noticed and called for discussion, if it shall become apparent that a regular member of the Planning Board will be unable to hear and deliberate upon an application, then an alternate member of the Planning Board, at the call of the Chairman of said Board or, if absent, then the present members of the Board, shall be duly authorized to hear the application, to deliberate and to vote with full force and effect as if duly appointed a regular member of the Board.

Chapter 39
PROCUREMENT POLICY

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| § 39-1. Items not subject to competitive bidding. | § 39-5. Award to other than lowest bidder. |
| § 39-2. Request for proposals. | § 39-6. Exceptions to competitive bidding requirement. |
| § 39-3. Method of purchase. | § 39-7. Annual review. |
| § 39-4. Documentation required. | |

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 1-21-1993. Amendments noted where applicable.]

§ 39-1. Items not subject to competitive bidding.

- A. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law:
- (1) Purchase contracts under \$10,000 and public works contracts under \$20,000.
 - (2) Emergency purchases.
 - (3) Certain municipal hospital purchases.
 - (4) Goods purchased from agencies for the blind or severely handicapped.
 - (5) Goods purchased from correctional institutions.
 - (6) Purchases under state and county contracts.
 - (7) Surplus and secondhand purchases from another governmental entity.
- B. The decision that a purchase is not subject to competitive bidding will be documented, in writing, by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which lead to an emergency purchase or any other written documentation that is appropriate.

§ 39-2. Request for proposals.

All goods and services will be secured by use of written request for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at

the lowest price and that favoritism will be avoided, except in the following circumstances; purchase contracts over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to § 175-b of the State Finance Law;¹ goods purchased from correctional institutions pursuant to § 186 of the Correction Law; purchases under state contracts pursuant to § 104 of the General Municipal Law; purchases under county contracts pursuant to § 103, Subdivision 3, of the General Municipal Law; or purchases pursuant to § 39-6 of this policy.

§ 39-3. Method of purchase.

A. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract	Method
\$1,000 – \$5,999	2 verbal quotations
\$6,000 – \$9,999	3 written/fax quotations or written request for proposals
Estimated Amount of Public Works Contract	Method
\$1,000 – \$9,999	2 verbal quotations
\$10,000 – \$14,999	3 written/fax quotations
\$15,000 – \$19,999	Written/fax quotations or written request for proposals

B. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

§ 39-4. Documentation required.

Documentation is required of each action taken in connection with each procurement.

§ 39-5. Award to other than lowest bidder.

Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is

¹ Editor’s Note: Section 175-b of the State Finance Law was repealed by L. 1995, c.83. See now § 162, Subdivision 6, of the State Finance Law.

not responsible shall be made by the purchaser and may not be challenged under any circumstances.

§ 39-6. Exceptions to competitive bidding requirement.

Pursuant to General Municipal Law § 104-b, Subdivision 2f, the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Sodus Point to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category the village shall take into consideration the following guidelines:
 - (1) Whether the services are subject to state licensing or testing requirements;
 - (2) Whether substantial formal education or training is a necessary prerequisite to the performance of the services: and
 - (3) Whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- C. Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the village is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- D. Goods or services under \$1,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best

interests of taxpayer. In addition, it is not likely that such de minimis contracts would be awarded on favoritism.

§ 39-7. Annual review.

This policy shall go into effect immediately and will be reviewed annually.

Chapter 45

RECORDS

ARTICLE I Public Access

§ 45-1. Definitions.

§ 45-2. Records access officer designated.

§ 45-3. Responsibilities of records access officer.

§ 45-4. Location of records.

§ 45-5. Requests for inspection.

§ 45-6. Requests regarding village officers and employees.

§ 45-7. Appeals from denial of access.

§ 45-8. Fees.

§ 45-9. Posting.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Public Access [Adopted 6-15-1978]

§ 45-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENCY — The Village of Sodus Point and its departments, divisions, offices, bureaus and boards or commissions created or appointed by the Village Board.

RECORD — Shall have the same meaning as set forth in Subdivision 4 of § 86 of the Public Officers Law.

§ 45-2. Records access officer designated.

The following persons are hereby designated as records access officers for the agency: the Village Clerk, with offices at Lake Road, Sodus Point, New York 14555.

§ 45-3. Responsibilities of records access officer.

The records access officer shall be responsible for assuring that agency personnel:

- A. Comply with the requirements and provisions of the Freedom of Information Law, the rules and regulations of COPAR and with this resolution in providing access to agency records.
- B. Maintain an up-to-date subject matter list of records and make it available for public inspection and copying.

- C. Explain, in writing, reasons for denial of access and advise requester of right of appeal, setting forth name, title, business address and telephone of persons to whom appeal may be taken.
- D. Upon request, calculate in advance the total cost of copies.
- E. Permit requester to make his or her own copy, without damaging the record and without relinquishing custody of the same.

§ 45-4. Location of records.

- A. Records of the agency are located at the Village Clerk's office on Lake Road, Sodus Point, New York 14555.
- B. All requests for public access to records shall be accepted and records produced during all hours that the Village Hall (or the respective offices) is regularly open for business.

§ 45-5. Requests for inspection.

A request to inspect or for a copy of a record shall reasonably describe the same and shall be in writing.

§ 45-6. Requests regarding village officers and employees.

The Village Clerk shall respond to requests for a record of the name, title, salary and public office address of every officer and employee of the agency.

§ 45-7. Appeals from denial of access.

The Village Board is hereby designated to hear and determine appeals from a denial of access to agency records in accordance with the Freedom of Information Law, rules and regulations of COPAR and this chapter.

§ 45-8. Fees.

Unless another fee is prescribed by state law the fee for:

- A. Photocopying a record not exceeding 9 inches by 14 inches shall be \$0.25 per page;
- B. Other records shall be the actual cost of reproduction, excluding fixed costs such as salary of employee; and
- C. A typed or handwritten transcript shall consist of the actual clerical time involved in making the transcript.

§ 45-9. Posting.

A copy of this chapter shall be posted by the Village Clerk on the sign board maintained for such purpose at the Village Clerk's office.

Chapter 47

RESIDENCY REQUIREMENTS

ARTICLE I

**Village Clerk/Treasurer, Deputy
Clerk/Treasurer and Registrar of Vital
Statistics**

§ 47-2. When effective.

§ 47-1. Village residency not required.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

**Village Clerk/Treasurer, Deputy Clerk/Treasurer and Registrar of Vital Statistics
[Adopted 7-16-1998 by L.L. No. 2-1998; amended in its entirety 12-20-2001 by L.L. No.
5-2001]**

§ 47-1. Village residency not required.

The positions of Village Clerk/Treasurer and Deputy Clerk/Treasurer and Registrar of Vital Statistics need not be held by residents of the Village of Sodus Point but may be held by residents of the County of Wayne or an abutting or adjacent county.

§ 47-2. When effective.

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

PART II

**GENERAL
LEGISLATION**

Chapter 51
ADULT ENTERTAINMENT

ARTICLE I
General Provisions

- § 51-1. Findings and intent.
- § 51-2. Definitions.

ARTICLE II
**Establishment and Continuation
of Adult Uses**

- § 51-3. Uses permitted.
- § 51-4. Inspection requirement.
- § 51-5. Nonconforming adult use.
- § 51-6. Signs.

ARTICLE III
Administration and Enforcement

- § 51-7. Enforcement.
- § 51-8. Building permits.
- § 51-9. Certificates of occupancy.
- § 51-10. Special use permit.
- § 51-11. Application for permits and certificates.
- § 51-12. Duration of special use permits.
- § 51-13. Violations.
- § 51-14. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 12-17-1998 by L.L. No. 8-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 190.

ARTICLE I
General Provisions

§ 51-1. Findings and intent.

- A. It is the purpose of this chapter to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the Village of Sodus Point and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Village of Sodus Point. The provisions of this chapter have neither the purpose nor the intent of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials.
- B. Similarly, it is not the purpose or the intent of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States, the Constitution of the State of New York, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the purpose or the intent of this chapter to condone or legitimize the distribution of obscene materials.

§ 51-2. Definitions.

A. In the interpretation of this section, the following rules apply:

- (1) Words used in the present tense include the future tense.
- (2) The singular includes the plural.
- (3) The word "person" includes a corporation as well as an individual.
- (4) The word "lot" includes the words "plot" or "parcel."
- (5) The term "used" or "occupied" is applied to any land or structure and shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

B. The following definitions shall apply in this chapter:

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of a specified sexual activity or specified anatomical areas.

ADULT BOOKSTORE or ADULT VIDEO STORE:

- (1) A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - (b) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
- (2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe specified sexual activities or specified anatomical areas. A "principal business purpose" shall mean more than one-quarter of the business is devoted to the sale, rental or display of such materials as determined by any of the following:
 - (a) The number of different titles of printed, visual or audio materials of any kind that are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities;

- (b) The number of copies of printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities;
- (c) The amount of floor space devoted to the sale and display of printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities;
- (d) The dollar amount of sales of printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or
- (e) The amount of on-site advertising which can be viewed by passersby, or the amount or cost of advertising in print or broadcast media devoted to printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities.

ADULT CABARETS — A nightclub, bar, restaurant or similar commercial establishment that features:

- (1) Persons who appear in a state of nudity or seminudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT MOTEL — A hotel, motel or similar commercial establishment that:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
- (2) Offers sleeping rooms for rent for a period of time that is less than 10 hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER — A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live

performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT USES — Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion-picture theaters, adult theaters, adult video stores, escort agencies, nude model studios and sexual encounter centers.

ADULT VIDEO STORE — See “adult bookstore.”

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESTABLISHMENT — Any of the following:

- (1) The opening or commencement of any adult use as a new business.
- (2) The conversion of an existing business, whether or not an adult use, to any adult use.
- (3) The relocation of any adult use.

NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY — The appearance of a human bare buttocks, anus, genitals or full female breast.

PERSON — An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMINUDITY — A state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminudity.

SPECIFIED ANATOMICAL AREAS — The male genitals and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES — Any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or

- (4) Excretory functions as part of or in connection with any of the activities set forth in Subsections (1), (2) and (3) above.

STATE OF NUDITY — See “nudity.”

TRANSFER OF OWNERSHIP OR CONTROL — Means and includes any of the following:

- (1) The sale, lease or sublease of an adult use;
- (2) The transfer of securities which constitute a controlling interest in an adult use, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of an adult use, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

ARTICLE II

Establishment and Continuation of Adult Uses

§ 51-3. Uses permitted.

Adult uses shall only be located in a Light Industrial District pursuant to Chapter 190 of the Sodus Point Village Code subject to the annual issuance of a special use permit, renewable once before the anniversary thereof, provided that:

- A. An adult use may not be operated within 1,000 feet of a church or other place of worship; a nursery, elementary, secondary or vocational school; a hospital, nursing home or convalescent home; a library or museum; a cemetery; the boundary of residential district; or a public park, playground or recreation area.
- B. An adult use may not be operated within 200 feet of a dwelling.
- C. An adult use may not be operated within 1,000 feet of another adult use, or on the same lot or parcel of land.
- D. An adult use may not be operated in the same building structure or portion thereof containing another adult use.
- E. An adult use may not be operated on any watercraft, barge, vessel or floating platform which is in any way tied up to, attached or anchored near a pier, wharf, dock or boathouse located in any waters bounding the village.
- F. For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult use is conducted, to the nearest property line of the premises of a dwelling; a church or other place of worship; a nursery, elementary, secondary or vocational school; a hospital, nursing home or convalescent home; a library or museum; a cemetery; the boundary of a rural residential or medium-density residential district; or a public park, playground or recreation area.

- G. For the purposes of this section, the distance between any two adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- H. All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by this chapter shall be able to see any specified anatomical area or any specified sexual activity by virtue of any display that depicts or shows that area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.

§ 51-4. Inspection requirement.

- A. As heretofore provided, a person may operate an adult use in the Village of Sodus Point only with a special permit.
- B. Prior to the commencement of any adult use or upon any transfer of ownership or control of an adult use the premises must be inspected by the Code Enforcement Officer or Building/Zoning Officer and found to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for an adult use and in compliance with the Sodus Point Village Code and Uniform Fire Prevention and Building Code.
- C. All code enforcement officials, including the Village Building Inspector and/or Code Enforcement Officer, shall complete their certification that the premises are in compliance or not in compliance within 20 days of the inspection of the premises by such officials.
- D. Any owner and/or operator, employee of the owner and/or operator or agent of the owner and/or operator shall permit representatives of the Village Building Department, the Wayne County Sheriff's Department, the New York State Police, the State Health Department, the Village Building Inspector, the Village Code Enforcement Officer, the Village Police Department or any other village, county or state department or agency that has permitting authority regarding the use of the premises to inspect the premises of an adult use for the purpose of ensuring compliance with this chapter at any time it is occupied or open for business.

§ 51-5. Nonconforming adult use.

- A. Any adult use lawfully operating on the effective date of this chapter that is in violation of the location or structural configuration requirements of this chapter shall be deemed a nonconforming use. The continuation of the same use of substantially the same character and intensity shall be allowed. The nonconforming use will be permitted to continue, unless terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.
- B. Any adult use lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the operation of the adult use, of a church, public or private elementary school or secondary school, public park, residential zoning district or a residential lot within 1,000 feet of the adult use business.

§ 51-6. Signs.

Signs for adult use businesses shall be governed by § 190-26 of the Sodus Point Village Code.

ARTICLE III
Administration and Enforcement

§ 51-7. Enforcement.

This chapter shall be enforced by the Village of Sodus Point Code Enforcement Officer or Building/Zoning Officer.

§ 51-8. Building permits.

The issuance of building permits shall be governed by § 190-64 of the Sodus Point Village Code.

§ 51-9. Certificates of occupancy.

A certificate of occupancy for use is required.

§ 51-10. Special use permit.

A special use permit will be required and governed by § 190-69 of the Village of Sodus Point Zoning Code. The permit may be renewed on an annual basis subject to the approval of the Zoning Board of Appeals of the Village of Sodus Point after certification of compliance has been given by the Code Enforcement Officer or Building/Zoning Officer. Such certification of compliance shall be issued only after inspection by the Code Enforcement Officer and/or Building/Zoning Officer to confirm that the business is in full compliance with the terms of this chapter and other applicable laws.

§ 51-11. Application for permits and certificates.

Applications for building permits and certificates of occupancy shall be made upon such forms and shall be accompanied by such layout or plot plans as shall be prescribed by the Zoning Officer to facilitate enforcement of this chapter.

§ 51-12. Duration of special use permits.

The duration of any special use permit shall be for a maximum period of one year. Any special use permit for uses under this chapter shall expire on December 31 of each year unless stated. The special use permit shall run for the calendar year if so renewed by the Zoning Board of Appeals of the Village of Sodus Point.

§ 51-13. Violations.

It shall be deemed a violation of this chapter if the owner and/or operator, an employee of the owner and/or operator or an agent of the owner and/or operator:

- A. Has violated or is not in compliance with any section of this chapter.
- B. Has refused to allow any inspection of the adult use as authorized by this chapter.
- C. Has had any illegal gambling take place on the adult use premises.
- D. Has had the possession, use or sale of a controlled substance occur on the premises.
- E. Has had prostitution occur on the premises.
- F. Has had any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct occur on the premises.

§ 51-14. Penalties for offenses.

A violation of this section shall be punishable as a violation by a fine not to exceed \$2,000 or by imprisonment for a period not to exceed 15 days or both for the first offense. For the second and each subsequent offense punishment shall be a fine not to exceed \$3,000 or by imprisonment for a period not to exceed 45 days or both. Each day in which the violation continues shall constitute a separate additional violation. In addition, the Village Board shall have such other remedies as are provided by law to enforce the provisions of this chapter.

Chapter 53
ALCOHOLIC BEVERAGES

§ 53-1. Open containers.

§ 53-2. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 6-6-1977 by L.L. No. 2-1977. Amendments noted where applicable.]

§ 53-1. Open containers.

Drinking of any alcoholic beverage or possession of an open container containing an alcoholic beverage on any public street or sidewalk within the Village of Sodus Point is hereby prohibited.

§ 53-2. Penalties for offenses.

A violation of this chapter shall be punishable by a fine of not more than \$100 or imprisonment for not more than 30 days, or by both such fine and imprisonment.

Chapter 57
ANIMAL CONTROL

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| § 57-1. Title. | § 57-7. Dangerous dogs. |
| § 57-2. Legislative authority. | § 57-8. Potentially rabid dogs. |
| § 57-3. Purpose. | § 57-9. Complaint of violation;
appearance tickets; enforcement;
fees. |
| § 57-4. Animal Control Officer. | § 57-10. Penalties for offenses. |
| § 57-5. Definitions. | |
| § 57-6. Prohibited acts. | |

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 11-19-1998 by L.L. No. 7-1998.¹ Amendments noted where applicable.]

§ 57-1. Title.

This chapter shall be known as the “Animal Control Law of the Village of Sodus Point, New York.”

§ 57-2. Legislative authority.

This chapter is enacted pursuant to the provisions of § 124 of the Agriculture and Markets Law of the State of New York.

§ 57-3. Purpose.

The Village Board of the Village of Sodus Point has determined that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons and damaged property and have created nuisances within the village. The purpose of this chapter is to protect the health, safety and well-being of persons and property and to preserve public peace and good order in the village by establishing certain regulations and restrictions on the activities of dogs and the keeping of domestic animals that are consistent with the rights and privileges of other residents of the village.

§ 57-4. Animal Control Officer.

Pursuant to § 114 of the Agriculture and Markets Law, the Village Board of the Village of Sodus Point shall maintain its own Animal Control Officer or contract for animal control officer services with any other municipality or with any incorporated humane society or similar incorporated animal protective association. Such officer shall have the authority and powers

¹ Editor’s Note: This local law superseded former Ch. 57, Animals, which contained Art. I, Animals at Large, adopted 12-17-1958; Art. II, Pigs, adopted 12-17-1958; and Art. III, Dog Control, adopted 7-17-1997 by L.L. No. 2-1997.

that are set forth in § 114 of the Agriculture and Markets Law and shall be responsible for enforcing the Agriculture and Markets Law and this chapter.

§ 57-5. Definitions.

As used in this chapter, the following words shall have the meanings indicated:

CONTROL OFFICER — A person or persons appointed by the Village of Sodus Point for the purpose of enforcing these regulations.

DANGEROUS DOG — Any dog which:

- A. Without justification attacks a person and causes physical injury or death; or
- B. Poses a serious and unjustified imminent threat of harm to one or more persons.

DOG — Any member of the species *Canis familiaris*, both male and female, licensed or unlicensed.

DOMESTIC ANIMAL — Any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the State Department of Environmental Conservation before release from captivity.

HARBOR — To provide food or shelter to any dog or domestic animal.

IDENTIFICATION TAG — A tag which sets forth an official identification number as required by the provisions of the New York State Agriculture and Markets Law.

LEASHED — Restrained by a leash no greater than 12 feet in length, attached to a collar or harness of sufficient strength to restrain the dog or domestic animal and which shall be held by a person having the ability to control the animal at hand.

OWNER — Any person who keeps, harbors or has custody and control of a dog or domestic animal. Dogs or domestic animals owned by a minor shall be deemed to be in the custody and control of parents or other head of household where the minor resides. Any person harboring a dog or domestic animal for a period of one week shall be deemed the owner of the dog or domestic animal for the purpose of enforcing these regulations.

RUN AT LARGE — An unleashed dog or domestic animal off the premises of the owner.

§ 57-6. Prohibited acts.

- A. It shall be unlawful for any owner of a dog in the Village of Sodus Point to permit or allow such dog within the Village of Sodus Point to:
 - (1) Run at large.
 - (2) Be off the owner's property unless leashed.

- (3) Engage in habitual loud howling, barking or whining or conduct itself in such a manner as to annoy for a period of time in excess of 10 minutes any person other than that of the owner or harbinger of such dog.
 - (4) Cause damage or destruction to public or private property, defecate or otherwise commit a nuisance upon the property other than that of the owner or harbinger of the dog.
 - (5) Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
 - (6) Chase, leap on or otherwise harass bicycles or motor vehicles.
 - (7) Kill or injure any dog, cat or other household pet.
 - (8) Be unlicensed when six months old.
 - (9) Not have a current and valid New York State identification tag on its collar while off the premises of the owner.
 - (10) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property not belonging to the owner of such dog.
- B. It shall be unlawful to harbor or maintain a domestic animal within the Village of Sodus Point.

§ 57-7. Dangerous dogs.

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of said Agriculture and Markets Law.

§ 57-8. Potentially rabid dogs.

The Animal Control Officer or any peace officer is hereby authorized to seize or direct the confinement of any dog which is reported to have attacked or injured a human being. Any such dog shall be confined by the owner for such length of time as may be necessary for the purpose of determining whether such dog is affected by rabies, and, if so affected, it may be disposed of in accordance with the laws of New York State.

§ 57-9. Complaint of violation; appearance tickets; enforcement; fees.

- A. Any person who observes or has knowledge of anyone violating any provision of this chapter may file a signed complaint under oath with the Animal Control Officer, specifying the objectionable conduct, the date thereof, the description of the dog or domestic animal and the name and address, if known, of the owner or other person harboring said dog or domestic animal.

- B. Upon receipt by the Animal Control Officer of any such complaint, or in the event that any dog or domestic animal is found by the Animal Control Officer to be in violation of any provision of this chapter, the Animal Control Officer shall, if possible, seize and take into custody said dog or domestic animal and, in any event, issue or deliver to the owner of said dog or domestic animal an appearance ticket pursuant to § 114, Subdivision 4, of the Agriculture and Markets Law of the State of New York, detailing the violations and instructing the owner to appear before the Justice Court of the Village of Sodus Point, or to answer such appearance ticket by registered or certified mail, return receipt requested, within five days of the date of such violation. If said appearance ticket is disregarded by such person, the Animal Control Officer or complainant may file an information with said Court, which court shall then issue a warrant for the arrest of such person.
- C. The Sodus Point Police Department shall, along with the Animal Control Officer, be charged with the enforcement of this chapter. The Animal Control Officer shall report as needed to the Sodus Point Police Department.
- D. In the event that any dog or domestic animal has been seized or taken into custody by the Animal Control Officer, its owner shall be required to pay to the Village Clerk of the Village of Sodus Point the sum as set forth from time to time by resolution of the Village Board for each day during which said dog or domestic animal shall be boarded by the Animal Control Officer.

§ 57-10. Penalties for offenses.

Violations of this chapter shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

Chapter 64

BINGO

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| <p>§ 64-1. License required.</p> <p>§ 64-2. Licensing regulations and rules of conduct.</p> <p>§ 64-3. Prohibited operations.</p> <p>§ 64-4. Restrictions on proceeds.</p> | <p>§ 64-5. Restrictions on prizes.</p> <p>§ 64-6. Participation restrictions.</p> <p>§ 64-7. Penalties for offenses.</p> <p>§ 64-8. Sunday operation prohibited.</p> <p>§ 64-9. Effective date; referendum.</p> |
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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 10-12-1971. Amendments noted where applicable.]

§ 64-1. License required.

It shall be lawful for authorized organizations, upon obtaining a license, to conduct games of bingo within the limits of the Village of Sodus Point under the provisions of this chapter, the provisions of the State Bingo Control Law and Article 14-H of the General Municipal Law and any amendments thereto.

§ 64-2. Licensing regulations and rules of conduct.

The provisions of Article 14-H of the General Municipal Law of the State of New York shall control the licensing of organizations and conduct of bingo games in the Village of Sodus Point, and this chapter incorporates the provisions of that statute by reference as if set forth in full herein. Any inconsistency between this chapter and the statute shall be resolved in favor of the statute.

§ 64-3. Prohibited operations.

- A. No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-H of the General Municipal Law shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.
- B. No bingo games 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.
- C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed

or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law¹ or from another authorized organization.

§ 64-4. Restrictions on proceeds.

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

§ 64-5. Restrictions on prizes.

- A. No prize shall exceed the sum or value of \$250 in any single game of bingo.
- B. No series of prizes on any one bingo occasion shall aggregate more than \$1,000.

§ 64-6. Participation restrictions.

- A. No person except a bona fide member of any such organization shall participate in the management or operation of such game.
- B. No person shall receive any remuneration for participating in the management or operation of any game of bingo.

§ 64-7. Penalties for offenses.

The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter shall constitute and be punishable as a misdemeanor.

§ 64-8. Sunday operation prohibited.

In addition to the restrictions set forth above and those restrictions imposed by Article 14-H of the General Municipal law, the following additional restriction is hereby imposed on the conduct of such games in the Village of Sodus Point: No game of chance shall be conducted under any license issued under this chapter on the first day of the week, commonly known and designated as "Sunday."

§ 64-9. Effective date; referendum.

This chapter is adopted subject to a mandatory referendum, and a proposition for the approval of the chapter shall be submitted at a special village election to be held November 2, 1971, in accordance with the provisions of Article 7 of the Village Law. All qualified and registered voters of the Village of Sodus Point may vote on said proposition.²

¹ Editor's Note: See Art. 19-B of the Executive Law.

² Editor's Note: This chapter was approved at referendum 11-2-1971.

Chapter 78
BURNING, OUTDOOR

§ 78-1. Purpose.

§ 78-2. Conformance required.

§ 78-3. Permissible and nonpermissible types of burning.

§ 78-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 12-17-1958, amended in its entirety 10-20-2005 by L.L. No. 1-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 102.

§ 78-1. Purpose.

In order to control open burning within the Village of Sodus Point, the following chapter is hereby enacted.

§ 78-2. Conformance required.

No person shall burn any refuse in any open fire except in conformity with the provisions of the following section.

§ 78-3. Permissible and nonpermissible types of burning.

A. When not prohibited by other local ordinances or other officials having jurisdiction, such as the State Commissioner of Conservation or local fire wardens or other fire prevention officials, the following types of open burning are permissible:

- (1) Outdoor grills and fireplaces for the purpose of preparing food.
- (2) Campfires and bonfires on private property used solely for recreation purposes which shall not be within 25 feet of any structure on said property or within 25 feet of any structure on any adjacent parcel and such fires shall be properly controlled by a responsible party and no nuisance shall be created by such fires.

B. The following types of open burning are not permissible:

- (1) Burning of rubbish principally composed of paper, tree trimmings, brush, leaves and discarded construction materials.

§ 78-4. Penalties for offenses.

The violation of any provision of this chapter shall be deemed an offense against such chapter punishable by a fine not exceeding \$100 or imprisonment for a term not exceeding 60 days, or both.

Chapter 84

CURFEW

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| <p>§ 84-1. Title.</p> <p>§ 84-2. Policy, purpose and findings.</p> <p>§ 84-3. Definitions and word usage.</p> <p>§ 84-4. Curfew established for minors.</p> <p>§ 84-5. Exceptions and exemptions.</p> | <p>§ 84-6. Parental responsibility.</p> <p>§ 84-7. Enforcement procedures.</p> <p>§ 84-8. Penalties for offenses.</p> <p>§ 84-9. Notice.</p> |
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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 7-13-2000 by L.L. No. 3-2000. Amendments noted where applicable.]

GENERAL REFERENCES

Loitering — See Ch. 122.

Peace and good order — See Ch. 138.

§ 84-1. Title.

This chapter shall be known as the “Curfew Law of the Village of Sodus Point.”

§ 84-2. Policy, purpose and findings.

- A. Policy. It is hereby declared to be the policy of the Village of Sodus Point to minimize nocturnal crime, juvenile delinquency and vandalism and to prevent the damage and destruction of both public and private property.
- B. Purpose. It is the purpose of this chapter to promote the health, safety and general welfare of the residents of the village and to maintain rule and order by prescribing, in accordance with prevailing community standards, regulations concerning the presence of minors on streets, roads, highways, public parks or other public areas of the village at night to reduce juvenile crime and vandalism, to protect the children and minors of the village and to further family responsibility.
- C. Findings. The Board of Trustees of the village hereby finds that:
 - (1) There has been a significant breakdown in the supervision normally provided by certain parents and guidance for minors, resulting in minors being involved in a wide range of unacceptable conduct, including vandalism; noisy, rowdy and disturbing behavior; breaking and entering; public drinking; littering; and harassment of village residents, visitors and tourists.
 - (2) Significant numbers of minors have been congregating in the village after dark, causing disturbances to residents and property owners.
 - (3) Offensive activities of minors are not easily controlled by existing laws.

- (4) The sense of the community is that there is a proper time for the cessation of outdoor activities of minors.
- (5) There is a need for a curfew for minors to achieve, under local conditions, the policy and purpose herein stated.
- (6) Curfew regulations will meet special needs, will enable the community to better control streets and public places, will be a significant factor in minimizing juvenile delinquency and will enable the police to act reasonably and fairly to prevent the violations of laws by minors.
- (7) The curfew hours declared by this chapter take into consideration the danger hours for nocturnal crime and for accumulations of minors with the potential risks incident to immaturity.
- (8) Curfew regulations in other communities have been a significant factor in reducing juvenile delinquency.
- (9) Parental responsibility for the whereabouts and conduct of minors should be the norm; as parental control increases, the likelihood of juvenile delinquency decreases.

§ 84-3. Definitions and word usage.

- A. As used in this chapter, the following terms, phrases, words and their derivations shall have the meanings indicated:

KNOWINGLY — Includes knowledge of information which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to include and require neglectful or careless parents to maintain a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities, conduct or whereabouts of such minor.

MINOR — Any person under the age of 18 years of age or, in equivalent phrasing sometimes employed herein, any person 17 or less years of age.

PARENT — Any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis or as a person to whom legal custody has been given by court order.

PUBLIC PLACE — Any place to which the public has access, whether privately or publicly owned, including but not limited to public streets, roads, thoroughfares, sidewalks, bridges, alleys, plazas, parks, recreation or shopping areas, stores, cafes, restaurants, eating establishments, public transportation facilities, vehicles used for public transportation, parking lots or any other public building, structure or area.

REMAIN or LOITER — To stay behind, to tarry or to stay in or upon a public place.

TIME OF NIGHT — Based upon the prevailing standard of time, whether Eastern standard time or Eastern daylight saving time, generally observed at that hour by the public in the village.

YEARS OF AGE — Continues from one birthday to, but not including, the day of the next so that 17 or less years of age is equivalent to under 18 years of age.

- B. The word “shall” is mandatory; the word “may” is permissive. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular; and words in the singular number include the plural.

§ 84-4. Curfew established for minors.

It shall be unlawful and a violation of this chapter for a minor to be or loiter or remain in, on or upon a public place within the village between the following hours (also known as the “curfew hours”):

- A. Beginning at 11:00 p.m. on Friday and Saturday nights and extending until 5:00 a.m. on the following day.
- B. Beginning at 10:00 p.m. on all other nights and extending until 5:00 a.m. on the following day.

§ 84-5. Exceptions and exemptions.

A minor in a public place during the curfew hours shall not be considered in violation of this chapter under the following circumstances:

- A. When the minor is accompanied by a parent of such minor.
- B. When the minor is accompanied by an adult authorized by a parent of such minor to take said parent’s place in accompanying said minor for a designated period of time and purpose within a specified area.
- C. When the minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to such exercise, provided that the minor has in his possession a writing, signed by the minor and by a parent of the minor, with their home address and telephone number, specifying when, where and in what manner the minor will be in a public place during curfew hours in the exercise of a First Amendment right specified in such writing.
- D. When the minor is, with parental consent, in or on a public place in a case of reasonable necessity.
- E. When the minor is on the sidewalk or property where the minor resides or on either side of or across the street from the place where the minor resides and the adult owner or resident of that property has given permission for the minor to be there.
- F. When the minor is, with parental consent, returning home from and within one hour after the termination of a school or village-sponsored activity or an activity of a religious, voluntary, cultural or community organization.
- G. When the minor is, with parental consent, in a motor vehicle engaged in normal travel or when the minor is engaged in bona fide interstate travel beginning or ending in the village.

- H. When the minor is engaged in or traveling to or from a place of employment.
- I. When the minor is engaged on an errand involving a medical emergency or other emergency involving an immediate and significant threat to life or property.
- J. When the minor is 17 years of age and has parental consent for the use by such minor of generally designated public places for generally designated periods of time.
- K. When the minor is authorized by a special permit from the Village Board carried on the person of the minor thus authorized, as follows: when necessary nighttime activities of a minor are inadequately provided for by the provisions of this chapter, recourse may be had to the Village Board for a special permit as circumstances warrant. Upon the Village Board's finding of necessity for the use of a public place or places, and with written parental consent, the Village Board may grant a special permit, in writing, for use by such minor of a specified public place or places, for specified periods of time as in the Village Board's judgment may be necessary. Such special permit may be revoked by the Village Board for good cause shown following a hearing.

§ 84-6. Parental responsibility.

It shall be unlawful and a violation of this chapter for a parent knowingly to permit or by inefficient control to allow a minor to be or loiter or remain in, on or upon a public place in the village during curfew hours under circumstances not constituting an exception to or an exemption from or otherwise beyond the scope of this chapter.

§ 84-7. Enforcement procedures.

- A. If a police officer reasonably believes that a person is in a public place in violation of this chapter, the officer shall notify the person of such violation and shall require the person to provide his or her name, address, telephone number and how to contact his or her parents. In determining the age of the person and in the absence of convincing evidence, such as a birth certificate or driver's license, the officer shall use his or her best judgment in determining age.
- B. If the officer determines or has reason to believe that a person is in violation of this chapter, he or she shall, if practicable, take the person to police headquarters, where a parent shall be immediately notified and required to report to police headquarters and procure the person, whereupon the parent shall be questioned to ascertain, within constitutional limits, the relevant facts.
- C. The officer shall file a written report.
- D. The officer shall issue an appearance ticket or tickets as the circumstances require.
- E. The minor shall be released to the custody of a parent.
- F. If a parent cannot be located or fails to take charge of the minor, the minor may be temporarily entrusted to a relative, neighbor or other person who will assume responsibility of caring for the minor pending availability of a parent.

- G. In circumstances where the procedures in Subsections B, E and F of this section are impracticable, the officer shall comply with or cause compliance with the procedures in Subsections A, C, D and H of this section.
- H. In the case of a first violation by a minor, the arresting officer shall notify the Village Clerk who shall, by certified mail, return receipt requested, send to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of parental responsibility and of applicable penalties.

§ 84-8. Penalties for offenses.

- A. Any minor under the age of 16 years of age violating the provisions of this chapter shall be dealt with in accordance with the procedures contained in § 84-7 herein and on each violation shall be treated as a first violator.
- B. Any minor between the ages of 16 and 18 years of age convicted for violating any provision of this chapter shall be guilty of a violation punishable by a fine of not more than \$50 for the first conviction, \$100 for the second conviction and \$250 thereafter or by a term of imprisonment not to exceed 15 days, or be required to perform community service, or any combination thereof.
- C. Any parent convicted of violating any provision of this chapter shall be guilty of a violation punishable by a fine of not more than \$50 for the first conviction, \$100 for the second conviction and \$250 thereafter or by a term of imprisonment not to exceed 15 days, or be required to perform community service, or any combination thereof.

§ 84-9. Notice.

Notice of the existence of this chapter and of the curfew regulations established by it shall be posted, from time to time, in, on or at such public or quasi-public places, as may be determined by the Village Board, in order that the public may be informed of the existence of this chapter and its regulations.

