

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

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

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

Village of OCEAN BEACH

Local Law No. 04 of the year 2023

A local law To Amend Chapter 123, Amend Sections 123-7 and 123-13 of the Code of the Inc. Village of Ocean Beach:

~~(insert)~~ ALLOW BALL-PLAYING AT VILLAGE DESIGNATED AREAS

Be it enacted by the BOARD OF TRUSTEES of the  
(Name of Legislative Body)

Village of OCEAN BEACH as follows:

COMPLETE TEXT ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 04 of 2023 - of the (Village) of OCEAN BEACH was duly passed by the BOARD OF TRUSTEES on JUNE 10, 2023 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20 ---, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer\*) and was deemed duly adopted on 20 in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.

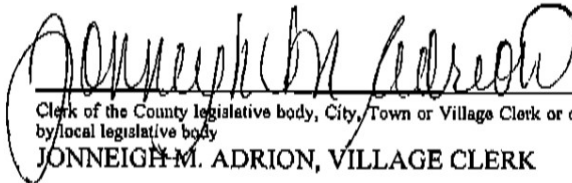
\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, If there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to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

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2023 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative. 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body  
**JONNEIGH M. ADRION, VILLAGE CLERK**


(Seal)

Date: JUNE 10, 2023

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF SUFFOLK

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

Kenneth A. Gray, Village Attorney  
\_\_\_\_\_  
Title

Inc. Village of Ocean Beach

Date: JUNE 10, 2023



## INCORPORATED VILLAGE OF OCEAN BEACH

### RESOLUTION NO. 2023-078

#### ADOPT LOCAL LAW 04 OF 2023: Resolution No. 2023-078:

A local law to amend Chapters 123-7 & 123-13 of the Village Code to allow ballplaying on the beach in certain village designated areas

**BE IT ENACTED**, by the Board of Trustees of the Incorporated Village of Ocean Beach, as follows:

**Section 1.** Section 123-7 and 123-13 of Chapter 123 of the Village Code, entitled "Peace and Good Order", is hereby amended, enacted and added to the Village Code as follows:

**§ 123-7 Ballplaying and other amusements on beaches.**

No person shall engage in ballplaying, frisbee throwing, any game of catch of any nature or the flying of kites on any of the beaches in the Village of Ocean Beach, or immediately adjacent to the Village of Ocean Beach, within a distance of 1,500 feet, except on the oceanfront beaches of the Village of Ocean Beach between the hours of 7:00 p.m and 8:00 a.m. No person shall otherwise so engage in ballplaying, frisbee throwing, any game of catch of any nature or the flying of kites or any act of amusement on the beaches or roads or public places within said village so as to annoy, interfere with or endanger persons or property on said walks or roads, beaches or public places, except in any areas so designated by the Village for such activities.

.....

**§ 123-13 Use of tennis courts, volleyball courts, or other ball-playing designated areas; penalties for offenses.**

**A.**

No person shall make use of a tennis court, volleyball court, or other ball-playing designated areas owned or leased by the Village of Ocean Beach unless such person, prior to such use, shall have prepaid any required fees for such use.

**Section 2.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.

**Section 3. Authority.**

The Board of Trustees of the Village of Ocean Beach is authorized to adopt this local law pursuant to Municipal Home Rule Law 10(1)(i), 10(1)(ii)(a)(6), 10(1)(ii)(a)(9-a) and 10(2).

**Section 4. Severability.**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section 5. New York State Environmental Quality Review Act (NYSEQRA)**

The Board of Trustees hereby declares the adoption of this Local Law a Type II action, pursuant to the NYSEQRA and, therefore, no further environmental review is required.

**Section 6. Effective Date.**

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

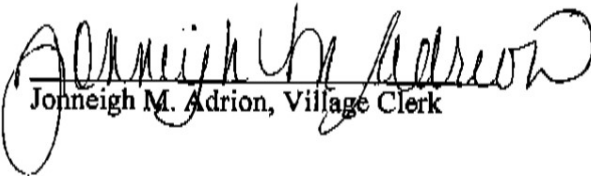
**ADOPT LOCAL LAW 04 OF 2023: Resolution No. 2023-078:**

**UPON MOTION MADE BY Mayor Mallott SECONDED BY Trustee Blake**

The foregoing RESOLUTION WAS       X       ADOPTED  
\_\_\_\_\_ DEFEATED  
\_\_\_\_\_ TABLED

Upon the following roll call vote of the members of the Board of Trustees:

Member	Absent	Aye	Nay	Abstain
Deputy Mayor Blake	_____	X	_____	_____
Trustee Hargraves	_____	X	_____	_____
Trustee Norris	_____	X	_____	_____
Trustee Power	_____	X	_____	_____
Mayor Mallott	_____	X	_____	_____

ATTEST:   
Jonneigh M. Adrion, Village Clerk