

## **Chapter 145**

### **TRESPASSING**

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**[HISTORY: Adopted by the Town Board of the Town of Patterson 3-8-78 by Ord. No. 1-1978. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Dumps and dumping - See Ch. 79.**

**Loitering - See Ch. 107.**

**Peddling and soliciting - See Ch. 121.**

### **§ 145-1. Purpose.**

The purpose of this Article is to prohibit trespass to public and private property, for the protection and preservation of the property of the Town of Patterson and of its inhabitants and of peace and good order.

### **§ 145-2. Definitions.**

For the purpose of this Article, the terms used herein are defined as follows:

**OWNER** - Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

**PATTERSON ENVIRONMENTAL PARK** - All that certain plot, piece or parcel of land situated, lying and being in the Town of Patterson, County of Putnam and State of New York, containing about twenty-three (23) acres, bounded north by lands now or formerly of Conlin, east by the Croton River, south by lands now or formerly of Dykeman and west by lands of Dykeman and designated as "forever green" and to be used by the residents of the Town of Patterson as a nature conservancy by resolution of the Town Board dated May 11, 1977.

**PERSON** - Any natural person, corporation, association, society, organization, firm or partnership.

**PROPERTY** - Any real property or personal property in the Town of Patterson.

**PUTNAM LAKE DAM PROPERTY** - All that property shown on Plot H, together with the dam located thereon, as shown on the Tenth Map of Putnam Lake, Town of Patterson, Putnam County, New York, and filed in the Putnam County Clerk's office on the 30th day of October 1931, File No. 149L.

**STREET** - A public or private thoroughfare, however designated, which affords the principal means of access to abutting property.

**STRUCTURE** - Anything which is constructed, erected, placed or located, including but not limited to fences and walls.

**TOWN** - The Town of Patterson, in the County of Putnam, State of New York.

**TOWN BOARD** - The Town Board of the Town of Patterson.

**TRESPASS** - Any entrance, invasion, intrusion or encroachment by vehicle or otherwise, upon, in or to any property, without the permission or consent of the owner or lessee of such property.

**§145-3. Unlawful intrusion or trespass.**

A. Prohibited conduct.

(1) It shall be unlawful in the Town of Patterson for any person, other than the owner, to trespass or intrude or go upon any public or private property which has been posted as hereinafter provided, without the written consent of the owner of such private property or public official having charge of any public property.

(2) It shall be unlawful for any person to pick flowers, shrubs or trees upon any public property or to mar or deface any public building.

(3) No person shall intrude upon any lot or piece of land within the Town of Patterson without authority from the owner thereof, or erect or occupy thereon any hut or other structure whatever without such authority.

B. Rule of evidence. The failure by any person to exhibit such written consent to any property owner, police officer, peace officer or any public official or employee shall be presumptive evidence that he has no consent to be upon the property.

C. Nonapplicability. This section shall not apply to a fire, police, peace officer or authorized town official or employee acting in the course of his duties.

**§ 145-4. Posting of notices.**

A. Notices or signs not less than fourteen (14) inches high by twenty-four (24) inches wide and with letters not less than four (4) inches high shall be so placed that when in position the distance between notices or signs shall not be greater than two hundred (200) feet.

B. The notices or signs shall be so placed as to be legible and visible.

C. The notices or signs shall contain the words NO TRESPASSING.

**§ 145-5. Use of public property.**

A. Whether or not public property shall have been posted as herein provided, no person shall enter or go upon any public land or public installation facility or building, unless the same shall as an ordinary function be open and accessible to the public, without the consent of the Town Board or the town official or employee or other public official having charge of such property, building or facility.

B. Nothing herein contained shall be deemed to prevent any resident of the Town of Patterson from using any town park, water or recreation facilities when otherwise authorized.

C. It shall be unlawful for any person to fish on the Putnam Lake Dam Property.

D. It shall be unlawful for any person to fish or hunt in the Patterson Environmental Park.

**§ 145-6. Street encroachments.**

It shall be unlawful for any person to place, erect or occupy within or above the bounds of any street or road of the Town of Patterson any structure without authorization.

**§ 145-7. Penalties for offenses.**

A. The violation of any provision of this Article is an offense.

B. Any person, firm or corporation found guilty of a violation of any provision hereof shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for a period not exceeding fifteen (15) days, or both such fine and imprisonment.

C. Each day upon which any violation of this Article shall continue shall be a separate violation hereof.