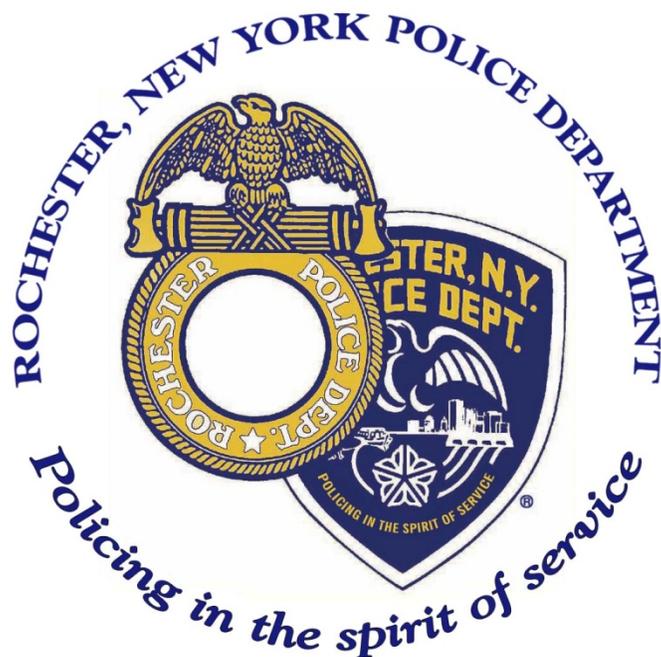


# Rochester Police Department



## Demonstrators Guide to Federal, State, and Local Laws and Ordinances

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# Preface

The Rochester Police Department's presence at demonstrations is to protect the constitutional and other legal rights of the demonstrators, the target(s) of the demonstrators, and the public; safeguard the lives and property of all concerned; and enforce law violations affecting life, property, and the right of access.

Officers of the Rochester Police Department will maintain a neutral posture at demonstrations, and provide protection and services to all parties as equitably as possible. Contained in this book are the Federal and State laws, Municipal ordinances, and other code requirements by which all parties involved in a demonstration will be expected to abide. This guide is not all-inclusive, as other laws or codes may affect your actions. Consultation with a lawyer or the City of Rochester prior to your event is advised.

Permits are needed to hold a demonstration in the City of Rochester if the demonstration is going to take place in a public park. If a demonstration is going to take place on a public street, a Special Event Permit is required. These permits can be obtained from the City of Rochester, Office of Special Events which is located at City Hall, Room 202A, 30 Church St, Rochester, NY 14614. The telephone number is 585-428-6690. Additional information can be obtained from the City of Rochester website, [cityofrochester.gov](http://cityofrochester.gov).

The First Amendment generally protects the right of persons to peacefully observe, photograph, video-record or audio-record the activities of law enforcement personnel while performing their duties in a public location. However there is no right to engage in conduct that endangers or threatens the safety of officers or other persons, including making verbal threats or conduct that obstructs, impairs, prevents or attempts to prevent the performance of official actions by means of intimidation, physical force or interference.

Additional information regarding demonstrations, demonstrator's rights, or the information included in this Manual can be obtained from the Rochester Police Department's Special Events Section at 585-428-7209.

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# **Rochester Police Department**

## **Demonstration Guide**

### **Introduction**

The Rochester Police Department has prepared this Manual as a courtesy to those individuals or groups planning to engage in lawful demonstrations within the City of Rochester.

Each section contains pertinent laws and codes that should help individuals or groups determine what is legally allowable for their purpose. This guide does not include every law and ordinance that may affect you. Laws are only referenced, and may be affected by recent court proceedings. Consultation with the Rochester Police Department or a lawyer is strongly encouraged before any demonstration is commenced.

# **SECTION ONE**

## **Federal Criminal Codes**

### **Federal Criminal Code - Title 18**

#### **Protectee's Temporary Residence:**

You may not enter an area that has been designated as the temporary residence of a protectee of the United States Secret Service or the United States Department of State.

RE: Title 18USC 1752

#### **18 U.S.C. § 1752 : US Code - Section 1752: Temporary residences and offices of the President and others**

- (a) It shall be unlawful for any person or group of persons -
- (1) willfully and knowingly to enter or remain in
    - (i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or other person protected by the Secret Service or as temporary offices of the President and his staff or of any other person protected by the Secret Service, or
    - (ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting, in violation of the regulations governing ingress or egress thereto:
  - (2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;
  - (3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or
  - (4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).
- (b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine under this title or imprisonment not exceeding six months, or both.
- (c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.
- (d) The Secretary of the Treasury is authorized -

(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President or other person protected by the Secret Service and the temporary offices of the President and his staff or of any other person protected by the Secret Service, and

(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President or other person protected by the Secret Service is or will be temporarily visiting.

(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section.

(f) As used in this section, the term "other person protected by the Secret Service" means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection

## **SECTION TWO**

### **New York Penal Law**

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**§ 120.00 Assault in the third degree.**

A person is guilty of assault in the third degree when:

1. With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or
2. He recklessly causes physical injury to another person; or
3. With criminal negligence, he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

*Assault in the third degree is a class A misdemeanor.*

**§ 120.05 Assault in the second degree.**

A person is guilty of assault in the second degree when:

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person; or
2. With intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or
3. With intent to prevent a peace officer, a police officer, registered nurse, licensed practical nurse, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a traffic enforcement officer or traffic enforcement agent, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such peace officer, police officer, registered nurse, licensed practical nurse, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, traffic enforcement officer or traffic enforcement agent, he or she causes physical injury to such peace officer, police officer, registered nurse, licensed practical nurse, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, traffic enforcement officer or traffic enforcement agent; or
- 3-a. With intent to prevent an employee of a local social services district directly involved in investigation of or response to alleged abuse or neglect of a child, a vulnerable elderly person or an incompetent or physically disabled person, from performing such investigation or response, the actor, not being such child, vulnerable elderly person or incompetent or physically disabled person, or with intent to prevent an employee of a local social services district directly involved in providing public assistance and care from performing his or her job, causes physical injury to such employee including by means of releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activities of such employee; or
4. He recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or
5. For a purpose other than lawful medical or therapeutic treatment, he intentionally causes stupor, unconsciousness or other physical impairment or injury to another

person by administering to him, without his consent, a drug, substance or preparation capable of producing the same; or

**6.** In the course of and in furtherance of the commission or attempted commission of a felony, other than a felony defined in article one hundred thirty which requires corroboration for conviction, or of immediate flight therefrom, he, or another participant if there be any, causes physical injury to a person other than one of the participants; or

**7.** Having been charged with or convicted of a crime and while confined in a correctional facility, as defined in subdivision three of section forty of the correction law, pursuant to such charge or conviction, with intent to cause physical injury to another person, he causes such injury to such person or to a third person; or

**8.** Being eighteen years old or more and with intent to cause physical injury to a person less than eleven years old, the defendant recklessly causes serious physical injury to such person; or

**9.** Being eighteen years old or more and with intent to cause physical injury to a person less than seven years old, the defendant causes such injury to such person; or

**10.** Acting at a place the person knows, or reasonably should know, is on school grounds and with intent to cause physical injury, he or she:

**(a)** causes such injury to an employee of a school or public school district; or

**(b)** not being a student of such school or public school district, causes physical injury to another, and such other person is a student of such school who is attending or present for educational purposes. For purposes of this subdivision the term "school grounds" shall have the meaning set forth in subdivision fourteen of section 220.00 of this chapter.

**11.** With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a traffic enforcement officer, traffic enforcement agent, sanitation enforcement agent, New York city sanitation worker, registered nurse or licensed practical nurse he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse, sanitation enforcement agent or New York city sanitation worker, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse, sanitation enforcement agent or New York city sanitation worker, is performing an assigned duty.

**11-a.** With intent to cause physical injury to an employee of a local social services district directly involved in investigation of or response to alleged abuse or neglect of a child, vulnerable elderly person or an incompetent or physically disabled person, the actor, not being such child, vulnerable elderly person or incompetent or physically disabled person, or with intent to prevent an employee of a local social services district directly involved in providing public assistance and care from performing his or her job, causes physical injury to such employee; or

12. With intent to cause physical injury to a person who is sixty-five years of age or older, he or she causes such injury to such person, and the actor is more than ten years younger than such person.

*Assault in the second degree is a class D felony.*

**§ 120.06 Gang assault in the second degree.**

A person is guilty of gang assault in the second degree when, with intent to cause physical injury to another person and when aided by two or more other persons actually present, he causes serious physical injury to such person or to a third person.

*Gang assault in the second degree is a class C felony.*

**§ 120.08 Assault on a peace officer, police officer, fireman or emergency medical services professional.**

A person is guilty of assault on a peace officer, police officer, fireman or emergency medical services professional when, with intent to prevent a peace officer, police officer, a fireman, including a fireman acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such fireman, or an emergency medical service paramedic or emergency medical service technician, from performing a lawful duty, he causes serious physical injury to such peace officer, police officer, fireman, paramedic or technician.

*Assault on a peace officer, police officer, fireman or emergency medical services professional is a class C felony.*

**§ 120.10 Assault in the first degree.**

A person is guilty of assault in the first degree when:

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or
2. With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or
3. Under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to another person; or
4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he, or another participant if there be any, causes serious physical injury to a person other than one of the participants.

*Assault in the first degree is a class B felony.*

**§ 120.11 Aggravated assault upon a police officer or a peace officer.**

A person is guilty of aggravated assault upon a police officer or a peace officer when, with intent to cause serious physical injury to a person whom he knows or reasonably should

know to be a police officer or a peace officer engaged in the course of performing his official duties, he causes such injury by means of a deadly weapon or dangerous instrument.  
*Aggravated assault upon a police officer or a peace officer is a class B felony.*

**§ 120.15 Menacing in the third degree.**

A person is guilty of menacing in the third degree when, by physical menace, he or she intentionally places or attempts to place another person in fear of death, imminent serious physical injury or physical injury.

*Menacing in the third degree is a class B misdemeanor.*

**§ 120.14 Menacing in the second degree.**

A person is guilty of menacing in the second degree when:

1. He or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. He or she repeatedly follows a person or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place another person in reasonable fear of physical injury, serious physical injury or death; or
3. He or she commits the crime of menacing in the third degree in violation of that part of a duly served order of protection, or such order which the defendant has actual knowledge of because he or she was present in court when such order was issued, pursuant to article eight of the family court act, section 530.12 of the criminal procedure law, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, which directed the respondent or defendant to stay away from the person or persons on whose behalf the order was issued.

*Menacing in the second degree is a class A misdemeanor.*

**§ 120.18 Menacing a police officer or peace officer.**

A person is guilty of menacing a police officer or peace officer when he or she intentionally places or attempts to place a police officer or peace officer in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, knife, pistol, revolver, rifle, shotgun, machine gun or other firearm, whether operable or not, where such officer was in the course of performing his or her official duties and the defendant knew or reasonably should have known that such victim was a police officer or peace officer.

*Menacing a police officer or peace officer is a class D felony.*

**§ 120.20 Reckless endangerment in the second degree.**

A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

*Reckless endangerment in the second degree is a class A misdemeanor.*

**§ 140.00 Criminal trespass and burglary; definitions of terms.**

The following definitions are applicable to this article:

1. "Premises" includes the term "building," as defined herein, and any real property.
2. "Building," in addition to its ordinary meaning, includes any structure, vehicle or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein, or used as an elementary or secondary school, or an inclosed motor truck, or an inclosed motor truck trailer. Where a building consists of two or more units separately secured or occupied, each unit shall be deemed both a separate building in itself and a part of the main building.
3. "Dwelling" means a building which is usually occupied by a person lodging therein at night.
4. "Night" means the period between thirty minutes after sunset and thirty minutes before sunrise.
5. "Enter or remain unlawfully." A person "enters or remains unlawfully" in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner. A person who enters or remains in or about a school building without written permission from someone authorized to issue such permission or without a legitimate reason which includes a relationship involving custody of or responsibility for a pupil or student enrolled in the school or without legitimate business or a purpose relating to the operation of the school does so without license and privilege.

**§ 140.05. Trespass.**

A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises.

*Trespass is a violation.*

**§ 140.10 Criminal trespass in the third degree.**

A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in a building or upon real property

- (a) which is fenced or otherwise enclosed in a manner designed to exclude intruders; or
- (b) where the building is utilized as an elementary or secondary school or a children's overnight camp as defined in section one thousand three hundred ninety-two of the public health law or a summer day camp as defined in section one thousand three hundred

ninety-two of the public health law in violation of conspicuously posted rules or regulations governing entry and use thereof; or

(c) located within a city with a population in excess of one million and where the building or real property is utilized as an elementary or secondary school in violation of a personally communicated request to leave the premises from a principal, custodian or other person in charge thereof; or

(d) located outside of a city with a population in excess of one million and where the building or real property is utilized as an elementary or secondary school in violation of a personally communicated request to leave the premises from a principal, custodian, school board member or trustee, or other person in charge thereof; or

(e) where the building is used as a public housing project in violation of conspicuously posted rules or regulations governing entry and use thereof; or

(f) where a building is used as a public housing project in violation of a personally communicated request to leave the premises from a housing police officer or other person in charge thereof; or

(g) where the property consists of a right-of-way or yard of a railroad or rapid transit railroad which has been designated and conspicuously posted as a no-trespass railroad zone.

*Criminal trespass in the third degree is a class B misdemeanor.*

#### **§ 140.20 Burglary in the third degree.**

A person is guilty of burglary in the third degree when he knowingly enters or remains unlawfully in a building with intent to commit a crime therein.

*Burglary in the third degree is a class D felony.*

#### **§ 140.35 Possession of burglar's tools.**

A person is guilty of possession of burglar's tools when he possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, or offenses involving larceny by a physical taking, or offenses involving theft of services as defined in subdivisions four, five and six of section 165.15, under circumstances evincing an intent to use or knowledge that some person intends to use the same in the commission of an offense of such character.

*Possession of burglar's tools is a class A misdemeanor.*

#### **§ 140.40 Unlawful possession of radio devices.**

As used in this section, the term "radio device" means any device capable of receiving a wireless voice transmission on any frequency allocated for police use, or any device capable of transmitting and receiving a wireless voice transmission. A person is guilty of unlawful possession of a radio device when he possesses a radio device with the intent to use that device in the commission of robbery, burglary, larceny, gambling or a violation of any provision of article two hundred twenty of the penal law.

*Unlawful possession of a radio device is a class B misdemeanor.*

**§ 145.00 Criminal mischief in the fourth degree.**

A person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. Intentionally damages property of another person; or
2. Intentionally participates in the destruction of an abandoned building as defined in section one thousand nine hundred seventy-one-a of the real property actions and proceedings law; or
3. Recklessly damages property of another person in an amount exceeding two hundred fifty dollars; or
4. With intent to prevent a person from communicating a request for emergency assistance, intentionally disables or removes telephonic, TTY or similar communication sending equipment while that person:
  - (a) is attempting to seek or is engaged in the process of seeking emergency assistance from police, law enforcement, fire or emergency medical services personnel; or
  - (b) is attempting to seek or is engaged in the process of seeking emergency assistance from another person or entity in order to protect himself, herself or a third person from imminent physical injury. The fact that the defendant has an ownership interest in such equipment shall not be a defense to a charge pursuant to this subdivision.

*Criminal mischief in the fourth degree is a class A misdemeanor.*

**§ 145.05 Criminal mischief in the third degree.**

A person is guilty of criminal mischief in the third degree when, with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. damages the motor vehicle of another person, by breaking into such vehicle when it is locked with the intent of stealing property, and within the previous ten year period, has been convicted three or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of criminal mischief in the fourth degree as defined in section 145.00, criminal mischief in the third degree as defined in this section, criminal mischief in the second degree as defined in section 145.10, or criminal mischief in the first degree as defined in section 145.12 of this article; or
2. damages property of another person in an amount exceeding two hundred fifty dollars.

*Criminal mischief in the third degree is a class E felony.*

**§ 145.14 Criminal tampering in the third degree.**

A person is guilty of criminal tampering in the third degree when, having no right to do so nor any reasonable ground to believe that he has such right, he tampers with property of another person with intent to cause substantial inconvenience to such person or to a third person.

*Criminal tampering in the third degree is a class B misdemeanor.*

**§ 145.30 Unlawfully posting advertisements.**

1. A person is guilty of unlawfully posting advertisements when, having no right to do so nor any reasonable ground to believe that he has such right, he posts, paints or otherwise affixes to the property of another person any advertisement, poster, notice or other matter designed to benefit a person other than the owner of the property.

2. Where such matter consists of a commercial advertisement, it shall be presumed that the vendor of the specified product, service or entertainment is a person who placed such advertisement or caused it to be placed upon the property.

*Unlawfully posting advertisements is a violation.*

**§ 145.60 Making graffiti.**

1. For purposes of this section, the term "graffiti" shall mean the etching, painting, covering, drawing upon or otherwise placing of a mark upon public or private property with intent to damage such property.

2. No person shall make graffiti of any type on any building, public or private, or any other property real or personal owned by any person, firm or corporation or any public agency or instrumentality, without the express permission of the owner or operator of said property.

*Making graffiti is a class A misdemeanor.*

**§ 145.65 Possession of graffiti instruments.**

A person is guilty of possession of graffiti instruments when he possesses any tool, instrument, article, substance, solution or other compound designed or commonly used to etch, paint, cover, draw upon or otherwise place a mark upon a piece of property which that person has no permission or authority to etch, paint, cover, draw upon or otherwise mark, under circumstances evincing an intent to use same in order to damage such property.

*Possession of graffiti instruments is a class B misdemeanor.*

**§ 150.01 Arson in the fifth degree.**

A person is guilty of arson in the fifth degree when he or she intentionally damages property of another without consent of the owner by intentionally starting a fire or causing an explosion.

*Arson in the fifth degree is a class A misdemeanor.*

**§ 150.15 Arson in the second degree.**

A person is guilty of arson in the second degree when he intentionally damages a building or motor vehicle by starting a fire, and when

- (a) another person who is not a participant in the crime is present in such building or motor vehicle at the time, and

(b) the defendant knows that fact or the circumstances are such as to render the presence of such a person therein a reasonable possibility.

*Arson in the second degree is a class B felony.*

**§ 150.20 Arson in the first degree.**

1. A person is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when

(a) such explosion or fire is caused by an incendiary device propelled, thrown or placed inside or near such building or motor vehicle; or when such explosion or fire is caused by an explosive; or when such explosion or fire either

(i) causes serious physical injury to another person other than a participant, or

(ii) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when

(b) another person who is not a participant in the crime is present in such building or motor vehicle at the time; and

(c) the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility.

2. As used in this section, "incendiary device" means a breakable container designed to explode or produce uncontained combustion upon impact, containing flammable liquid and having a wick or a similar device capable of being ignited.

*Arson in the first degree is a class A-I felony.*

**§ 195.05 Obstructing governmental administration in the second degree.**

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration.

*Obstructing governmental administration is a class A misdemeanor.*

**§ 195.06 Killing or injuring a police animal.**

A person is guilty of killing or injuring a police animal when such person intentionally kills or injures any animal while such animal is in the performance of its duties and under the supervision of a police or peace officer.

*Killing or injuring a police animal is a class A misdemeanor.*

**§ 195.08 Obstructing governmental administration by means of a self-defense spray device.**

A person is guilty of obstructing governmental administration by means of a self-defense spray device when, with the intent to prevent a police officer or peace officer from performing a lawful duty, he causes temporary physical impairment to a police officer or peace officer by intentionally discharging a self-defense spray device, as defined in paragraph fourteen of subdivision a of section 265.20 of this chapter, thereby causing such temporary physical impairment.

*Obstructing governmental administration by means of a self-defense spray device is a class D felony.*

**§ 195.10 Refusing to aid a peace or a police officer.**

A person is guilty of refusing to aid a peace or a police officer when, upon command by a peace or a police officer identifiable or identified to him as such, he unreasonably fails or refuses to aid such peace or a police officer in effecting an arrest, or in preventing the commission by another person of any offense.

*Refusing to aid a peace or a police officer is a class B misdemeanor.*

**§ 195.15 Obstructing firefighting operations.**

A person is guilty of obstructing firefighting operations when he intentionally and unreasonably obstructs the efforts of any:

1. fireman in extinguishing a fire, or prevents or dissuades another from extinguishing or helping to extinguish a fire; or
2. fireman, police officer or peace officer in performing his duties in circumstances involving an imminent danger created by an explosion, threat of explosion or the presence of toxic fumes or gases.

*Obstructing firefighting operations is a class A misdemeanor.*

**§ 195.16 Obstructing emergency medical services.**

A person is guilty of obstructing emergency medical services when he or she intentionally and unreasonably obstructs the efforts of any service, technician, personnel, system or unit specified in section three thousand one of the public health law in the performance of their duties.

*Obstructing emergency medical services is a class A misdemeanor.*

**§ 205.05 Escape in the third degree.**

A person is guilty of escape in the third degree when he escapes from custody.

*Escape in the third degree is a class A misdemeanor.*

### **§ 205.30 Resisting arrest.**

A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

*Resisting arrest is a class A misdemeanor.*

### **§ 240.00 Offenses against public order; definitions of terms.**

The following definitions are applicable to this article:

1. "Public place" means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, playgrounds, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

2. "Transportation facility" means any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, railroad, motor vehicle or any other method. It includes aircraft, watercraft, railroad cars, buses, school buses as defined in section one hundred forty-two of the vehicle and traffic law, and air, boat, railroad and bus terminals and stations and all appurtenances thereto.

3. "School grounds" means in or on or within any building, structure, school bus as defined in section one hundred forty-two of the vehicle and traffic law, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational or high school.

4. "Hazardous substance" shall mean any physical, chemical, microbiological or radiological substance or matter which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health.

5. "Age" means sixty years old or more.

6. "Disability" means a physical or mental impairment that substantially limits a major life activity.

### **§ 240.05 Riot in the second degree.**

A person is guilty of riot in the second degree when, simultaneously with four or more other persons, he engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm.

*Riot in the second degree is a class A misdemeanor.*

### **§ 240.06 Riot in the first degree.**

A person is guilty of riot in the first degree when he:

1. Simultaneously with ten or more other persons, engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm, and in the course of and as a result of such conduct, a person other

than one of the participants suffers physical injury or substantial property damage occurs; or

2. While in a correctional facility or a local correctional facility, as those terms are defined in subdivisions four and sixteen, respectively, of section two of the correction law, simultaneously with ten or more other persons, engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing alarm within such correctional facility or local correctional facility and in the course of and as a result of such conduct, a person other than one of the participants suffers physical injury or substantial property damage occurs.

*Riot in the first degree is a class E felony.*

### **§ 240.08 Inciting to riot.**

A person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm.

*Inciting to riot is a class A misdemeanor.*

### **§ 240.10 Unlawful assembly.**

A person is guilty of unlawful assembly when he assembles with four or more other persons for the purpose of engaging or preparing to engage with them in tumultuous and violent conduct likely to cause public alarm, or when, being present at an assembly which either has or develops such purpose, he remains there with intent to advance that purpose.

*Unlawful assembly is a class B misdemeanor.*

### **§ 240.20 Disorderly conduct.**

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
  2. He makes unreasonable noise; or
  3. In a public place, he uses abusive or obscene language, or makes an obscene gesture;
- or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
  5. He obstructs vehicular or pedestrian traffic; or
  6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
  7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

*Disorderly conduct is a violation.*

**§ 240.21 Disruption or disturbance of a religious service, funeral, burial or memorial service.**

A person is guilty of disruption or disturbance of a religious service, funeral, burial or memorial service when he or she makes unreasonable noise or disturbance while at a lawfully assembled religious service, funeral, burial or memorial service, or within three hundred feet thereof, with intent to cause annoyance or alarm or recklessly creating a risk thereof.

*Disruption or disturbance of a religious service, funeral, burial or memorial service is a class A misdemeanor.*

**§ 240.26 Harassment in the second degree.**

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person:

1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or
2. He or she follows a person in or about a public place or places; or
3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

Subdivisions two and three of this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

*Harassment in the second degree is a violation.*

**§ 240.30 Aggravated harassment in the second degree.**

A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she:

1. Either
  - (a) communicates with a person, anonymously or otherwise, by telephone, by telegraph, or by mail, or by transmitting or delivering any other form of written communication, in a manner likely to cause annoyance or alarm; or
  - (b) causes a communication to be initiated by mechanical or electronic means or otherwise with a person, anonymously or otherwise, by telephone, by telegraph, or by mail, or by transmitting or delivering any other form of written communication, in a manner likely to cause annoyance or alarm; or
2. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or
3. Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or
4. Strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to a family or household member of such person as defined in section 530.11 of the criminal procedure law.

5. Commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

6. For the purposes of subdivision one of this section, "form of written communication" shall include, but not be limited to, a recording as defined in subdivision six of section 275.00 of this part.

*Aggravated harassment in the second degree is a class A misdemeanor.*

### **§ 240.31 Aggravated harassment in the first degree.**

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or

2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years; or

3. Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property;

4. Sets on fire a cross in public view; or

5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

*Aggravated harassment in the first degree is a class E felony.*

### **§ 240.35 Loitering.**

A person is guilty of loitering when he:

2. Loiters or remains in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia; or

4. Being masked or in any manner disguised by unusual or unnatural attire or facial alteration, loiters, remains or congregates in a public place with other persons so masked or disguised, or knowingly permits or aids persons so masked or disguised to congregate in a public place; except that such conduct is not unlawful when it occurs in connection with a masquerade party or like entertainment if, when such entertainment is held

in a city which has promulgated regulations in connection with such affairs, permission is first obtained from the police or other appropriate authorities; or

5. Loiters or remains in or about school grounds, a college or university building or grounds or a children's overnight camp as defined in section one thousand three hundred ninety-two of the public health law or a summer day camp as defined in section one thousand three hundred ninety-two of the public health law, or loiters, remains in or enters a school bus as defined in section one hundred forty-two of the vehicle and traffic law, not having any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same or loiters or remains in or about such children's overnight camp or summer day camp in violation of conspicuously posted rules or regulations governing entry and use thereof; or

6. Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade or commercial transactions involving the sale of merchandise or services, or for the purpose of entertaining persons by singing, dancing or playing any musical instrument; or  
*Loitering is a violation.*

#### **§ 240.70 Criminal interference with health care services or religious worship in the second degree.**

1. A person is guilty of criminal interference with health services or religious worship in the second degree when:

(a) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was or is obtaining or providing reproductive health services; or

(b) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person in order to discourage such other person or any other person or persons from obtaining or providing reproductive health services; or

(c) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such person was or is seeking to exercise the right of religious freedom at a place of religious worship; or

(d) he or she intentionally damages the property of a health care facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages the property of a place of religious worship.

2. A parent or legal guardian of a minor shall not be subject to prosecution for conduct otherwise prohibited by paragraph (a) or (b) of subdivision one of this section which is directed exclusively at such minor.

3. For purposes of this section:

(a) the term "health care facility" means a hospital, clinic, physician's office or other facility that provides reproductive health services, and includes the building or structure in which the facility is located;

(b) the term "interferes with" means to restrict a person's freedom of movement;

(c) the term "intimidates" means to place a person in reasonable apprehension of physical injury to himself or herself or to another person;

(d) the term "physical obstruction" means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous; and

(e) the term "reproductive health services" means health care services provided in a hospital, clinic, physician's office or other facility and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

*Criminal interference with health care services or religious worship in the second degree is a class A misdemeanor.*

### **§ 240.71 Criminal interference with health care services or religious worship in the first degree.**

A person is guilty of criminal interference with health care services or religious worship in the first degree when he or she commits the crime of criminal interference with health care services or religious worship in the second degree and has been previously convicted of the crime of criminal interference with health care services or religious worship in the first or second degree or aggravated interference with health care services in the first or second degree.

*Criminal interference with health care services or religious worship in the first degree is a class E felony.*

### **§ 270.05 Unlawfully possessing or selling noxious material.**

1. As used in this section, "noxious material" means any container which contains any drug or other substance capable of generating offensive, noxious or suffocating fumes, gases or vapors, or capable of immobilizing a person.

2. A person is guilty of unlawfully possessing noxious material when he possesses such material under circumstances evincing an intent to use it or to cause it to be used to inflict physical injury upon or to cause annoyance to a person, or to damage property of another, or to disturb the public peace.

3. Possession of noxious material is presumptive evidence of intent to use it or cause it to be used in violation of this section.

4. Bank security devices not prohibited. Notwithstanding the provisions of subdivision one of this section, it shall not be unlawful for any bank, national banking association, trust company, savings bank, savings and loan association, industrial bank, or credit union to store, possess, transport, use or cause to discharge any bank security device as described in subdivision one of section 270.00 of this chapter; nor shall it be unlawful for any manufacturer, wholesaler, dealer, jobber or common carrier to manufacture, store, possess, transport, or sell such a device to banks, national banking

associations, trust companies, savings banks, savings and loan associations, industrial banks or credit unions.

5. Self-defense spray devices not prohibited. Notwithstanding the provisions of subdivisions two and three of this section, it shall not be unlawful for a person eighteen years of age or older to possess a self-defense spray device as defined in paragraph fourteen of subdivision a of section 265.20 of this chapter in accordance with the provisions set forth therein.

6. A person is guilty of unlawfully selling a noxious material when he or she sells a self-defense spray device as defined in paragraph fourteen of subdivision a of section 265.20 of this chapter and such sale was not authorized in accordance with the provisions of paragraph fifteen of subdivision a of section 265.20 of this chapter.

*Unlawfully possessing or selling noxious material is a class B misdemeanor.*

### **§ 485.05 Hate crimes.**

1. A person commits a hate crime when he or she commits a specified offense and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree);

paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:

(a) the term "age" means sixty years old or more;

(b) the term "disability" means a physical or mental impairment that substantially limits a major life activity

#### **§ 490.20 Making a terroristic threat.**

1. A person is guilty of making a terroristic threat when with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination or kidnapping, he or she threatens to commit or cause to be committed a specified offense and thereby causes a reasonable expectation or fear of the imminent commission of such offense.

2. It shall be no defense to a prosecution pursuant to this section that the defendant did not have the intent or capability of committing the specified offense or that the threat was not made to a person who was a subject thereof.

*Making a terroristic threat is a class D felony.*

## **SECTION THREE**

### **New York State Vehicle and Traffic Law**

- Pedestrians subject to traffic regulations
- Pedestrians' right of way in crosswalks
- Pedestrians' right of way on sidewalks
- Crossing at other than crosswalks
- Provisions relating to blind or visually impaired persons
- Pedestrians to use right half of crosswalks
- Pedestrians on roadways
- Pedestrians soliciting rides, or business

#### **§ 1150. Pedestrians subject to traffic regulations.**

Pedestrians shall be subject to traffic-control signals as provided in section eleven hundred eleven of this title, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

#### **§ 1151. Pedestrians' right of way in crosswalks.**

**(a)** When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk on the roadway upon which the vehicle is traveling, except that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overpass has been provided shall yield the right of way to all vehicles.

**(b)** No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impractical for the driver to yield.

**(c)** Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

#### **§ 1151-a. Pedestrians' right of way on sidewalks.**

The driver of a vehicle emerging from or entering an alleyway, building, private road or driveway shall yield the right of way to any pedestrian approaching on any sidewalk extending across such alleyway, building entrance, road or driveway.

**§ 1152. Crossing at other than crosswalks.**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

**§ 1153. Provisions relating to blind or visually impaired persons.**

(a) Notwithstanding the foregoing provisions of this article every driver of a vehicle approaching an intersection or crosswalk shall yield the right of way to a pedestrian crossing or attempting to cross the roadway when such pedestrian is accompanied by a guide dog or using a cane which is metallic or white in color or white with a red tip.

(b) No person, unless blind or visually impaired, shall use on any street or highway a cane which is metallic or white in color or white with a red tip.

(c) This section shall not be construed as making obligatory the employment of the use of a guide dog or of a cane or walking stick of any kind by a person blind or visually impaired.

**§ 1155. Pedestrians to use right half of crosswalks.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

**§ 1156. Pedestrians on roadways.**

(a) Where sidewalks are provided and they may be used with safety it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. Upon the approach of any vehicle from the opposite direction, such pedestrian shall move as far to the left as is practicable.

**§ 1157. Pedestrians soliciting rides, or business.**

(a) No person shall stand in a roadway for the purpose of soliciting a ride, or to solicit from or sell to an occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(c) No person shall occupy any part of a state highway, except in a city or village, in any manner for the purpose of selling or soliciting.

## **SECTION FOUR**

### **Municipal Code of the City of Rochester**

- Admission to cemetery grounds
- General rules and regulations
- Activities requiring permits
- Radio receiving sets
- Funeral processions not to be interfered with
- Offensive substances
- Darts, arrows and pointed instruments
- Nuisances and immediate environmental hazards forbidden
- Abatement of nuisances
- Burning offensive materials
- Litter in public places and on City property
- Litter in parks, lakes and fountains.
- Throwing or distributing handbills
- Excessive noise prohibited
- Use of signaling devices
- Noise-sensitive zones
- Sound reproduction devices used for miscellaneous purposes
- Preservation of property and natural features
- Littering; abandoned property; pollution of waters; noise
- Weapons
- Permit required for camping
- Acts requiring permits
- Possession of pass
- Improper use
- Incendiary missiles
- Emergency powers
- Notice
- Curfew
- Penalties for offenses
- Severability

### **§ 43-2. Admission to grounds.**

No person shall enter or leave the cemetery except through the public gates. The cemetery shall be open during the hours determined by the Commissioner, as indicated by the signs at the gates of the cemetery. No person, unless authorized by the Commissioner or his or her designee, shall be within the cemetery when it is closed. Any person entering the cemetery after closing, without prior authorization from the Commissioner, will be considered a trespasser. Children under 15 years of age shall not be permitted within the cemetery grounds or their buildings unless accompanied and supervised by an adult. The Commissioner or his or her designee shall have the right to refuse admission to the cemetery and refuse the use of the grounds or any of the cemetery's facilities at any time and to any person or persons who are deemed to be in violation of the provisions of this chapter.

### **§ 43-11. General rules and regulations.**

- A.** Prohibited acts. It shall be unlawful for any person to commit any of the following acts:
- (1)** Trespass through the cemetery or enter or remain on cemetery grounds before or after posted hours.
  - (2)** Desecrate, vandalize, deface, tear down or injure any property, grave stone, monument, tomb, vault, or fence in the cemetery.
  - (3)** Bring illegal substances into the cemetery.
  - (4)** Alcoholic beverages may only be possessed in the cemetery in accordance with § 44-9 of the Municipal Code. The Commissioner has the authority to permit the consumption of alcoholic beverages for special events held on cemetery property.
  - (5)** Dogs may only be possessed in the cemetery in accordance with § 31-15.2 of the Municipal Code.
  - (6)** Have in possession or discharge firearms within the cemetery, except for honor guards at military funerals or special ceremonies or police officers.
  - (7)** Solicitation by outside parties on cemetery property is strictly prohibited.
  - (8)** Advertising of any kind is prohibited within the cemetery, except for displays of merchandise or services offered for sale by the cemetery. No signs, notices or advertising may be placed on cemetery grounds or buildings without the express, written consent of the Commissioner. The cemetery may remove any unauthorized advertising without liability.
  - (9)** Congregate about an interment space while funeral ceremonies are in progress, unless accompanying the funeral.
  - (10)** Use profane or boisterous language or in any way disturb the quiet and good order of the cemetery.
  - (11)** Sit, walk upon or occupy any private lot not belonging to him or her or to a member of his or her immediate family.
  - (12)** Climb the banks or terraces.
  - (13)** Climb on or disturb any trees, shrubs, or plantings, or pick flowers or foliage.
  - (14)** Possess a bow and/or arrow in the cemetery.
  - (15)** Throw trash or litter on the roads, paths, lawns, lots or any other part of the cemetery grounds or buildings, except into designated receptacles.

- (16) Drive a motor vehicle faster than 15 miles per hour within the boundaries of the cemetery.
- (17) Operate an off-the-road vehicle of any kind, except for cemetery maintenance personnel.
- (18) Riders of motorcycles and bicycles must keep their vehicles on paved roads and obey the cemetery speed limit.
- (19) Large commercial vehicles of any kind are not permitted within the cemetery grounds unless they are allowed by permission of the Cemetery Manager.
- (20) Recreational activities such as skiing, mountain biking, sledding, skateboarding, rollerblading, ball playing, or swimming.
- (21) Feed or disturb fish, birds or other animal life within the cemetery.
- (22) Conduct a treasure or scavenger hunt on the cemetery grounds. This includes geo-caching activities.

**§ 43-13. Activities requiring permits.**

The Commissioner may authorize non-interment-related activities to occur in the public areas of the cemetery grounds. These activities require prior written approval through a permitting process. Approval for such activities shall be made by the Commissioner at his or her sole discretion. No person shall commit any of the following acts within a cemetery, except authorized employees or persons with written permission from the Commissioner:

- A. Conduct a public tour;
- B. Deliver any public speech, or hold a public march or parade;
- C. Hold a wedding ceremony or private party;
- D. Conduct an organized game or activity, including activities such as races, walks, and similar organized activities;
- E. Professionally photograph a staged subject;
- F. Film any portion of the cemetery grounds;
- G. Hold a gathering of more than 25 people;
- H. Charge an admission or entry fee for any activity that takes place within the cemetery grounds;
- I. Possess or consume any alcoholic beverage.

**§ 44-2. Radio receiving sets.**

*Editor's Note: See also Ch. 75, Noise.*

- A. No person shall use a portable receiver for the purpose of receiving signals on police or fire frequencies.
- B. No person shall equip any motor vehicle with a radio receiving set capable of receiving signals on the frequencies allocated for police or fire use or knowingly use a motor vehicle so equipped or knowingly in any way interfere with the reception or transmission of radio messages by the Police or Fire Department.

**§ 44-5. Funeral processions not to be interfered with.**

A person must not interrupt, detain or interfere with a funeral procession, or any parts thereof, or the vehicles in such procession.

**§ 44-6. Offensive substances.**

A person must not sell or possess any substance intended for the sole purpose of emitting or giving forth a noisome, foul or offensive odor, nor use any substance for the sole purpose of emitting or giving forth a noisome, foul or offensive odor, nor sell or possess any substance intended for the sole purpose of causing sneezing or itching or for the sole purpose of irritating the eyes or the passages of the nose or throat, nor use any substance for the sole purpose of irritating the eyes or the passages of the nose or throat or causing any itching or sneezing.

**§ 47-2. Darts, arrows and pointed instruments.**

*[Amended 6-22-1954; 10-13-1987 by Ord. No. 87-347]*

No person shall sell, offer for sale, keep for sale, give, loan or lease to any person under 18 years of age any metal-tipped arrow or sharp pointed wooden or plastic arrow, or any sharp pointed wooden, plastic or metal instrument or weapon, so weighted and constructed as to be capable of being thrown or hurled to strike a person or object with its sharpest point, commonly known as a "dart"; or any sword, machete or knife other than a folding pocketknife with no blade more than three inches in length; nor shall any person under 18 years of age possess any such object. The provisions of this section shall not apply to the use of bows and arrows and darts in supervised recreation programs and on archery ranges.

**§ 59-24. Nuisances and immediate environmental hazards forbidden.**

*[Admended 4-11-2006 by Ord. No. 2006-70]*

No person, firm or corporation shall cause or suffer to cause the creation, existence or continuance of any nuisance or immediate environmental hazard as herein defined.

**§ 59-25. Abatement of nuisances.**

*[Amended 8-22-1958; 1-27-1970 by Ord. No. 70-36; 5-28-1974 by Ord. No. 74-180; 2-14-2006 by Ord. No. 2006-22; 4-11-2006 by Ord. No. 2006-70]*

**A.** It shall be the duty of the Chief of Police, Fire Chief or Commissioner to serve notice in writing upon the owner, occupant, agent or person in possession or control of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or cause of any such nuisance, requiring him or her to abate the same in such manner as it shall prescribe within a reasonable time. It shall not be necessary in any case for the Chief of Police, Fire Chief or Commissioner to specify in his or her notice the manner in which any nuisance shall be abated, unless he or she shall deem advisable so to do. Such notice may be given or served by any officer who is so directed and authorized. If the person so notified shall neglect or refuse to comply with the requirements of such order by abating such nuisance within the time specified, such person shall be prosecuted by the Corporation Counsel of the City of Rochester upon receipt of notice by the Chief of Police,

Fire Chief or Commissioner that said person has failed to comply with the requirements of such order.

**B.** It shall be the duty of the Chief of Police, Fire Chief or Commissioner to proceed at once upon the expiration of the time specified in said notice to cause such nuisance to be abated; provided, however, that whenever the owner, occupant, agent or person in possession or control of any premises in or upon which any nuisance may be found is unknown or cannot be found, the Chief of Police, Fire Chief or Commissioner shall proceed to abate such nuisance after mailing notice to the owner appearing on the last assessment rolls of the City of Rochester at his or her last known address.

**§ 59-47. Burning offensive materials.**

No person shall burn any wood or casing from storage batteries or storage battery boxes, tar paper, rubber, insulating material from wire, button nuts or other material which shall give rise to noxious, nauseous or offensive odors.

**§ 69-3. Litter in public places and on City property.**

**A.** No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, nor on any property owned by the City, except in public receptacles or in authorized private receptacles for collection. *[Amended 5-27-1986 by Ord. No. 86-161]*

**B.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**C.** No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

**D.** Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**§ 69-5. Litter in parks, lakes and fountains.**

**A.** No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park, upon any street or other public or private place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and property, disposed of elsewhere, as provided herein.

**B.** No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City.

**§ 69-7. Throwing or distributing handbills.**

**A.** In public places. No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the City. No person shall hand out or distribute any handbill in any public place except to persons willing to accept it.

**B.** On vehicles. No person shall throw or deposit any handbill in or upon any vehicle, except it shall not be unlawful in any public place for a person to hand out or distribute a handbill to any occupant of a vehicle who is willing to accept it.

**§ 75-4. Excessive noise prohibited.**

*[Amended 9-6-2005 by Ord. No. 2005-278]*

**A.** No person shall make, continue, cause, or suffer or permit to be made or continued, and the owner and the person in control of a motor vehicle and the person in control of a premises shall not suffer nor permit to be made or continued, any excessive noise. It shall be prima facie evidence of a violation of this section if noise emanating from any source, including, but not limited to, voices or other sounds caused or emitted by humans, is:

(1) Audible beyond the property line of the premises from which it emanates between the hours of 10:00 p.m. and 8:00 a.m.

(2) Audible at a distance of 50 feet beyond the property line of the premises from which it emanates between the hours of 8:00 a.m. and 10:00 p.m.

(3) Audible at a distance of 50 feet from the source if emanating from a public street, public park or other public place.

**B.** The provisions of this section shall not apply to noise emanating from the following:

(1) Sources or activities regulated by §§ 75-7, 75-8, 75-9, 75-10, 75-12, 75-13 and 75-15 of this chapter, and §§ 27-9A and 31-5 of the Municipal Code.

(2) Festivals, parades, block parties and other special events where a permit has been obtained from the Office of Special Events for such purpose.

(3) Political or religious activities or the operation or use of any organ, bell, chimes or other similar instrument from on or within any church, synagogue, temple, mosque or other house of worship.

(4) Any permitted athletic competition or recreational event held on athletic fields, stadiums or public places in the City.

(5) Lawn mowers, hedge trimmers, leaf blowers, chain saws, tillers, mulchers, chippers and other devices used for the care and maintenance of lawns, yards and vegetation, between the hours of 8:00 a.m. and sunset.

(6) Air conditioners.

(7) Snowblowers, snowthrowers or snowplows.

(8) Emergency generators.

(9) Manufacturing operations.

**C.** Any motor vehicle used in connection with the commission of a violation of this section shall be towed in accordance with § 111-75 of the Municipal Code.

**§ 75-7. Use of signaling devices.**

No person shall cause the sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle, except as a danger warning.

**§ 75-11. Noise-sensitive zones.**

*[Amended 2-8-1983 by Ord. No. 83-36]*

No person shall create or permit to be created any noise on any street, sidewalk or public place, or on private property adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, nursing home or home for the aged, which noise unreasonably interferes with the working of such school, institution of learning, church or court or which disturbs or annoys patients in a hospital, nursing home or home for the aged.

**§ 75-12. Sound reproduction devices used for miscellaneous purposes.**

*[Amended 2-8-1983 by Ord. No. 83-36]*

**A.** No person shall use or operate or suffer or permit to be used or operated, and the owner and the person in control of a motor vehicle and the person in control of a premises shall not suffer nor permit to be used or operated, any radio, television, stereo, compact disc player, musical instrument or other machine or device for the producing, reproducing or amplification of sound with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. It shall be prima facie evidence of a violation of this section if sound emanating from such machine or device is: *[Amended 9-6-2005 by Ord. No. 2005-278]*

**(1)** Audible beyond the property line of the premises upon which it is being used between the hours of 10:00 p.m. and 8:00 a.m.

**(2)** Audible at a distance of 50 feet beyond the property line of the premises upon which it is being used between the hours of 8:00 a.m. and 10:00 p.m.

**(3)** Audible at a distance of 50 feet from such machine or device if operated from within a motor vehicle on a public street.

**(4)** Audible at a distance of 50 feet from such machine or device when operated in a public park or other public place.

**B.** The provisions of this section shall not apply to the following:

**(1)** Funeral processions or use of such devices by a church.

**(2)** The production of music in connection with any parade authorized under any provision of law.

**(3)** Festivals, musical performances, block parties and other special events where a permit has been obtained from the Office of Special Events for such purpose.

*[Amended 4-15-2008 by Ord. No. 2008-118]*

**(4)** The use of amplifiers or other sound producing instruments or equipment in connection with any religious or political activity or any permitted athletic competition or recreational event held on athletic fields, stadiums or public places in the City.

**C.** Any motor vehicle used in connection with the commission of a violation of this section shall be towed in accordance with § 111-75 of the Municipal Code. *[Added 7-14-1998 by Ord. No. 98-300]*

**§ 79-3. Preservation of property and natural features.**

A. No person shall damage, destroy, deface, disturb, remove or defoul any building, structure, sign, equipment, swimming pool, skating rink or other property in a park. *[Amended 7-16-1991 by Ord. No. 91-310]*

B. No person shall injure, damage, destroy, deface, disturb, remove or defoul any tree, flower, shrub, rock, mineral or other natural feature in a park.

**§ 79-4. Littering; abandoned property; pollution of waters; noise.**

A. No person shall bring into, drop, deposit, dump or leave behind any rubbish, garbage, lawn refuse, ashes, papers, cardboard, metal cans or other metallic substances, bottles, glassware or any other refuse, waste material or other unwanted material of any kind in a park, except that any such materials resulting from picnics or other permitted activities shall be deposited in receptacles, pits or other containers provided for that purpose.

**§ 79-5. Weapons.**

*[Amended 7-16-1991 by Ord. No. 91-310; 3-16-1993 by Ord. No. 93-62]*

No person shall possess a rocket, bow or arrow in a park, except in areas designated by the Commissioner for such use, and then only in strict compliance with all applicable laws, ordinances, rules or regulations

**§ 79-11. Permit required for camping.**

No person shall camp in any park without a permit in writing from the Commissioner.

**§ 79-19. Acts requiring permits.**

A. No person shall commit any of the following acts within a park, except authorized employees or persons with written permission from the Commissioner: *[Amended 7-16-1991 by Ord. No. 91-310]*

- (1) Solicit or engage in any business or commercial transaction involving the sale of goods or services, including the vending of food or beverages.
- (2) Post or display any sign, banner or advertisement.
- (3) Use any form of public address system.
- (4) Deliver any public speech or hold any public meeting, march or parade. Permits for such activities shall not be unreasonably withheld, and the denial of such a permit shall be based solely upon reasonable time, place and manner concerns.
- (5) Solicit passengers for any boat or vehicle for hire.
- (6) Mark or groom any athletic field for play.
- (7) Build any fire, except in suitable grills or fireplaces.
- (8) Have or discharge any fireworks.
- (9) Hold a picnic or gathering of more than 50 people.
- (10) Launch a balloon or ascend or land in any aircraft, glider, balloon or parachute.
- (11) Possess a shovel, ax, saw or spade.

**(12)** Construct, repair or relocate roads, sidewalks, trails or utility fixtures, such as sewers, hydrants, posts, lines and conduits, or open trenches or make excavations or engage in construction.

**(13)** Conduct an organized game or activity.

**(14)** Anchor or tether any watercraft within the boundaries of any park, except at sites specifically designated as docking facilities.

**(15)** Possess or consume any alcoholic beverage. *[Added 9-11-1991 by Ord. No. 91-402]*

**§ 86-1. Possession of pass.**

*[Amended 1-27-1970 by Ord. No. 70-36; 5-28-1974 by Ord. No. 74-180; 2-14-2006 by Ord. No. 2006-22]*

All representatives of the press and reporters may apply for a police reporter's pass from the Chief of Police.

**§ 86-2. Improper use.**

No person shall unlawfully make, use or possess a police reporter's pass, nor shall any person obtain said pass by false or illegal means.

**§ 93-2. Incendiary missiles.**

No person shall make, carry, possess or use any type of Molotov cocktail, gasoline or petroleum-base firebomb or other incendiary missile.

**§ 93-3. Emergency powers.**

*[Amended 11-12-1985 by Ord. No. 85-480]*

During the period of a declared state of emergency, the Mayor shall have the power to invoke any or all of the following provisions:

**A.** Alcoholic beverages. No person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.

**B.** Weapons. No person shall carry or possess any rock, bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the person or property of another.

**C.** Restricted areas. No person shall enter any area designated by the Mayor as a restricted area unless in the performance of official duties or with written permission from the Mayor or his or her duly designated representative, or such person shall prove residence therein. *[Amended 2-14-2006 by Ord. No. 2006-22]*

**§ 93-4. Notice.**

*[Amended 11-12-1985 by Ord. No. 85-480; 2-14-2006 by Ord. No. 2006-22]*

Should the Mayor deem it necessary to invoke any or all of the above provisions of § 93-3 of the Municipal Code, he or she shall be required to give notice of the same by means of a written proclamation issued to news media for immediate dissemination to the public.

**§ 93-5. Curfew.**

*[Amended 11-12-1985 by Ord. No. 85-480]*

During the period of a declared state of emergency, the Mayor shall have the power to declare a curfew during the hours of which no person shall be allowed in the public streets or places throughout the City of Rochester, New York, or in any designated sections of the same.

**§ 93-6. Penalties for offenses.**

*[Amended 7-22-1969 by Ord. No. 69-329]*

A violation of any provision of this chapter shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or by a penalty of not less than \$5 nor more than \$1,000 to be recovered by the City of Rochester in a civil action.

**§ 93-7. Severability.**

If any word, clause, sentence, paragraph, section or other part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof.

## **SECTION FIVE**

### **Monroe County Parks Law**

- **Hours of operation**
- **Acts requiring permission; commercial activities**
- **Preservation of property and natural features**
- **Littering**
- **Disorderly conduct**
- **Noise**
- **Weapons**
- **Compliance with other provisions required**
- **Powers of law enforcement officers**

#### **§ 323-3. Hours of operation.**

**A.** No person shall be permitted to remain, stop or park within the confines of any park between the hours of 11:00 p.m. and 6:00 a.m. prevailing local time in the County of Monroe, except in an emergency or with a special permit of the Director of Parks. In case of an emergency or when, in the judgment of the Director, the public interest demands it, any portion of a park may be closed to the public or to designated persons until permission is given to reopen.

**B.** Nonobservance of this section shall constitute a violation.

#### **§ 323-21. Acts requiring permission; commercial activities.**

**A.** No person shall commit any of the following acts within county parks without written permission of the Director of Parks or some other person duly authorized to act for him:

- (1)** Post or display any sign, banner or advertisement of any kind within a park.
- (2)** Picnic or cook in any area not designated by the Director for that purpose; make or kindle any fire except in places provided there for, and then subject to such rules and regulations as may be promulgated pursuant to § 323-33 below.
- (3)** Sleep, camp, lodge or reside in any park buildings except in such places as designated for said purposes by the Director.
- (4)** Engage in trapping, fishing or hunting except as permitted in § 323-18 above.
- (5)** Ascend or land with any aircraft, including gliders, balloons or parachutes, or engage in stunt flying or parachute landing.
- (6)** Construct, repair or relocate utility fixtures, such as sewers, hydrants, posts, lines and conduits, or open trenches or make excavations or engage in any construction in or on park lands.

(7) Carry any shovel, axe, saw or spade within parks; violate the regulations of the Director relating to any building or place; damage any notice posted by order of the Director; cut parkway curbs for private drives; locate, grade or construct paths, driveways and roadways across or along any parkway or park road; deposit materials in or upon any park or park roads.

**§ 323-22. Preservation of property and natural features.**

- A. No person shall injure, damage, destroy, deface, disturb, remove or defoul any part of a park nor any building, structure, sign, equipment or other property therein.
- B. No person shall write, paint, mark, carve or otherwise deface any part of park, including any tree, bench, building, structure, sign, equipment or other property therein.
- C. No person shall remove, injure or destroy any tree, flower, shrub, rock, mineral or other natural feature within a park.
- D. Nonobservance of this section shall constitute a violation.

**§ 323-23. Littering.**

No person shall bring into, drop, deposit, dump or leave behind any rubbish, garbage, ashes, paper, cardboard, metal cans or other metallic substances, bottles, glassware or any other refuse, waste material or other unwanted material of any kind in any county park; except that any such materials resulting from picnics, camping or other permitted activities shall be deposited in receptacles, pits or other containers provided for the purpose. Nonobservance of this section shall constitute a violation.

**§ 323-24. Disorderly conduct.**

- A. No person with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof shall:
  - (1) Engage in fighting or violent, tumultuous or threatening behavior while in a park.
  - (2) Use abusive or obscene language or make an obscene gesture while in a park.
  - (3) Without lawful authority, disturb any lawful assembly or meeting of persons in a park.
  - (4) Obstruct vehicles or pedestrian traffic in a park.
  - (5) Congregate with other persons in a public place and refuse to comply with a lawful order of a law enforcement officer, the Director of Parks or parks personnel to disperse or leave the park.
  - (6) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.
- B. Nonobservance of § 323-24 shall constitute a violation.

**§ 323-26. Noise.**

- A.** No person shall make, continue, cause or permit to be made or continued any unreasonable noise in a park.
- B.** No person shall shout, yell, call or whistle in a park so as to cause unreasonable noise.
- C.** No person shall operate or use any radio, musical instrument, television, phonograph or other machine or device for the production, reproduction or amplification of sound in such a manner so as to cause unreasonable noise in a park.
- D.** No person shall operate or use or cause to be operated or used any sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any event, performance, show or sale or display of merchandise in connection with any commercial operation.
- E.** No motor vehicle, other than a police or emergency vehicle, which makes or creates unreasonable noise, shall operate in a park.
- F.** No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- G.** No person shall cause the sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle except as a danger warning.
- H.** "Unreasonable noise" shall be defined as any unusual loud sound which either annoys, disturbs, injures or endangers the health, safety, welfare, peace, quiet, comfort or repose of persons or which causes injury to plant or animal life. Standards to be considered in determining whether unreasonable noise exists in a given situation include but are not limited to the following:
  - (1)** The volume of the noise.
  - (2)** The intensity of the noise.
  - (3)** Whether the nature of the noise is usual or unusual.
  - (4)** Whether the origin of the noise is natural or unnatural.
  - (5)** The volume and intensity of the background noise, if any.
  - (6)** The time of the day or night the noise occurs.
  - (7)** The duration of the noise.
  - (8)** Whether the noise is recurrent, intermittent or constant.
  - (9)** Whether the noise is produced by a commercial or noncommercial activity.
- I.** Nonobservance of this section shall constitute a violation.

**§ 323-28. Weapons.**

- A.** No person except a law enforcement officer shall carry any firearm, switchblade, gravity knife, slingshot or other dangerous weapon concealed on or about his or her person while in a park.
- B.** No person except a law enforcement officer shall carry, fire or discharge any rifle, shotgun, Machine gun, rocket or fireworks of any description, bow or arrow in a park.
- C.** These prohibitions do not apply to instrumentalities reasonably necessary for trapping utilized by persons authorized to trap in a park pursuant to § 323-18B above.
- D.** Nonobservance of this section shall constitute a misdemeanor.

**§ 323-34. Compliance with other provisions required.**

- A.** No person shall fail or refuse to comply with any reasonable order relating to the regulation of activities hereunder or the enforcement of provisions of this chapter lawfully given by the Director of Parks, his or her duly authorized agents or representatives, parks personnel or any law enforcement officer or other official of any policing agency having jurisdiction.
- B.** No person shall willfully resist, obstruct or abuse the Director, his or her duly authorized agents or representatives, parks personnel or any law enforcement officer or other official of any policing agency having jurisdiction in the execution of their offices and duties.
- C.** Nonobservance of this section shall constitute a violation.

**§ 323-35. Powers of law enforcement officers.**

- A.** Any law enforcement officer may, without warrant, arrest any person who has violated any of the provisions of this chapter or any rules or regulations promulgated hereunder and take the person so arrested forthwith before a magistrate having competent jurisdiction.
- B.** Any law enforcement officer shall have the right at all times to enter the premises of any building, structure or enclosure in any park, including such grounds, buildings, structures or enclosures occupied or used pursuant to a permit hereunder (except for so-called "lease-back agreements" authorized pursuant to § 323-32C above), for the purpose of arresting violators hereof and may use all necessary means to attain that end.
- C.** Law enforcement officers are authorized to request the production of a driver's license or other identification in enforcing this chapter.