

DRAFT

Local Law # ___ of 2009

Legislative Intent

A public park is an area set aside for the recreation of the public so as to foster its health, welfare and enjoyment. In order to ensure these benefits to the public, the Village Board has found it necessary to enact this chapter.

Definitions

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

PARK

A park, reservation, playground, beach, recreation center or any other area in the Village owned, designated or used by the Village as parkland and devoted to active or passive recreation.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE

Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. The term shall also include watercraft. The term shall not include baby carriages, bicycles and vehicles in the service of the parks or other police or emergency vehicles.

VILLAGE

The Village of Nyack.

Hours of Operation

Except as otherwise posted, parks shall be used and operated during the hours of 6:00 a.m. through 10:00 p.m., except that park areas may be used and operated at other times as may be from time to time determined by the Board of Trustees, which shall, in its discretion, issue a written permit for night activities or use

Prohibited Acts

No person in a park shall engage in any of the following prohibited acts:

- A. Carry or possess any lit tobacco product.
- B. Carry or possess any alcoholic beverage.
- C. Have a dog off leash.
- D. Buildings and other property. The performance of any activities set forth in Subsection A (2) and (3) shall require a permit for such purpose from the Village Engineer after resolution of the Board of Trustees approving same.
 - (1) Disfiguration and removal: willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridge, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or not, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Removal of natural resources: dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials or make any excavations by tool, equipment, blasting or other means or agency.

(3) Erection of structures: construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility lines into, upon or across such lands.

E. Trees, shrubbery and lawns.

(1) Injury and removal: damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant; nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any way injure or impair the natural beauty or usefulness of any area.

(2) Climbing trees, etc.: climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purpose.

(3) Hitching of animals: tie or hitch a horse or other animal to any tree or plant.

F. Wild animals, birds, etc.

(1) Hunting: hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall a person remove or have in his or her possession the young of any wild animal or the eggs or nest or young of any reptile or bird; nor shall he or she collect, remove, have in his or her possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift any specimen, alive or dead, of any fauna found in the parks.

(2) Feeding: give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

Pollution, refuse and trash

No person in a park shall:

- A. Pollution of waters: throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, river or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- B. Refuse and trash: have brought or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles, where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Traffic

- A. State Motor Vehicle Law applies: failure to comply with all applicable provisions of the State Motor Vehicle and Traffic Law in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other local laws of the Village.
- B. Enforcement of traffic regulations: failure to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Board of Trustees.
- C. Obey traffic signs: failure to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.
- D. Speed of vehicles: riding or driving a vehicle over a parkland road at a rate of speed exceeding 15 miles an hour, except upon such parkland roads as the Board of Trustees may designate, by posted signs, for speedier travel.
- E. Operation confined to road: driving any vehicle on any area except designated parkland roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Board of Trustees.
- F. No idling: No vehicle shall idle in excess of two (2) minutes in any park within the Village.

Recreational activities

A. Bathing and swimming.

- (1) Designated areas. No person shall swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor and in compliance with such regulations as are herein set forth or may be hereafter adopted; nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate thereat when such activity is prohibited by the Board of Trustees upon a finding that such use of the water would be dangerous or otherwise inadvisable.
- (2) Certain hours. No person shall frequent any waters or places designated for the purpose of swimming or bathing or congregate thereat except between such hours of the day as shall be designated by the Board of Trustees for such purposes for each individual area.
- (3) Structure on beach. No person shall erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.
- (4) Costume. No person shall allow himself or herself to be so covered with a bathing suit as to indecently expose his or her person or call forth merited criticism. No person shall appear in bathing costume at any place in the parks except within the limits of designated bathing places or areas, and all bathing costumes shall conform to commonly accepted standards.
- (5) Bathhouse. No person shall dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

B. Boating.

- (1) Designated areas. No person shall bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating by the Board of Trustees. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.
- (2) Public docks. No person shall use the public docks for dockage or other purpose without first making arrangements for such accommodations with the Board of Trustees, which shall assign space and collect reasonable rental charges in conformity with established regulations and rates.
- (3) Operation of boats. No person shall navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat.
- (4) Prohibition during closing hours. No person shall launch or dock any boat of any kind on any Village waters between the closing hour of the park at night and opening hour the following morning.

C. Hunting and firearms.

No person shall hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially harmful to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond the park boundaries is forbidden.

D. Picnic areas and use.

- (1) No person shall picnic or eat in a place other than those designated for that purpose. The Board of Trustees shall have the authority to regulate the activities in such areas where necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
- (2) Park facilities shall be available on a first-come-first-served basis.
- (3) No person shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

E. Camping.

No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like.

F. Games.

No person shall take part in or abet the playing of any games involving thrown or otherwise propelled

objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except in the fields and courts or areas provided therefor.

G Horseback riding.

No person shall ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

Additional Restrictions

A. Intoxicating beverages.

- (1) Prohibition. No person shall bring into or drink alcoholic beverages at any time in the park.
- (2) Exceptions. At certain specifically designated recreation centers where meals or lunches are served under licenses issued by the Board of Trustees, or at Special Events, the consumption of alcoholic beverages by such licensee will be permitted under the strict regulation and control of the Board of Trustees and the State Liquor Authority. Sales of alcoholic beverages shall be made only in individual drinks (not in original packages, except beer and wine, or otherwise in bulk) and shall be served for consumption on the immediate premises.

B. Fireworks and explosives.

No person shall bring or have in his or her possession or set off or otherwise cause to explode or discharge or burn any firecrackers, torpedoes, rockets or other fireworks or explosives of flammable material or discharge them or throw them into any such area from land or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. Holiday or other similar fireworks display may be permitted by authority of the Board of Trustees.

C. Domestic animals.

No dogs or other domestic animals shall be permitted in the parklands of the Village except as specifically permitted by the Board of Trustees. Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length.

D. Dress.

No person shall appear at any place in other than proper clothing. With the exception of the restricted bathing areas, "properly clothed" shall be construed to prohibit the wearing of trunks or clothing that does not cover the upper portion of the body.

E. Alms.

No person shall solicit alms or contributions for any purpose, whether public or private

F. Fires.

No person shall build or attempt to build a fire except in such areas and under such regulations as may be designated and promulgated by the Board of Trustees. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

G. Closed areas.

No person shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notice.

H. Games of chance.

No person shall gamble or be a participant in or abet any game of chance.

I. Going onto ice.

No person shall go onto the ice on any of the waters, except such areas as are designated as skating fields and provided that a safety signal is displayed.

J. Loitering and boisterousness.

No person shall sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to cause a breach of the peace.

K. Exhibit permit.

No person shall fail to produce and exhibit any permit from the Board of Trustees upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any local law or rule.

L. Interference with permittees.

No person shall disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

Merchandising, advertising, signs and other provisions

A. No person in a park shall:

- (1) Vending and peddling: expose or offer for sale any article or thing, nor shall any person

station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Board of Trustees.

(2) Advertising: announce, advertise or call the public attention in any way to any article, thing or service for sale or hire.

(3) Signs: paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

B. Closed areas.

Any section or part of the park may be declared closed to the public by the Board of Trustees at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Board of Trustees shall find reasonably necessary.

C. Lost and found articles.

The finding of lost articles shall be reported to the Board of Trustees, which shall make every reasonable effort to locate the owners. The Board of Trustees shall make every reasonable effort to find articles reported as lost.

D. Permit.

For activities determined by the Board of Trustees to require a permit, application shall be made as follows:

(1) Application. A person seeking issuance of a permit hereunder shall file an application with the Board of Trustees. The application shall state:

- (a) The name and address of the applicant.
- (b) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
- (c) The day and hours for which the permit is desired.
- (d) The park or portion thereof for which such permit is desired.
- (e) An estimate of the anticipated attendance.
- (f) Any other information which the Board of Trustees shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(2) Standards for issuance. The Board of Trustees shall issue a permit hereunder when it finds that:

- (a) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- (b) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (c) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (d) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Village.

- (e) The facilities desired have not been reserved for other use at the day and hour required in the application.
- (3) Appeal. Within 10 days after receipt of an application, the Board of Trustees shall apprise an applicant, in writing, of its reason for refusing a permit, and the decision of the Board of Trustees shall be final.
- (4) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable local laws as though the same were inserted in said permits.
- (5) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damages or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued

Enforcement.

- A. Officials. The Orangetown Police Department, or the employees of the Village of Nyack shall, in connection with its duties imposed by law, diligently enforce the provisions of this chapter.
- B. Ejectment. The Orangetown Police Department shall have the authority to eject from the parks any person acting in violation of this chapter.
- C. Seizure of property. The Orangetown Police Department shall have the authority to seize and confiscate any property, thing or device in the park, or used in violation of this chapter.

§ 143-11 Penalties for offenses.

Conviction of an infraction if this chapter shall constitute a violation. The minimum penalty for a first offender shall be \$250; for a second offender, \$500; and for a third and subsequent offender, \$1,000 and 15 days in jail