

TOWN PARK LAW

SECTION 1. This Local Law shall be known as the "Town Park Law of the Town of Westerlo."

SECTION 2. DEFINITIONS

(a) The term "Town Park" shall be deemed to include any park, playground, athletic field, swimming pool, beach, town-owned land and land under water owned by the Town of Westerlo and any recreation area under the jurisdiction of the Town Board, whether the same be now or hereafter owned or acquired by the Town of Westerlo in fee or otherwise, including all land under, and space above, the surface of the ground.

(b) The term "permit" shall mean any written authorization issued by the Town Clerk of the Town of Westerlo or other authorized individual for a specified privilege within a Town Park.

(c) The term "person" shall include any natural person, corporation, association, society, organization, firm or partnership.

(d) The term "Police Officer" shall include a constable assigned by the Town Board of the Town of Westerlo or other proper authority to duty in a Town Park, as well as sheriffs, deputy sheriffs and members of the State Police.

(e) The term "motor vehicle" shall mean every vehicle which is propelled by any power other than muscular power, except electrically-drive invalid chairs being operated or driven by an invalid and vehicles run only upon rails or tracks. The term "motor vehicle" shall include, without limitation, automobiles, motorcycles, trucks, mopeds, minibikes and snowmobiles.

SECTION 3. HOURS

A Town Park shall be opened and closed at such time or times as may from time to time be designated by the Town Board in its discretion by resolution. Notwithstanding the closing time established by the Town Board, any Police Officer may close the Town Park at an earlier hour if deemed necessary in the interest of public safety.

SECTION 4. PERMITS

A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof. Any violation by its holder of any terms or conditions shall constitute grounds for revocation by the Town Board or its authorized representative. Applications for all permits shall be made in writing to the Town Board or in such manner as the Town Board may direct.

SECTION 5. GROUP PICNICS AND OUTINGS

Organizers of any group picnics or outings must obtain a permit for use of any Town Park so as to eliminate conflicting use. Organizers of group picnics and outings are required to notify the Town Constable of the same at least 24 hours in advance.

SECTION 6. PRESERVATION OF PLANT LIFE

(a) No person shall, in any Town Park, destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any growing thing, including, but not limited to, any plants, flower, flower bed, shrub, tree or any branch, stem, fruit or leaf thereof.

(b) No person shall bring into any Town Park any tool or instrument such as a hatchet, axe or saw for cutting of any living thing.

(c) No person shall bring into any Town Park any spade, shovel, rake, hoe or any garden or agricultural tool for the removal of any tree, shrub or plant.

(d) No person shall pile or maintain any material or debris of any kind against or upon any tree, shrub, grass or plant.

(e) No person shall set fire or assist another to set fire to any timber, tree, shrub, plant, flower, grass or other plant growth or allow any fire upon other lands to extend into any Town Park.

SECTION 7. FIRE ARMS AND WEAPONS

No person shall have or carry, whether or not concealed upon his person, any pistol or revolver, or any instrument or weapon

commonly known as a toy pistol or in which or upon which loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefore, except when so authorized by law. No person shall use any rifle, shotgun, air gun, spring gun or other instrument or weapon within the confines of any Town Park.

SECTION 8. HUNTING AND TRAPPING

No person shall hunt or trap any animal or wildlife at any time in any Town Park.

SECTION 9. FIRES

No person shall kindle, build, maintain or use a fire within the confines of any Town Park except in grills or fireplaces provided for that purpose by the Town.

SECTION 10. OVERNIGHT TENTING AND CAMPING

No overnight parking, tenting, housing or camping shall be allowed except by permit.

SECTION 11. REFUSE AND GARBAGE

No person shall leave, throw, lay, drop or discharge into or on any land or water in any Town Park any tin cans, bottles, refuse, garbage, rubbish or waste. Papers, cartons or any other type of litter must be placed in receptacles provided for that purpose.

SECTION 12. SANITARY FACILITIES

No person shall use any portion of any Town Park as a sanitary facility other than facilities designated as such by the Town.

SECTION 13. ALCOHOLIC BEVERAGES

No person shall bring into any Town Park any beer, ale or other alcoholic beverage except by permit.

SECTION 14. PROTECTION OF PROPERTY

No person shall deface, injure, displace, remove, fill in, raise, destroy or tamper with any drive, path or walk; take up, remove or carry away any soil, turf or any other material or substance; deface, injure, displace, remove destroy or tamper with any structure, building or any other property or equipment,

real or personal, owned by the Town of Westerlo or under the jurisdiction in control of the Town Board in any Town Park.

SECTION 15. TRAFFIC CONTROL

- (a) The speed limit for all vehicles within the area of the Town Park may be set from time to time by the Town Board by resolution and designated by suitable signs at the entrance to any Town Park. All owners and operators of motor vehicles and other vehicles shall comply with the Vehicle and Traffic Law of the State of New York while operating any vehicle within the Town Park, with such modifications of said law as provided for herein.
- (b) Commercial vehicles shall not be allowed within a Town Park except as may be necessary for building or construction purposes or by permit.
- (c) The Town Board may designate and limit such roads and roadways within a Town Park as may be used for the operation of commercial vehicles.
- (d) Nothing in this section shall apply to vehicles and apparatus of a fire company, Police Officers or public service emergency vehicles within any Town Park in case of fire or other emergency.
- (e) No person shall cause or permit any motor vehicle or other vehicle unnecessarily to obstruct traffic on any road, street or roadway, or stop or park, except in such places as may be designated, except in case of emergency. This provision shall be deemed to include parking at night.
- (f) No person shall cause any motor vehicle to be parked upon or driven through any area of the Town Park, except designated park roads and roadways, unless a permit is obtained.
- (g) Any motor vehicle which is left in any Town Park after closing hours shall be towed by the Town at the owner's expense.
- (h) No person shall make any repairs to any motor vehicle in any Town Park, except emergency repairs which may be necessary to effect the removal of a motor vehicle from the Town Park.
- (i) All motor vehicles shall enter and exit any Town Park by the main gate thereof.

(j) Any Town Park or portion thereof may be closed by order of the highway superintendent for the purpose of making repairs thereto at any time without notice.

(k) No person shall drive, or cause to be driven, any motor vehicle in a Town Park in such a manner as to destroy, deface or injure any park road surface, or to deface, injure or displace any soil, turf, grass or other substance.

SECTION 16. GENERAL CONDUCT

(a) No person shall disobey any order of a Police Officer, playground director, parking attendant or other person designated by the Town Board to give orders or the notices, prohibitions, instructions or directions on any Town Park sign.

(b) No person shall use threatening, abusive or obscene language in any Town Park.

(c) No person shall throw stones or other missiles in any Town Park.

(d) No person shall enter or leave any restricted Town Park area except at established entrance ways or exits or at established times; nor shall persons use or gain admittance to, or attempt to use or gain admittance to, the facilities in any Town Park at any time other than those authorized.

SECTION 17. VIOLATIONS.

Any violation of the provisions of this Local Law or the rules and regulations adopted hereunder by any person shall be punishable as follows:

(a) FIRST OFFENSE. A fine not to exceed Two Hundred and Fifty Dollars (\$250.00) or imprisonment not to exceed fifteen (15) days, or both.

(b) SECOND AND SUBSEQUENT OFFENSES. Committed within a period of five (5) years, a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or both.

SECTION 18. SEPARABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent

jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

SECTION 19.

This Local Law shall take effect immediately upon its filing as required by Law with the New York State Secretary of State.

Be it enacted this 5th day of July, 1989 by the Town of Westerlo of Albany County, New York.