

## **Chapter 115**

### **PARKS**

- § 115-1. Purpose.**
- § 115-2. Applicability**
- § 115-3. Administration.**
- § 115-4. Definitions.**
- § 115-5. Permitted Park Users**
- § 115-6. Hours of operation; exception.**
- § 115-7. Permits.**
- § 115-8. Use of park buildings.**
- § 115-9. General restrictions.**
- § 115-10. Traffic rules.**
- § 115-11. Parental responsibility.**
- § 115-12. Compliance with official orders; liability of town employees.**
- § 115-13. Enforcement.**
- § 115-14. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. 1, 5-14-80 as L.L. No. 1-1980. Amended 5-26-04 by L.L. No. 4. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

- Public assemblies - See Ch. 51**
- Dogs and other animals - See Ch. 76**
- Loitering - See Ch. 107**
- Noise - See Ch. 109**
- Trespassing - See ch. 145**
- Vehicles and traffic - See Ch. 150.**

### **§ 115-1. Purpose.**

The purpose of this chapter shall be to preserve the public peace and good order on lands operated as public parks by the Town of Patterson and to contribute to the safety and enjoyment of the users of such park land by regulating the hours of use, the use of motorized vehicles and by prohibiting certain activities inimical to customary park recreation use.

### **§115-2. Applicability**

This Chapter, and the rules and regulations contained herein shall apply to all lands and the facilities thereon owned by the unincorporated Park District of the Town of Patterson, all lands and the facilities thereon owned by the Town of Patterson and designated or operated as park lands or recreation lands, and any vacant lands owned by the Town of Patterson.

### **§ 115-3. Administration.**

A. The Park Advisory Board of the Town of Patterson is charged with the administration of this chapter for all lands owned by and are a part of the unincorporated Park District of the Town of Patterson

B. The Town Board of the Town of Patterson shall be directly responsible for administration of this Chapter for all other lands designated as park lands or vacant lands, excepting that the Town Board may designate one or more persons to act on behalf of the Town Board in the application of the rules and regulations contained herein.

### **§ 115-4. Definitions.**

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

**NONPROFIT SERVICE ORGANIZATION** - An organization exempt from the payment of income tax under § 501 (a) of the Internal Revenue Code of 1954.

**PARK ADVISORY BOARD** - A member of the Patterson Park Advisory Board appointed by the Patterson Town Board.

**PARKS** - The grounds, buildings thereon, waters therein or any other property necessary for the operation thereof, which are now or hereinafter will be maintained, operated and controlled by the Town of Patterson for public park purposes.

**PERSON** - Any individual, firm, partnership, corporation or association of persons; and the singular number shall include the plural.

VEHICLE - Every device in, upon or by which a person or property is or may be transported.

**§ 115-5. Permitted Park Users**

A. For all property owned by, and operated for the Patterson Park District, use shall be limited to the residents of the Patterson Park District whose vehicle displays a resident sticker, or their guests. Groups of fifteen or more persons must also comply with §115-7.

B. For all other property owned by the Town of Patterson and designated and operated as parkland, use shall be limited to residents of the Town of Patterson, or their guests, excepting that non-residents may apply for a permit, issued by the Town Clerk,, to use park land. Any permit issued shall be limited in duration to one day and shall state the park land that will be utilized, the date that the park lands will be utilized and the number of persons that will utilize the park lands. Groups of fifteen or more persons must also comply with §115-7

**§ 115-6. Hours of operation; exception.**

A. No person shall be permitted to remain, stop or park within the confines of any park between sunset and 9:00 a.m. of the following day, except in the case of an emergency or with special permit of the Patterson Town Clerk. [Amended 5-13-87 by L.L. No. 3-1987]

B. In case of an emergency or when, in the judgment of the Park Advisory Board or Town Board, 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. Nonobservance of this section shall constitute a violation.

**§ 115-7. Permits.**

A. A permit must be obtained from the Patterson Town Clerk for the following uses and activities for groups of (15) or more:

- (1) Group [more than fifteen (15) persons] use of a park or buildings located at the park site.
- (2) Picnicking on park grounds or the use of any playing fields or other park facilities by groups larger than fifteen (15) persons.
- (3) Camping within the park where allowed.
- (4) Serving or preparing of food and drinks, excluding alcoholic beverages.

B. Organizations, clubs, athletic leagues or any other groups of 75 or more members who apply for a multiple use permit to use the athletic fields will be required to pay a fee as set from time to time by resolution of the Town Board for such permit. The dates and times of such usage for the play areas at Veteran's Memorial Park shall be designated by the Park Advisory Board. The dates and times of usage for all other play areas shall be determined by the Town Board.

C. Permits shall be issued by the Town Clerk at the Town Hall, Town of Patterson, P.O. Box 470, 1142 Route 311, Patterson, New York, 12563.

D. All permit applicants must be twenty-one (21) years of age or older. All permits must be signed prior to use of a park facility or prior to the activities for which a permit is obtained. The signer of a permit shall be responsible for all damages to park facilities or the contents thereof and shall agree to indemnify the Town of Patterson for such damages.

E. All permits and auto stickers shall be in writing by the Town Clerk and shall be subject to park rules and regulations. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law, ordinance or rule or regulation governing parks. Any violation of any term or condition thereof or any law or ordinance or rule or regulation governing parks shall constitute grounds for revocation of said permit by the Town Clerk, whose action therein shall be final. No permit for the same purpose shall be issued to the person whose permit has been revoked, during the year in which such revocation has been made.

F. Where an applicant's previous use of one or more of the parks has resulted in damage to a park or facility, or the issuance of a violation, or has disturbed the peace and good order at a park, the Town Clerk may deny the issuance of a permit. Appeal of such a denial by the Town Clerk shall be to the Town Board of the Town of Patterson.

#### **§ 115-8. Use of park buildings.**

A. Park buildings may only be used by groups upon obtaining a permit as provided herein.

B. Rules and regulations particular to each park's building or pavilion shall be established by the Town Board of the Town of Patterson within such facility. Nonobservance of such rules and regulations shall constitute a violation.

C. All permits for park use must be picked up at the Patterson Town Hall at least forty-eight (48) hours prior to use.

#### **§ 115-9. General restrictions.**

Nonobservance of the following regulations shall constitute a violation:

A. No person shall commit any of the following acts on, or within any facility, park, recreation or vacant land regulated by this Chapter:

- (1) Picnic or cook in any area not designated for that purpose or make or kindle any fire, except in places provided therefor and subject to such regulations as may be prescribed.
- (2) Write, paint or carve on any tree, bench or park structure.
- (3) Ascend or land with any aircraft, including gliders or parachutes, except in an emergency situation, or engage in stunt flying or parachute landing.
- (4) 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.
- (5) Carry, move, remove, damage or harm any flower, shrub or tree.
- (6) Carry or possess a slingshot, axe, saw, shovel or chainsaw within the parks.
- (7) Violate the regulations adopted by the Town Board or the Park Advisory Board relating to any building or place; or damage any notice posted by order of the Town Board or Park Advisory Board.
- (8) Move or carry any tables or equipment found within a park for park use to a different area of the park.
- (9) Beg, hawk, peddle or solicit within any park.
- (10) The smoking of any cigar, cigarette or pipe within any area designated as a beach area at the Veteran's Memorial Park.
- (11) Hunting of wildlife, except where such activities have been specifically authorized by resolution of the Town Board. **[Added 2-28-2007 by L.L. No.2-2007]**
- (12) Carry or posses a handgun, rifle or other type of firearm. This subsection shall not apply to law enforcement officers in the performance of their duties. **[Added 2-28-2007 by L.L. No. 2-2007]**

B. Disorderly conduct.

- (1) No person shall disturb the peace and good order in any park by fighting, quarreling or wrangling with a loud voice or shouts, threatening violence to the person or property of others or engaging in riotous clamor or tumult.
- (2) No person shall congregate with others in a public place and refuse to comply with

a lawful order of the police to disperse or leave the park.

(3) No person shall play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice or other devices for money, chips, credit or any other representation of value, nor shall any person be allowed to maintain or exhibit any gaming table or other instrument of gambling or gaming.

(4) No person shall use obscene, profane or abusive language while in the park.

(5) No person shall loiter in or near toilet buildings or parking areas.

C. Swimming.

(1) Swimming hours shall be 10:00 a.m. to 8:00 p.m. when a lifeguard is on duty.

(2) No swimming unless two or more lifeguards are on duty.

(3) Proper bathing attire is required.

D. Preservation of property and natural features. No person shall injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property found therein, nor shall any tree, flower, shrub, rock or other mineral be removed, injured or destroyed.

E. Littering, rubbish, garbage, sewage and noxious material. No person shall leave behind or dump any material of any kind in the park, except the refuse, ashes, garbage and other material of a picnic, camp or other permitted activity, and such material shall be deposited in receptacles or pits provided for such purposes. Refuse is not to be dropped, thrown or scattered on park property. Tin cans, bottles or other glassware or metallic substances containing sharp edges shall be deposited in park receptacles.

F. Alcoholic beverages.

(1) The consumption of alcoholic beverages or liquors, including beer, and the bringing of such items into the parks shall be in accordance with Chapter 44 of the Town Code of the Town of Patterson.

(2) No person shall become intoxicated.

G. Dogs, cats and other household pets. **[Amended 9-14-2005 by L.L. No. 11-2005]**

(1) No person shall bring into, permit, have or keep in the park any dog, cat, household pet or other animal destructive to birds and other wildlife.

(2) This section shall not apply to a guide, service or hearing dog who is in the park accompanied by a person with a disability and is performing the function of a guide, service

or hearing dog.

H. Bicycles, snow vehicles and motorbikes.

(1) No person shall ride a bicycle upon the lawn, walks or foot trails.

(2) No unlicensed motorized vehicles, including cars, trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs) or motor-bikes, except for those operated by Town Employees or Officials in the performance of their duties, shall be permitted on any park, recreation, or vacant lands.

I. Indecent conduct and exposure. No person shall appear in a park in a state of nudity or commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior, and no person shall make any indecent exposure of his or her person.

**§ 115-10. Traffic rules.**

No person shall drive any automobile, truck, motorcycle, motorized bike, all-terrain vehicles (ATVs) or other vehicle of traffic or burden upon any part of the park, except on the proper drive and parking areas, or permit the same to stand upon the drive or any part thereof so as to congest traffic or obstruct the drive, or to operate the same in an unsafe or reckless manner.

**§ 115-11. Parental responsibility.**

No parent, guardian or custodian of any minor shall permit or allow him or her, as the case may be, to do any act which would constitute a violation of this chapter. Nonobservance of this section shall be a violation.

**§ 115-12. Compliance with official orders; liability of town employees.**

A. No person shall fail or refuse to comply with any reasonable order relative to the regulation, direction or control of traffic or to any order lawfully given by any police officer or town official in the execution of his office or duties. Nonobservance of this section shall be a violation.

B. No official or employee of the Town of Patterson shall, while acting pursuant to the provisions of this chapter, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided that such acts are performed in good faith and without gross negligence.

### **§ 115-13. Enforcement.**

A. This chapter shall be enforced by any individual duly authorized by the Town Board to issue violations or appearance tickets, excepting that on lands owned and operated for the Park District this chapter may also be enforced by the Park Advisory Board.

B. In addition, any police officer patrolling within the Town of Patterson may issue an appearance ticket, pursuant to Article 150 of the Criminal Procedure Law of the State of New York, to any person when he has reasonable cause to believe that such person has committed a violation of this chapter. Said appearance ticket shall direct the designated person to appear in the Justice Court of the Town of Patterson at a designated future time not later than thirty (30) days from the date of issuance of the appearance ticket in connection with the alleged violation. Any police officer may, without a warrant, arrest any person, in violation of any park rules or regulations, as set forth in this chapter or as posted within such park, and take such person so arrested forthwith before a judge or court having competent jurisdiction, and he shall have at all times the right to enter the premises of any building, structure or enclosure of any park, including such grounds, buildings and structures which may be leased or set aside for private or exclusive use of any individuals or groups of individuals, for the purpose of arresting violators hereof or may use all necessary means to attain that end.

### **§ 115-14. Penalties for offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the rules and regulations contained herein shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors. Each day's continued violation shall constitute a separate additional violation.

B. Any person damaging any park property shall be liable for any damages incurred.