

Chapter 116

**PUTNAM LAKE PARK DISTRICT**

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**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-26-12 by L.L. No.8-2012. Amendments noted where applicable.]**

**GENERAL REFERENCES**

- Public assemblies - See Ch. 51**
- Dogs and other animals - See Ch. 76**
- Littering - See Ch. 103**
- Loitering - See Ch. 107**
- Noise - See Ch. 109**
- Parks - See Ch. 115**
- Trespassing - See Ch. 145**
- Vehicles and traffic - See Ch. 150.**

**§ 116-1. Purpose.**

It is the purpose of this Chapter to provide for the protection and management of the lands and waters owned by, used or located within the Putnam Lake Park District. Further, it is the purpose of this chapter to establish the framework for the operation of the Putnam Lake Park District and the various rules and regulations applicable to the use of lands and improvements within said District in order to preserve and promote the safe use, and peaceful enjoyment of the parklands and waters.

**§116-2. Applicability.**

This Chapter, and the rules and regulations contained herein shall apply to all lands, and the facilities thereon, owned by the Putnam Lake Park District of the Town of Patterson, and any waters which benefit the District.

**§ 116-3. Park Advisory Board.**

A. The Town Board may create a Putnam Lake Park Advisory Board consisting of seven members, and from the members appointed, shall designate the chairperson thereof. In the absence of a chairperson, the Putnam Lake Park Advisory Board may designate a member to fulfill the duties of the chairperson, until such time as one is appointed by the Town Board. The Town Board may provide for the compensation for one or more of the Putnam Lake Park Advisory Board members.

B. Members of the Putnam Lake Park Advisory Board shall be residents of the Putnam Lake Park District.

C. Terms of members. The terms of members of the Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the board. Each member whose term has expired shall serve until his or her successor is duly appointed.

D. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint a new member for the unexpired term.

E. Removal of members. The Town Board shall have the power to remove any member of the Putnam Lake Park Advisory Board for cause.

(1) Reasons for termination for cause of a member of the Park Advisory Board shall include:

(a) Actions of a member of the Board determined to be contrary to the Advisory

Board's mission.

- (b) Unresolved conflict of interests.
- (c) Missing 3 (three) consecutive meetings or any chronic absenteeism within a calendar year.
- (d) Disruptive, combative and/or disorderly behavior.
- (e) Habitual neglect of duties.
- (f) Incompetence
- (g) Intoxication

F. Voting requirements. Every motion or resolution of the Park Advisory Board shall require for its adoption the affirmative vote of a majority of the members of the fully constituted Board.

G. Appropriation for Putnam Lake Park Advisory Board. The Town Board is hereby authorized and empowered to make such appropriation as it may see fit for Putnam Lake Park Advisory Board expenses. Such charges and expenses less fees, if any collected, shall be a charge upon the taxable property of the Park District, and shall be assessed, levied and collected therefrom in the same manner as other District charges.

H. The purpose of the Park Advisory Board shall be to fulfill the duties and responsibilities as follows:

- (1) To provide for the administration of the Park District including recommendations to the Town Board on the rules and regulations to be followed by users of Putnam Lake, and the District operated beaches, ballfield and other improvements;
- (2) To express opinions and recommendations on matters relating to the Park District;
- (3) To promote protection of the natural and cultural features of the Park District;
- (4) To promote communication among the general public, State and County agencies, other lake organizations, and the Town Board regarding Park District issues;
- (5) To inquire into matters of community interest relating to the Park District; and to bring matters of interest to the attention of the public;
- (6) To make recommendations to the Town Board on issues concerning the Park District, including, improvements, planning, recreation, beautification, evaluation, lake management and remedies.

I. The duties of the Chairperson shall be:

- (1) All meetings of the Park Advisory Board shall be held at the call of the chairperson or at such other times as such Park Advisory Board may determine.
- (2) The Chairperson shall preside at all meetings of the Park Advisory Board.
- (3) The Chairperson shall oversee the daily operation of the Park District assets, improvements and programs.
- (4) The Chairperson shall perform such other duties as may be assigned by the Town Board.

J. Upon recommendation of the Putnam Lake Park Advisory Board, the Town Board may appoint such additional committees to assist the Putnam Lake Park Advisory Board in the performance of their duties.

#### **§116-4. Definitions.**

The following terms, wherever used in this chapter, shall have the respective meanings assigned to them unless another meaning clearly appears from the context:

**BALLFIELD** - The recreation area located at 293 Haviland Drive and identified as Tax Map No. 25.63-2-48.

**BEACH** - Any area of the lake shore of Putnam Lake expressly designated by the Town Board for the purpose of provided access for swimming, including the water area and lands underwater adjacent to said area and the docks and structures therein.

**BOAT** - Any watercraft that floats on, or moves through the water, and which is designed to carry one or more persons including, but not limited to canoes, skiffs, rowboats, sailboats, rafts, sculling boats, pontoons or jet skis and other types of motorized crafts.

**OWNER** - Any person owning or having the use, possession or control of a vehicle, animal or other property by lease or otherwise.

**PARK** - As used in this Chapter, those lands held by the Town of Patterson for the benefit of the Putnam Lake Park District. For the purpose of this Chapter, Park and parklands shall have the same meaning.

**PERMIT** - Any written authorization issued by the Town Clerk of the Town of Patterson or other authorized individual for a specified privilege within the aforesaid Park District.

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

PERSONAL FLOATATION DEVICE (PFD) or life preserver- shall mean a wearable flotation device, classified and approved by the United States Coast Guard which is in such a condition that it is fit for its intended purpose, bears a legibly marked United States Coast Guard approval number and is of an appropriate size for the person who intends to use it.

PUTNAM LAKE PARK DISTRICT - All of the lands in the State of New York and shown on the 19 maps of the Putnam Lake Subdivision filed in the Putnam County Clerk's office between March 20, 1931 and May 28, 1932 (note that Map 149O was filed September 27, 1951) including Map No. 149, "Putnam Lake", Map No. 149A, "2nd Map", Map No. 149B, "3rd Map", Map No. 149C, "4th Map", Map No. 149D, "5th Map", Map No. 149E, "6th Map", Map No. 149F, "7th Map", Map No. 149G, "8th Map", Map No. 149H, "Map A", Map No. 149I, "Map B", Map No. 149J, "Map C", Map No. 149K, "Map B", Map No. 149L, "10th Map", Map No. 149M, Map No. 149N, "Map A", Map No. 149O, "11th Map", "Map of Plum Island at Putnam Lake", 11<sup>th</sup> Map of Putnam Lake, Section 'B', "9<sup>th</sup> Map of Putnam Lake"

OUT-OF DISTRICT USERS - Any person who owns property outside of the boundaries of the Putnam Lake Park District, who shall have demonstrated by proof of deed that they have rights to use Putnam Lake.

#### **§ 116-5. Interpretation and scope.**

The interpretation of these rules and regulations and provisions shall be consistent with the following rules of construction in order to give full effect to the terms and provisions hereof:

- A. Any term in the singular shall include the plural, and *vice versa*.
- B. Any term in the masculine gender shall include the feminine gender, and *vice versa*, and the masculine and feminine genders shall include the neuter gender, and *vice versa*.
- C. Any requirement or provision involving any act shall include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or permitting, allowing, forcing or influencing any minor in the custody or control of any adult, doing any act prohibited herein.
- D. These provisions shall not make unlawful any act necessarily performed by any officer or employee in the line of duty or work.
- E. Any act performed hereunder which might be otherwise unlawful, shall be lawful if performed under or pursuant to a permit, provided it is not otherwise prohibited by any local law or ordinance.
- F. As used herein, the terms property owner, lessor or out-of-district user shall also include the members of their immediate families and their guests, unless otherwise noted.

#### **§116-6. Administration.**

- A. The Town Board of the Town of Patterson shall be directly responsible for administration

of this Chapter for all waters, or lands and any improvements thereon, which are owned by, or operated on behalf of the Putnam Lake Park District, excepting that the Town Board may designate the Putnam Lake Park Advisory Board to act on behalf of the Town Board in the application of the rules and regulations contained herein for the Putnam Lake Park District.

B. The Town Board may adopt by resolution such additional rules and regulations for the use and operation of parks, and any buildings or pavilion thereon. Nonobservance of such rules and regulations shall constitute a violation of this Chapter.

#### **§ 116-7. Park Use; Identification; car stickers.**

A. The use of the beach areas, ballfields and other Park District improvements, shall be restricted to (i) property owners whose property is located in the Putnam Lake Park District and who use said property as their primary or secondary residence, or their respective lessees who reside at property within the district, and (ii) Out-of-District Users to whom the Town of Patterson has issued a permit pursuant to Subsection B, below, or their respective lessees. Only those persons shall be admitted to beach areas ballfields and other Park District improvements who are properly identified as members of those groups named above.

B. Any Out-of-District User shall have the right to access Putnam Lake at those locations determined by the Town Board. Out-of-District Users who use their property with deeded lake rights as their primary or secondary residence, or their respective lessees residing at said property, upon payment of an annual use fee established by resolution of the Town Board upon recommendation of the Park Advisory Board, shall also be entitled to obtain a permit and identification, as determined by the Town Board, and shall have access to use of the beach areas, ballfields and other Park District improvements in accordance with the rules and regulations established therefor.

C. All persons entitled to use the beaches or parklands of the Putnam Lake Park District may be required to obtain Park District identification, issued by the Town of Patterson, or shall be accompanied by a person who shall have obtained the appropriate identification. Residents shall produce their Park District identification when called upon to do so by any authorized representative of the Town Board or any person assigned to such duty by the Town Board or its agents.

D. Any vehicle parked at Park District facilities shall be required to display such identification sticker for the Park District, as may be determined necessary by the Town Board.

E. All permits required pursuant Sections A through D, above shall be issued 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 or otherwise. Any violation of any term or condition thereof or of any law or ordinance or rule or regulation shall constitute grounds for revocation of said permit by the Town Clerk, whose action therein shall be final. No permit shall be issued to the person whose permit has been revoked during the year in which such revocation has been made.

F. The Town Board may issue permits for the use of a beach or ballfield for private parties and special events by District residents, and Out-of-District Users who shall have obtained a permit

pursuant to Subsection B, for events to be held during or after the established hours of operation, subject to conditions as may be imposed by the Town Board on a case by case basis. Any non-compliance with a condition of the permit shall be considered a violation of this Chapter.

G. Where an applicant's previous use of parklands 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, or require the posting of a cash bond in an amount determined by the Town Board. Appeal of such a denial by the Town Clerk shall be to the Town Board.

H. Any person entitled to use the Park District facilities shall be individually responsible and liable for any acts of any other individual accompanying the permit holder as their guest. Likewise, and individual to which the Town Board has issued a permit shall be individually responsible and liable for any acts of any other individual attending the special event.

### **§ 116-8. Boats; registration and operation. [amended 3/26/14 by Local Law 1-2014]**

A. Registration stickers.

(1) Only persons who are members of the Putnam Lake Park District, or qualified out-of-District users, shall be entitled to register their boats and keep same on Park District property. This section shall not apply to guests.

(2) All persons maintaining boats on Park District property for use on Putnam Lake shall register each boat with the Town Clerk of the Town of Patterson. The Town Clerk's Office will assign a number and will issue a registration to the first boat of each household, free of charge, which registration shall remain valid for a period determined by the Town Board. The number of additional boats per household placed on the parklands or waters may be determined by the Town Board. Any additional boats may be charged a fee set by the Town Board. Boat owners may be charged a replacement fee, as set by resolution of the Town Board, for the re-issuance of any registration or identification sticker.

(3) The boat identification sticker issued by the Town Clerk must be affixed to the exterior port (left) or starboard (right) side of the boat as close as possible to the bow (front) so as to be clearly visible when stored on Park District property. Any boat which has not been registered, or does not have the boat identification displayed in accordance with this Section, or in the judgment of the park officials has been abandoned, shall be impounded by the park officials, and a charge set by resolution of the Town Board in its reasonable discretion shall be collected before the same is returned. Said charge shall be added to the Park District funds.

B. Removal of Boats from Park District Property.

(1) The Town Board may require periodically, upon notice published twice in a newspaper of general circulation, that all boats shall be removed from the Park District property, for a time and duration as determined by the Town Board. Any boat, with or without a valid registration, if found on District property within this period shall be impounded, and a charge set by resolution of the Town Board in its reasonable discretion

shall be paid to the Town, in cash, bank check or money order, before the same is returned. Said charge shall be added to the Park District funds. The notice provided for in this § 116-8.B shall include a statement that any boat which is not removed and is impounded will be subject to abandonment as provided for in §116-8.B(2), below.

(2) Boats that have been impounded due to non-compliance with the provisions of §116-8.A.3 or §116-8.B.1, will remain impounded for a period of 60 days. After 60 days any unclaimed boat will be considered abandoned, and will, upon the expiration of seven (7) days after completion of the notice procedure set forth below, become property of the Town of Patterson Park District without further notice of any kind and may be permanently removed, sold or otherwise disposed of without any recourse against the Town by the owner thereof. Any funds from a sale or disposal will be added to the Park District funds.

After a boat has remained impounded for a period of 60 days, the Town Board shall publish notice of its abandonment once a week, for two (2) consecutive weeks, in a newspaper in general circulation within the Town. Such notice shall also be posted in not less than three (3) conspicuous places within the Town. Such notice shall describe the impounded boat to the extent reasonably possible, include any boat registration number appearing thereon, state that it will be deemed abandoned and disposed of in accordance with this Article, and state that it will be returned to the owner thereof upon proper proof of ownership and payment, in cash, bank check or money order, of a charge set by resolution of the Town Board in its reasonable discretion before the boat is returned. Said charge shall be added to the Park District funds. In the event that a boat registration sticker issued by the Town is affixed to a boat, the notice described herein shall also be sent via certified mail, return receipt requested, to the owner of the boat as indicated in the records maintained by the Town under this Article to the last known address of the owner shown in such records.

(3) Neither the Town of Patterson Park District nor the Town of Patterson, nor any of its employees, officers, independent contractors, officers or consultants, shall be considered a bailee of any impounded boat under the laws of the State of New York nor shall the Park District or the Town have any responsibility for the due care, maintenance or repair of any impounded boat while in its possession, custody or control.

C. Personal Floatation Devices (PFD's).

(1) All boats, while in use on Putnam lake, will require one Type I, II, III or V Personal Floatation Devices for each person onboard.

(2) Occupants of boats, who are under 12 years of age, must wear a Type I or Type II personal flotation device while on the water of Putnam Lake. However, between November 1 and May 1, all persons, regardless of age, must wear an approved personal flotation device while on the water of Putnam Lake.

D. Maximum Length; Boats. No boat shall be allowed on the waters of Putnam Lake that is over 20 feet in length from bow to stern, except with the expressed approval of the Patterson Town Board.

E. Motorboats Prohibited. No boats, jet skis, or other types of watercraft powered by gasoline,



or any other type of combustible fuel, shall be permitted on Putnam Lake.

(1) Exceptions.

(a) Boats operated by the Putnam Lake Fire Department or other similar type of emergency response provider when responding to an emergency situation.

(b) Boats, as may be permitted by the Town Board for the purpose of conducting lake maintenance.

F. Safe Operation. No boat shall be operated in a reckless manner or in a manner which does not conform to the manufacturer's instructions, including, without limitation, maximum number of occupants or maximum load weight.

G. Storage Locations. The Town Board shall determine in the rules and regulations of the Park District, such locations as may be appropriate to store boats on property owned by the District, and may limit the number of boats that a household may store in these locations. Any boats, with or without a valid registration, if stored outside designated storage areas on District property shall be impounded, and a charge as may be determined by the Town Board shall be collected before the same is returned.

H. Boat Maintenance. All registered boats stored on District property shall be maintained in a good and safe condition. The Town Board may revoke the registration of any boat which, in its opinion, is determined to be unsafe or in a poor condition.

I. Invasive Plants and Animals. In order to prevent the introduction of invasive plants or animals to the waters of Putnam Lake, boats, trailers, waders, bait buckets, and any other boating or fishing equipment that may come in contact with Putnam Lake waters, or may be kept on Putnam Lake parkland shall be free from any plant, animal and/or insect species listed on the NYS DEC "Revised Interim List of Invasive Plant Species in New York State" dated May 14, 2012, or as may be amended. Boats and other equipment shall be presumed to be free from invasive plants or animals if treated using one of the following methods.

(1) Cleaned and allow to dry for a period of not less than five days in warm, dry weather and up to 30 days in cool, moist weather.

(2) Disinfected using hot water by either soaking equipment in water kept above 140°F (hotter than most tap water) for one minute, or by high pressure application of hot water or steam for such that the surface temperature is brought to at least 140°F for thirty seconds.

(3) Bleach: Soak or spray equipment for at least one minute with a 2% bleach solution (three ounces of household bleach mixed with 1 gallon of water).

(4) A NYS Department of Environmental Conservation approved Cleaning Agent is used in accordance with the manufacturers recommendations.

**§ 116-9. Hours of operation; exception.**

A. The Town Board shall establish, upon recommendation of the Putnam Lake Park Advisory Board, the hours of operation for the Putnam Lake Park District beaches and ball field.

B. In case of an emergency or when, in the judgment of the Putnam Lake Park Advisory Board or Town Board, the public interest demands it, any portion of the parklands may be closed to the public until permission is given to reopen.

### **§ 116-10. 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 park regulated by this Chapter, except as may be authorized by the Town Board, or the Putnam Lake Park Advisory Board:

(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) Ascend or land any model airplanes, rockets, fireworks, or aircraft, including gliders or parachutes, except in an emergency situation.

(3) Move or carry any park tables or equipment found within a park for park use to a different area of the park.

(4) Beg, hawk, peddle or solicit alms, subscriptions or contributions within any park.

(5) Act as a solicitor of funds, or as a crier or advertiser through the media of voice, public address system or other mechanical device, on beaches or other parklands or in the vicinity of same, except for peddlers and solicitors who have been issued a license pursuant to Chapter 121 of the Patterson Town Code.

(6) Play or bet in 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.

(7) Violate any rule or regulation adopted by the Town Board relating to any building or place; or damage any notice posted by order of the Town Board or Park Advisory Board.

B. All persons under the age of twelve (12) must be accompanied on a beach by a person over the age of eighteen (18) years.

C. Swimming.

(1) Swimming hours shall be as posted at the beaches.

(2) Regardless of the hours posted, no swimming shall be permitted unless two or more lifeguards are on duty.

**§ 116-11. Preservation of park, buildings and natural features.**

A. Except as may be authorized by the Town Board, or the Putnam Lake Park Advisory Board, no person shall willfully:

- (1) Injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property found therein.
- (2) On any parklands, carry, move, remove, destroy, sever from the ground or otherwise damage, any flower, shrub, tree, or other growing thing, or any portion thereof, including, but not limited to, any branch, stem, fruit or leaf thereof.
- (3) Possess on any park or park land any tool or instrument such as a hatchet, axe, saw or chainsaw for the cutting of any living thing, or any spade, shovel, rake, hoe or any of the so-called garden or agricultural implements or tools for the removal of any tree, shrub or plant.
- (4) Attach any rope, cable or other contrivance to any tree, shrub or other plant, except when securing a boat registered pursuant to Subsection §154-8, above, and in a method approved by the Town Board.
- (5) Set fire or assist another to set fire to any timber, tree, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend into parklands, or
- (6) Destroy, damage or otherwise harm any animal habitat, including, but not limited to nests or burrows.
- (7) Hunt or trap wildlife, except where such activities have been specifically authorized by the Town Board.
- (8) Create any hole, trench, or other type of excavation, or deposit any fill, soil, stone, debris or trash.
- (9) Construct, repair or relocate utility fixtures, such as sewers, hydrants, posts, lines and conduits, or engage in any construction in or on parklands.
- (10) Deposit or discharge any chemical substance which might be harmful to the parklands, waters, or environment.

**§ 116-12. General rules of conduct.**

The following general rules of conduct shall be complied with by any person on any park property, and any individual failing to comply with said rules shall be guilty of a violation of this Chapter. No person shall:

A. Disturb the peace and good order in any park by fighting, quarreling or wrangling with a loud

voice or shouts, threatening violence to a person or property of others or engaging in riotous clamor or tumult.

B. Congregate with others and refuse to comply with a lawful order of the police or of a Town Official or employee to disperse or leave the park.

C. Loiter in, or near toilet buildings or parking areas.

D. Using threatening, obscene, profane or abusive language while in the park.

E. Disobey an order of a police officer, Town Official, playground director, parking attendant, lifeguard or other person designated by the Town Board to give orders, or disobeying the notices, prohibitions, instructions or directions on any park sign.

F. Throw stones or other missiles with the intent to cause harm to persons or property.

G. Interfere with, encumbering, obstructing or rendering dangerous any drive, path, walk, dock, beach, boardwalk or public place.

H. Climb or lie upon any wall, fence, building, or tree.

I. Enter or leave any restricted park area except at established entrance ways or exits or at established times; or using or gaining admittance to, or attempting to use or gain admittance to, any building or facility located in any park.

J. Feed any waterfowl on Putnam Lake or on any property within the Putnam Lake Park District including any of the beaches within the Park District is prohibited.

K. Appear in a park in a state of nudity or commit, perform or engage in any act of public lewdness, or of public exposure as defined by Penal Law § 245.01, or act in a lascivious, obscene or indecent manner.

### **§ 116-13. Rubbish and refuse; pollution.**

A. Any individual bringing any items or material onto parklands, including a beach or ballfield, shall be responsible for disposing of said items or materials as hereafter stated, or removing said items or materials from said lands. 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 must be disposed of in the designated park trash receptacles, except for cans, bottles or other glassware or materials identified as recyclable, which shall be placed in the park recycling receptacles.

B. Pollution of waters. No person shall throw, cast, lay, drop or discharge into or leave in the waters on, or adjacent to any Park, or any tributary or outflow thereof, whether or not used for bathing, or any other waters within the Park District or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of

said waters.

C. Drains and sewers. No person shall discharge, directly or indirectly, into any stream, lake, wetland, or other body of water, or to any stormwater conveyance leading to a stream, lake, wetland or other body of water, any sewage, pollutant, gas or vapor, or any substance which may form a deposit tending to choke same, or any volatile liquid which will emit an inflammable vapor at a temperature below 160° F., or any steam or hot water above 100° F. For the purpose of this section a stormwater conveyance shall include any gutter, swale, ditch, pipe, receiving basin, catch basin or drain inlet, which is designed to principally convey that portion of precipitation which does not infiltrate into the ground.

D. Protection of beaches. No person shall bring onto, throw, cast, lay or deposit any bottle or piece of crockery, or any glass or glassware or any part thereof, or metallic or other substance with sharp edges or projections, on any beach.

E. No person shall dump or otherwise leave trash, garbage or unwanted debris on Park District lands. **[amended 3/26/14 by Local Law 1-2014]**

F. No person shall blow or rake leaves, leave grass clippings, sticks, branches or any other type of yard waste onto or on the lands of the Park District. **[amended 3/26/14 by Local Law 1-2014]**

#### **§ 116-14. Firearms and weapons.**

No person shall on any lands of a park, have or carry or possess, whether or not concealed upon his person or in any vehicle owned by him or under his control, any rifle, pistol or revolver, or any instrument or weapon commonly known as a "starter pistol" or in which or upon which loaded or blank cartridges may be used, or any BB gun, pellet gun, or similar device using air as a propellant, or any loaded or blank cartridges or ammunition therefor, or any longbow, cross bow, compound bow or any other weapon. No person shall discharge any rifle, shotgun or fowling piece, or any air gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, or any longbow, cross bow, compound bow or any other weapon on, or onto parklands of the Putnam Lake Park District. This Section shall not apply to a law enforcement officer or peace officer in the performance of their official duties.

#### **§ 116-15. Dogs, cats and other household pets.**

A. No dogs, cats or other types of household pets shall be allowed at any time on the designated beaches and ballfield, excepting for a guide, service or hearing dog who is on the beach accompanied by a person with a disability and is performing the function of a guide, service or hearing dog.

B. Dogs, cats, and other types of household pets may be permitted on all other Park District Lands, not identified in Subsections A, above, or all other public lands, or within any road right-of-ways, all located within the boundaries of the Putnam Lake Park District, under the following conditions.

(1) All animals shall be on a leash and the owners of, or persons in control of such pets shall be responsible for maintaining full control of their pets.

(2) No animal shall cause any harm to any plant, bird or other wildlife in the park, or any other dog or any person.

(3) The owners of, or persons in control of such pets shall be responsible to promptly remove and dispose of, in a sanitary manner, any feces left by said pet.

C. The persons in control of such pets at the time a violation occurs, whether or not the owner of said pet, shall otherwise be responsible for such pets shall be liable for violation of this provision of this chapter.

#### **§ 116-16. Operation of motorized conveyances.**

A. No vehicles, including cars, trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs) or motor-bikes, or airplanes, or model airplanes, or any mechanized conveyance, any of which operates on combustible fuel shall be permitted on any open water or lands of the Putnam Lake Park District. This section shall not apply to vehicles operated by Town Employees or Officials in the performance of their duties, or emergency service responders, or as may be specifically authorized by the Town Board.

B. No person shall ride a bicycle upon the lawn, walks, pathways or foot trails, unless so designated for such a use by the rules and regulations adopted by the Town Board, and that such use is posted by signs.

C. No cars, trucks, motorcycles or tractors shall be permitted on Putnam Lake when covered with ice.

#### **§ 116-17. Smoking prohibited on beaches.**

Smoking on any and all of the beaches located within Putnam Lake Park District is strictly prohibited. For the purposes of this section, "smoking" shall include cigarettes, cigars, pipes, or any illegal substances and any other form of smoking.

#### **§ 116-18. Parking.**

Except in those areas designated for such use by the Town Board, parking of any motor vehicle, trailer, camper or construction equipment on parklands, or on the lakeshore side of any road abutting Putnam Lake overnight is prohibited. Parking on the lakeshore side of any road abutting Putnam Lake during the daylight hours is permitted providing that the parking is for the occasional recreational use of Putnam Lake and parklands, and the parking occurs parallel to the road not less than 3 feet, nor more than 10 feet from the edge of pavement. In no case shall parking cause ruts, or substantial damage to the parklands.

**§ 116-19. Structures.**

A. The Town Board shall have the right, but shall not be obligated, to remove or cause to be removed any and all existing projections, encroachments, docks, piers and other impediments when, in the opinion of the Town Board, such removal shall be necessary or desirable for the improvement of the parkland, and when there is no easement, license or, in the Town Board's opinion, prescriptive right to permit said structure or impediment.

B. Hereafter, no person shall erect a wharf, pier, structure or make any other improvement on the park property without obtaining the prior consent of the Town Board by resolution passed at a meeting of the Town Board. Any such authorization, if granted, may provide appropriate safeguards to assure that the structure, when erected, shall be available to all the inhabitants of the Park District and shall otherwise be erected and used in a safe manner.

**§ 116-20. Fishing restrictions.**

A. In the interest of public safety, no fishing of any type shall be permitted on Plot H identified as the Putnam Lake Dam, nor within the greater distance of 50 feet from the edge of the sandy area of a beach, or any ropes established to demarcate the beach area.

**§ 116-21. Alcoholic beverages.**

A. Except as noted under Subsection B, no person shall enter, use or remain upon any parklands regulated by this Chapter, while intoxicated, nor shall any person possess any alcoholic beverage on any parkland, regardless of whether same is in a closed or open container.

B. Groups using Putnam Lake Park District lands for a private function or special event may have and consume alcoholic beverages pursuant to a duly issued permit by the Town Clerk, providing that the Town has been indemnified and held harmless against any act which may result from the presence and use of alcohol at said event by a Host Liability Coverage addendum to their insurance policy with the Town named as additional insured, or such other indemnification as deemed appropriate by the Town Board. Nothing in this section shall permit any individual to be at the Putnam Lake Park District lands while intoxicated.

C. No person shall be intoxicated, or under the influence of a drug or narcotic while on parklands owned by the Town. It shall be a rebuttable presumption that a person exhibiting a pattern of abnormal conduct, erratic or aberrant behavior, deteriorating motor skills, or slurred speech shall be presumed to be under the influence or intoxicated by a drug or alcohol.

**§ 116-22. 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, operation, or protection of a park or to any order lawfully given by any police officer or Town official or Town employee 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.

**§ 116-23. Enforcement.**

A. This chapter shall be enforced by the Director of Codes Enforcement, and by any individual duly authorized by the Town Board to enforce the requirements of this Chapter.

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 the Chapter. or 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.

**§ 116-24. Penalties for offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, who or 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 or hereafter established 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 nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. 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.

**§ 116-25. Miscellaneous.**

A. Failure of the Town Board, their agent, the Park Advisory Board or any law enforcement



official or peace officer to enforce any provision of this Chapter shall not be deemed a waiver of the right to do so thereafter as to the same violation or breach or as to a violation or breach occurring prior or subsequent thereto.

B. The invalidation of any provision of this Chapter by a judgment, order, or decree of a Court, or by any statute or otherwise, shall not affect any other provision of this Chapter which shall nonetheless remain in full force and effect.