

2 of 1983

A Local Law Amending Local Law No. 7 of 1978, Regulating the Use of Village Park and Recreation Lands.

adopted: 6-13-83

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE AS FOLLOWS:

ARTICLE 1 PURPOSE

The purpose of this Local Law is to amend Local Law No 7 of 1978. Certain Sections are completely changed with new text, others are expanded upon, amended slightly, or simply renumbered.

ARTICLE 2

Article 2 of this Local Law amends Article XV of Local Law No. 7 of 1978 to read as follows:

ARTICLE XV - HOURS OF PARK ACCESS

Section 1

Village parks and recreation lands shall be open to the public between 7:00 a.m. and 10:00 p.m., except as otherwise provided herein or as otherwise provided by rule, regulation or order of the Board of Trustees.

Section 2

Parks and recreation lands are closed to vehicular traffic:

- A. Between November 1 and April 1
- B. Whenever the vehicular access gate is locked as to the Island Park area, including the Lagoon area immediately contiguous and southerly.

Section 3

As used in this Article, the term vehicle shall include snowmobiles and motor vehicles as defined in Article VII -

Section 1, paragraph 9 herein.

Section 4

A. No person shall enter upon or remain upon Island Park or the Lagoon area between the hours of 10:00 p.m. and 7:00 a.m. the following morning.

ARTICLE 3

Article III of this Local Law amends Article XVI of Local Law No. 7 of 1978 to read as follows:

ARTICLE XVI - RESTRICTED ACCESS TO PARKS AND RECREATIONAL LANDS

Section 1

Portions of park and recreational lands may be restricted in access and use to members of groups obtaining permits as provided in Local Law No 7, 1978, Article VI. Such limited or restricted access may be extended to parking facilities located on park and recreation grounds.

Section 2

In determining whether or not portions of park and recreational lands shall be reserved for exclusive use by persons belonging to a group which has obtained a permit, the following items may be considered:

A. Exclusive use permits may be restricted to activities conducted or attended primarily by the following organizations or groups: non-profit, civic, employer-employee groups, and public benefit organizations.

B. A representation by the applicant that the function will be attended only by persons who have a bona fide relationship with the applicant or its members. The purpose of this paragraph is to limit large numbers of the general public from attending under the guise of being a group member.

C. The anticipated number of people in attendance

D. The purpose and the anticipated duration of the event

E. The frequency of similar events by the same organization or by organizations related in membership with each number

- F. Other scheduled activities
- G. Matters of health, safety and welfare

ARTICLE 4

Article IV of this Local Law hereby amends Local Law No 7 of 1978 by adding to it a new Article XVII to read as follows:

ARTICLE XVII - ADMINISTRATION

Section 1

A. The Village Board of Trustees may pass such rules and regulations as it determines necessary or appropriate to administer this Local Law.

B. Notwithstanding any provision of this Local Law, the Village Board may, by rule, regulation or order, change or modify the hours during which parks and recreation lands, or any portion or area thereof, may be open and available to public use by individuals or vehicles.

C. Any rule, regulation or order issued by the Village Board shall, before being effective, be filed in the office of the Village Clerk and made available for public inspection. A Notice of Adoption shall be published with a brief summary of the contents of such rule, regulation, or order.

Section 2

In addition to Section 1 above, rules and regulations or orders may, for a limited period of time, suspend or modify the application or operation of any portion of this Local Law, not to exceed two weeks, subject to extensions for additional two-week periods.

Section 3

The Board of Trustees may, by rule, regulation or order, grant to the Mayor of the Village and to any designee of the Mayor the authority to issue emergency orders regulating park use or suspending the application or operation of any portion of this Local Law until midnight of the day of the next regularly scheduled meeting of the Board of Trustees.

Section 4

Any emergency order or suspension or modification of this Local Law as provided herein, either by the Board of Trustees or by the Mayor or his designee, shall be put into writing within three days thereof, said writing to contain the reasons for the action, and shall be filed in the office of the Village Clerk. Notice of any such emergency order or suspension or modification shall also be given to representatives of the local news media within 24 hours. Any extensions or terminations shall be similarly made known.

Section 5

The rules, regulations or orders of the Board may delegate to designated Town officials the authority to issue permits as may be required by this Local Law for that portion of the Village park and recreation system known as the "Lagoon" which area lies immediately adjacent to and southerly of the area known as Island Park. Any such designation shall contain the terms and conditions upon which it is granted.

ARTICLE 5

Article V of this Local Law hereby amends Local Law No. 7, 1978 by adding a new Article XVIII to read as follows:

ARTICLE XVIII - SAVINGS CLAUSE

If any section, sub-section, paragraph, clause, phrase or provision of Local Law No. 7, 1978 or any amendments thereto, shall be adjudged invalid or held unconstitutional, such determination shall not affect the validity of this Local Law as a whole, or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

ARTICLE VI

Article VI of this Local Law hereby amends Article X, No 1 of Local Law No 7, 1978 to read as follows:

ARTICLE X

1. No person under the age of 19 shall possess or consume any alcoholic beverage, and any alcoholic beverage found to be in the possession of persons under 19 years of age shall be confiscated.

ARTICLE 7 - SAVINGS CLAUSE

If any section, sub-section, paragraph, clause, phrase or provision of this Local Law shall be adjudged invalid or held unconstitutional, such determination shall not affect the validity of this Local Law as a whole, or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

ARTICLE 8 - EFFECTIVE DATE

This Local Law shall take effect immediately.

7 of 1978

A Local Law Regulating the Use Of Village Parks and
Recreation Land

adopted:10-23-78

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK, AS FOLLOWS:

ARTICLE 1 PURPOSE

The purpose of this Local Law is to enhance and promote the safety, health, well-being, and enjoyment of each individual in the use of the parks and recreation land of the Village of Wellsville and to ensure equality of opportunity to each individual in the use and enjoyment of Village parks and recreation land.

ARTICLE 2 TERRITORIAL APPLICATION

Whenever used in this Local Law the following terms shall mean and include the meaning set forth in this Article unless otherwise set forth or defined.

SECTION 1

This Local Law shall be effective on property constituting Village parks and recreation lands, more specifically, encompassing the lands and premises known as Memorial Park, Island Park, Tullar Field, and other areas adjacent thereto owned by or under the custody of the Village of Wellsville.

ARTICLE 3 PERMITS

SECTION 1 A written permit issued by the Village Clerk or upon order of the Village Board to do any act shall authorize the same only insofar as it may be performed in accordance with the terms and conditions thereof.

SECTION 2

Any act authorized pursuant to permit may be

performed only by the person or entity named therein and any such authorization may not be assigned or delegated unless and except as provided.

SECTION 3

Any permit may be revoked at the option of the Mayor of the Village of Wellsville or such person as may be designated by him. A permit shall be considered a license only.

SECTION 4

In any case where the holder of a permit of his agent or employee shall have been found to have violated the terms and conditions thereof, such holder and his agent or employee shall be jointly and severally liable to the Village of Wellsville for any damages or loss suffered by it.

SECTION 5

The Village may fix a fee of a reasonable amount for the physical requirements and restrictions, changes, or repairs incident to the use of recreation and park lands by an applicant for a permit and may provide for the payment thereof or security thereof in the form of a bond or otherwise. In any case where a cash deposit or bond as security to protect property of the Village against loss or damage or to limit the extent of the use of such property by a permit holder, such cash deposit or bond shall be forfeited in the case of loss of or damage to property or in the case of a violation of any agreement or condition upon which the requirement of a deposit or bond is based or of any term or condition of a permit. Such deposit or bond shall not limit the right of the Village to recover damages in excess of the deposit or bond.

ARTICLE 4 LOST PROPERTY

Any person while at or on park or recreation land finding or taking possession of personal property not his shall immediately return such property to its

lawful owner or custodian. If the lawful owner or custodian cannot be immediately found or ascertained, the property shall be promptly turned over to the Village of Wellsville Police who will issue a receipt therefor.

ARTICLE 5 PROHIBITED ACTIVITIES

The activities and uses enumerated in this section shall be absolutely prohibited on Village park and recreation lands.

1. Alms. No person shall solicit alms or contributions.

2. Pollution of waters. No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters any sewage, garbage, trash, litter, debris, waste material or any nauseous or offensive matter.

3. Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.

4. Injury to property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree, or other plant life.

5. Disorderly conduct. No person shall do any of the following:

A. Disobey a lawful order of any police officer or the Director of the Department of Public Works or his authorized representative, or the directions of any sign erected by his office.

B. Use abusive or obscene language or make an obscene gesture.

C. Throw stones or other objects or missiles which may inflict bodily injury or damage to property.

D. Obstruct vehicular or pedestrian traffic.

E. Climb upon any wall, fence, structure or monument.

F. Engage in or encourage fighting or violent or threatening behavior

G. Spit upon grounds or other surfaces.

H. Make any unreasonable noise.

I. Throw away or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose.

J. Operate any vehicle or other equipment in such a manner so as to create an unreasonable noise or disturbance.

K. Without lawful authority, disturb any lawful assembly or meeting of persons.

L. Congregate with other persons and refuse to comply with a lawful order to disperse.

6. Property Closed to Public. No person shall enter or remain upon any property or within any structure during such hours, seasonal or indefinite periods that such property or structure has been designated as closed by a sign erected by the Village.

7. Minors. No person having custody or control of a minor shall permit such minor to do any act in violation of a rule or regulation of the Village. Minors under 6 years of age shall at all times be under the supervision and control of a parent, guardian or responsible custodian.

8. Gambling. Gambling lotteries, games of chance and fortune-telling are prohibited. Notwithstanding the previous sentence, the sale of tickets for the New York State Lottery by concessioners approved by the State of New York shall be permitted in those park regions where approval has been given.

9. No person shall introduce, possess or use any machete or cutting tool other than an axe, hatchet, or sheath knife for the purpose of preparing wood for a cooking fire.

10. Firearms and weapons. No person, other than a member of a Federal, State or municipal law enforce-

ment agency, shall introduce or possess wither upon the person or within a vehicle, or use any firearm or any instrument or weapon the propelling force of which is a spring, rubber or air, or any ammunition or porpellant therefor, or a bow and arrow.

11. Attire. No person shall appear nude in public, as defined in Section 235.20 (2) of the Penal Law.

ARTICLE 6 ACTIVITIES OR USES PROHIBITED EXCEPT WHEN UNDERTAKEN PURSUANT TO A PERMIT

No person shall engage in any of the following activities or uses on Village recreational or park lands except pursuant to a permit issued by the Village Clerk or by the Village Board in accordance with the terms thereof and any other conditions contained in this Local Law.

1. Meetings, Games, Etc. The holding of any meeting, ceremony, religious service, parade, procession, speech, lecture, company picnic, concert, political rally, tournament, scheduled or organized athletic event (other than "Little League" or Minor League" baseball) or any form of entertainment, performance, motion picture, contest or other such event, the distribution or posting of handbills or advertisements in connection therewith, or the erection of any structure, stand or platform in connection therewith.

2. Fireworks and Explosives. The introduction, possession, or use of fireworks, gunpowder, powder used in blasting, high explosives, blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder or any chemical compound or any mechanical mixture containing any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part thereof may cause an explosion.

3. Commercial Activities. The selling or offering for sale, hire or lease any merchandise, service or other thing of value.

4. The taking of moving pictures or photographs for commercial, publicity or education purposes, or

the purchasing or selling of negatives thereof or prints therefrom, or the exhibition of same in public.

5. The promotion of any event, belief or philosophy either by means of the posting or distribution of printed or written matter or orally.

6. Picnicking. No picnic table, garbage receptacle, wood pile or other equipment supplied by the Village shall be placed at any location other than those approved by the Department of Public Works.

7. Toy or Model Rockets or Aircrafts. The use or operation of toy or model rockets or aircraft. Persons may be required to produce evidence of insurance against property damage or personal injury.

8. A permit shall be required for a picnic or outing conducted by a group or organization in excess of 50 persons.

ARTICLE 7 TRAFFIC

SECTION 1. USE AND OPERATION OF MOTOR VEHICLE ON PARK PROPERTY

1. Disabled vehicles shall be moved off the paved portion of a parkway or road so as to prevent obstruction of traffic, but a disabled vehicle shall be permitted to remain off the pavement only until temporary repairs are made or until power can be obtained to remove it. If such vehicle is not removed within 24 hours it may be removed by the Village at the expense of the owner or person in charge thereof. Any vehicle left on the paved portion of a parkway or park road may be immediately removed by the Village at the expense of the owner or person in charge thereof.

2. No person shall operate a motor vehicle unless duly licensed in accordance with the laws of the State of New York, and no person having custody or control of a motor vehicle shall permit the same to be operated by another person not duly licensed in accordance with the laws of the State of New York.

3. No person shall cause or permit a motor vehicle to be closed from view, except those vehicles designed for camping purposes, and then only when being used for camping, with a permit.

4. No person shall cause or permit a motor vehicle to be driven or otherwise moved off the improved or paved portion of a parkway, park road or designated parking area, except by designated access drive or except as otherwise provided in this Local Law.

5. No person shall cause or permit a motor vehicle to be parked or to stand except in designated areas. All occupied vehicles parked within the confines of the park area, during hours of darkness, shall display parking lights at all times.

6. No person shall cause or permit a motor vehicle to unnecessarily stop or obstruct traffic.

7. All persons shall heed and comply with the directions of the Village Police, members of or crews of emergency vehicles while they are in the performance of their duties, the Director of Public Works in the performance of his duties, and the directions of all traffic signs.

8. No person shall use or operate a snowmobile or allterrain or similar vehicle within the park areas.

9. Motor vehicles, as used herein, shall include motorized bicycles, scooters, motorettes, mopeds, or other similar small power propelled vehicles, as well as trucks, autos, tractors, and other vehicles.

SECTION 2 SPEED LIMITS

No person shall operate or cause to be operated, any motor or other vehicle over or upon park roads or ways at a rate of speed in excess of 10 miles per hour.

ARTICLE 8 PETS

Persons are allowed to bring pets into a park area provided the following conditions are conformed with:

1. Pets must be confined in all areas of the park where they might interfere with or disturb users of the park.

2. Persons bringing dogs into any park area must have proof of current rabies vaccination and have the dog licensed by the laws required by the state of residence.

3. No pet is allowed to interfere with the rights of any patron of the park.

4. All persons bringing pets or animals into the park shall be responsible for promptly removing all solid animal waste excretion from the park grounds and depositing same in a plastic bag tightly secured. Said waste material must be either removed from the park or deposited in a refuse can.

ARTICLE 9 CONSTRUCTION OF TERMS

Any term contained in this Local Law shall be construed as follows:

1. Any term in the singular shall include the plural.

2. Any term in the masculine shall include the feminine and neuter.

3. The prohibition of any act shall extend to and include an attempt to commit such act and the causing and/or the procuring, directly, or indirectly, of such act.

4. No provision contained in this Local Law shall cause to be deemed unlawful any act performed by an officer, agent, or employee of the Village in the line of duty or in the scope of employment, or any act performed by a person, his agents or employees in the performance or execution of the terms of an agreement with the Village.

ARTICLE 10 ALCOHOLIC BEVERAGES

The use and possession of alcoholic beverages for temperate personal consumption is permitted subject to the following conditions and limitations:

1. No person under the age of 18 shall possess or consume any alcoholic beverage, and any alcoholic beverage found to be in the possession of persons under 18 years of age shall be confiscated.

2. No person shall possess an alcoholic beverage in an open container in a parking lot or within a vehicle.

3. No person shall sell or offer to sell any alcoholic beverage except pursuant to permit issued by the Village.

4. Groups of persons comprising 20 or more individuals shall not be permitted to possess, transport or consume any alcoholic beverages, except in accordance with a permit issued by the Village of Wellsville for that purpose. For the purpose of this paragraph, a group shall consist of 20 or more persons unrelated as a family.

ARTICLE 11 EXCEPTIONS

Nothing in this Local Law shall apply to the wagons, trucks, and apparatus of a fire department, police Department, ambulance, or emergency rescue vehicle and attending crew members when responding for emergency work in the case of fire, accident, public disaster, impending danger, or emergency in the parks.

ARTICLE 12 PEDESTRIANS

No person shall:

1. Climb or descent slopes, including river banks, or;
2. Climb upon any wall, fence, shelter, building, tree, or structure, or;
3. Enter in or upon any building, structure, road or pass or any other property within the park which may from time to time be closed or designed as restricted area, without permission from the Village.

ARTICLE 13 REGULATED ACTIVITIES

The following activities are prohibited except in areas specifically designated therefor, during such hours or seasonal periods authorized, and subject to such conditions as may be contained herein:

1. The throwing, striking, kicking or catching of any ball, horseshoe or other object, or the conduct of any game or athletic activity, or the use of any device or equipment used in any such game or athletic activity.

2. The use or riding of horses:

A. No horse shall be left unattended or in an unenclosed space without being securely fastened.

B. No horse shall be used or ridden in such a manner as to endanger the safety of the public or interfere with the use and enjoyment of a part by others.

3. The building, kindling, lighting or maintaining of any fire. Fires may be built and maintained only in fireplaces, grills or stoves suitable for cooking purposes, and no fire shall be started or maintained unless under the constant supervision of a responsible person

ARTICLE 14 PENALTIES

1. Any person who violates any provision of this Local Law shall be guilty of a:

A. Traffic infraction, if such provision is one which regulates traffic as specified in Section One Hundred Fifty-Five of the Vehicle and Traffic Law.

B. Violation, for any other offense.

2. A traffic infraction shall be punishable as provided in paragraph (b) of Section One Thousand Eight Hundred of the Vehicle and Traffic Law in the same manner as if the offense were a violation of the Vehicle and Traffic Law. A violation shall be punishable as provided in the penal law, except that the maximum fine may not exceed \$100.00.

ARTICLE 15 HOURS

Open to the public 8:00 A.M. closes at 12:00
midnight. Closed to vehicular traffic November 1 to April 1.

ARTICLE 16 EFFECTIVE DATE

This Local Law shall take effect immediately.