

Chapter 97

PARKS

[HISTORY: Adopted by the Town Board of the Town of Conklin 4-27-1976 by L.L. No. 1-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets — See Ch. 5.
Dog Control Officers — See Ch. 39, Art. I.
Animals — See Ch. 55.
Peddling and soliciting — See Ch. 100.
Solid waste — See Ch. 109.
Vehicles and traffic — See Ch. 128.

§ 97-1. Title.

This chapter shall be known as the "Parks Law" of the Town of Conklin.

§ 97-2. Purpose.

The purpose of this chapter is to promote the health, safety and general welfare of the Town of Conklin by establishing regulations controlling use of Town parks.

§ 97-3. Definitions.

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

ATV (ALL-TERRAIN VEHICLE) — A motor vehicle designed to be capable of off-road use.

HIGHWAYS, STREETS and ROADS — Roads, highways and streets accepted for public maintenance and use as a public thoroughfare.

MOTOR VEHICLE — Any vehicle designed or modified so as to be propelled by a motor.

PARK AREA — All other areas of the park with exception of the roadway.

PARKS — All existing public parks or other parks hereafter located in the Town of Conklin and maintained by the Town. [Amended 11-9-1999 by L.L. No. 2-1999]

PERSON — Any individual, group, club, team, partnership or corporation.

ROADWAY — That portion of a road improved or unimproved which is designated or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SNOWMOBILE — A vehicle designed for travel on snow or ice, supported by skis or runners and propelled by a traction wheel or belt.

TRAIL BIKE — A motor-driven two- or three-wheel conveyance not primarily intended for licensed highway operation.

§ 97-4. Applicability.

These rules and regulations shall apply to all parks within the Town of Conklin.

§ 97-5. Closing of parks.

- A. All Town parks shall be closed between the hours of 9:00 p.m. and 7:00 a.m., except the Leo Schnurbush Park, which may remain open until 11:00 p.m. if the pool or lighted field is being used during that time in an authorized activity. [Amended 6-9-1987 by L.L. No. 2-1987]
- B. Permits may be issued for one-day use of Town parks during the period from 9:00 p.m. to 7:00 a.m., as set forth below in § 97-20C.
- C. Town parks shall be closed from November 1 through April 30.
- D. In case of emergency, the Recreation Director or the Town Board shall have the power to close Town parks.

§ 97-6. Motor vehicles.

- A. The only motor vehicles allowed in Town parks are those which are both licensed and equipped for lawful use on public highways.
- B. Motor vehicles shall be operated only on park roads and in parking areas, both as designated by the Town Board for park users.
- C. Snowmobiles, trail bikes and ATV's are specifically prohibited from all park areas.
- D. Motor vehicles shall not be driven at a speed in excess of 10 miles per hour except as otherwise posted, nor in a reckless manner, nor in a way endangering life or property.
- E. Motor vehicles shall be operated in parks only by licensed drivers and only in compliance with applicable state laws.

§ 97-7. Defacement, destruction, removal or disturbance of property, equipment and natural features.

No person shall injure, deface, destroy, disturb or remove any part of a park nor any building, sign, equipment or other property found therein, nor shall any tree, flower, shrub, grassed area or other vegetation found therein be removed, injured, destroyed or disturbed.

§ 97-8. Littering, rubbish and garbage.

No person shall leave behind or dump any material of any kind in a park or place except refuse, ashes, garbage and other material from a picnic, camp or other permitted activity, and such material shall be deposited in receptacles or pits provided and marked for such purposes.

§ 97-9. Fireworks, firearms and explosives.

No person except law enforcement officers or persons authorized by the Town Board shall possess, use or discharge any firearm, fireworks, explosive substance or an air or gas gun, sling

shot, bow and arrow, missile throwing device, switchblade, metal knuckles or other dangerous weapon within a park.

§ 97-10. Indecent conduct and exposure. [Amended 11-9-1999 by L.L. No. 2-1999]

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.

§ 97-11. Inappropriate and/or disorderly conduct.

- A. No person shall disturb the peace and good order in the park by fighting, quarreling or wrangling with loud voices or shouts, threatening violence to any person or the property of others or engaging in clamor or boisterous shouts or conduct or tumult.
- B. No persons shall collect in parks in bodies or crowds for unlawful purposes or boisterous or riotous assemblage or intending to annoy, harass or inflict property damage or bodily injury upon another person or persons.
- C. No person shall beg, hawk, peddle or solicit within a park except that sales and concessions may be operated by permission from the Town Board.
- D. No person shall offer for sale nor be under the disturbing influence of any beer, wine, liquor or other intoxicating beverage or any illegal substance, drug, stimulant, depressant or hallucinating agent. No person shall possess, consume or use any beer, wine, liquor or other intoxicating substance or any illegal substance such as drugs, stimulants, depressants or hallucinating agents within any town park. [Amended 6-9-1987 by L.L. No. 2-1987]
- E. No person shall use obscene, profane or abusive language while in a park.
- F. No person shall loiter in or near toilet buildings in parks.
- G. No person, except maintenance employees on duty, shall enter a toilet room set aside for the opposite sex.
- H. No person shall play or conduct games of chance within a town park. [Amended 6-9-1987 by L.L. No. 2-1987]
- I. No person shall smoke legal or illegal substances, including but not limited to tobacco, within the boundaries of any Town park. [Added 9-27-2011 by L.L. No. 1-2011¹]

§ 97-12. Compliance with orders.

No person shall fail or refuse to comply with any reasonable order lawfully given by any law enforcement officer or any authorized agent acting under the authority of the Town Board or willfully resist, obstruct or abuse any law enforcement officer or other official in the execution of his official duty.

§ 97-13. Camps and camping.

1. Editor's Note: This local law also amended the title of § 97-11 to add the words "inappropriate and/or."

No person shall establish or maintain any camp or other temporary lodging or sleeping place within a park without a written permit from the Town Board.

§ 97-14. Fires.

- A. No person shall start a fire in a park except small fires for culinary purposes in park grills or privately owned grills or fires in the fireplaces or designated areas approved by the Town Board or Recreation Director except that the Recreation Director may, at his discretion, prohibit fires for limited periods at any park location or for any purpose when necessary for the protection of park property.
- B. All fires shall be put out by the person or persons starting or using the same before leaving the immediate vicinity of the fire. The dumping of hot ashes or fire from portable grills onto the plants or grass is prohibited.

§ 97-15. Hunting and molesting wildlife.

No person within the confines of a park shall hunt, pursue with dogs, trap or in any way molest any wild bird or animal found within the confines of the park or rob or molest any bird nest or take the eggs of any birds.

§ 97-16. Dogs, cats and other household pets. ² [Amended 6-28-1983 by L.L. No. 1-1983; 6-9-1987 by L.L. No. 2-1987; 6-12-2012 by L.L. No. 4-2012]

- A. General prohibition. No person shall bring into, permit, have or keep in any Town park any dog, cat, household pet or other animal destructive to birds and other wildlife, except as described herein.
- B. Dogs or cats are permitted in all Town parks if they are controlled at all times on a leash not more than eight feet long. Any animal waste must be properly disposed of.
- C. Dogs may be allowed to run at large in any Town Park or area of a Town property that is designated as an "off-leash" area. Waste must be properly disposed of. Dogs, which have been deemed dangerous, or that are dangerous or vicious cannot be off leash.

§ 97-17. Horses. [Amended 6-28-1983 by L.L. No. 1-1983]

Horses are not allowed in Town parks unless a special permit has been issued therefor.

§ 97-18. Golf.

Golf and golf practicing are prohibited in parks.

§ 97-19. Sports activities.

- A. Sports in locations other than those designated for such use by the Recreation Director are prohibited. [Amended 6-9-1987 by L.L. No. 2-1987]

2. Editor's Note: See also § 97-25, Dog parks or designated off-leash areas.

- B. No person shall fail or refuse to comply with the time-sharing plan as devised by the Recreation Director.

§ 97-20. Permits. [Amended 3-25-1980 by L.L. No. 1-1980; 6-28-1983 by L.L. No. 1-1983; 6-10-1986 by L.L. No. 5-1986; 6-9-1987 by L.L. No. 2-1987; 7-8-2008 by L.L. No. 2-2008]

Permits are required for use of park facilities by groups of 10 or more for nonscheduled activities. Nonscheduled activities are all those not listed on the Recreation Director's Activity Schedule, publicized or not. Fees for permits shall be established by the Town Board at its annual organizational meeting. If no action is taken, the fee established for the previous year shall remain in effect. No park or portion thereof shall be reserved for any group activity which in the opinion of the permit issuer will draw a spectator crowd plus group-member total of more than 750 persons or which otherwise requires a special permit from the Town Board as hereinafter provided.

§ 97-21. Penalties for offenses. [Amended 6-9-1987 by L.L. No. 2-1987; 11-9-1999 by L.L. No. 2-1999]

Any person violating any provision of this chapter shall be subject to a fine not to exceed \$250 and/or imprisonment for not more than 15 days for each offense.

§ 97-22. Vending in Town parks. [Added 6-9-1987 by L.L. No. 2-1987]

Vendors of food items and nonalcoholic beverages shall be permitted within Town parks, provided that the vendor has first obtained and paid for a license for vending from the Town Clerk and said license is in full force and effect. The free flow of pedestrian and vehicular traffic shall not be obstructed by vendors. Vendors of food items and nonalcoholic beverages shall not be allowed in Town parks when fundraising activities by a nonprofit organization are being conducted which involve the selling of food and refreshment items. A vendor shall not stand or permit a vehicle used by him to stand in any one place in a Town park for more than 15 minutes. This section shall not apply so as to unlawfully interfere with interstate commerce.

§ 97-23. Unattended children. [Added 6-9-1987 by L.L. No. 2-1987]

Children under the age of eight years will not be allowed to play unattended in the play equipment area of any Town park.

§ 97-24. Liability for injuries and damages. [Added 6-9-1987 by L.L. No. 2-1987]

Any person or persons acting in a dangerous or reckless manner or in violation of any Town parks law shall be responsible for all injuries and damages to persons or property which result, directly or indirectly, from such acts or conduct.

§ 97-25. Dog parks or designated off-leash area(s). [Added 6-12-2012 by L.L. No. 4-2012]

- A. The Town of Conklin hereby authorizes the creation of areas on Town properties that are designated as "off-leash" areas for dogs.
- B. Which Town areas that are designated and/or used for this purpose shall be set by the Town

Board via resolution(s) and may be changed from time to time.

- C. Any and all Town-designated area(s) that shall be used for this purpose shall be surrounded by proper fencing and shall have appropriate signage outlining the purposed use and the regulations of the off-leash use.
- D. Dogs may be allowed to run at large in designated off-leash area(s), but such use must be in compliance with the rules and regulations which are established by the Town Board via resolution(s).
- E. At a minimum, the following standards for use of the designated off-leash area(s) must be complied with:
 - (1) Dogs must be accompanied by owner or an authorized adult (over the age of 18 years old). There may not be more than two dogs per owner or authorized adult. Additional dogs require the presence and assistance of additional adults.
 - (2) Dogs must be under the control of an owner or authorized adult; this includes vocal control.
 - (3) Dogs must not cause a public nuisance, safety hazard and must not harass people, dogs or wildlife.
 - (4) No dogs under the age of six months may be allowed off-leash in the designated off-leash area(s).
 - (5) No female dogs in heat are allowed (whether on or off leash) in the designated off-leash area(s).
 - (6) The owner or authorized adult must supply his/her own equipment and use the equipment for removing his/her own dog(s)' waste. The owner or authorized adult must clean up after his/her own dog(s) and place bagged waste in an appropriate receptacle.
 - (7) Dogs must be licensed and properly vaccinated.
- F. By use of the designated off-leash area(s), persons agree to be responsible and liable for the conduct of their animal.
- G. By use of the designated off-leash area(s), persons agree to comply with all applicable rules, regulations and laws.
- H. By use of the designated off-leash area(s), persons agree to indemnify and hold the Town of Conklin harmless for any and all claims that may occur from their use.
- I. Violation of any rules, regulations or laws concerning designated off-leash areas shall be enforced by a peace officer or dog control officer.
- J. Any peace officer or dog control officer is authorized to issue appearance tickets for any violation of any rules, regulations or laws concerning designated off-leash areas.
- K. Penalties for offenses shall be governed by those set forth in § 55-21.