

Chapter 16

PARKS AND RECREATION

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ARTICLE I. IN GENERAL

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ARTICLE II. RULES FOR USE OF PARKS AND OTHER PUBLIC LANDS

DIVISION 1. GENERALLY

Sec. 16-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway or street means any road, highway or street accepted for public maintenance and use as a public thoroughfare.

Motorcycle means every motor vehicle having a seat or saddle for the use of one (1) or more riders and designed to travel on not more than three (3) wheels in contact with the ground which is duly licensed and equipped for use on highways and operated by a duly licensed operator, in compliance with state law.

Motor-driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed ten (10) horsepower, and every bicycle with a motor attached.

Motor vehicle means any vehicle designed to be propelled by a motor.

Other public lands means lands belonging to the town, to the Vestal Fire District, to any water, sewer, drainage or light district or other special district excepting and excluding highways and streets.

Park means any public park located in the town.

Park area means all other areas of the park with the exception of the roadway.

Roadway means that portion of a road improved or unimproved which is designated or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Roadway designated by the town board means a road designated by the town board for use by vehicles other than snowmobiles, snow travellers and motor-driven cycles, within a park or other public land which is intended for access to various parts of the park or other public land and not for travel to other parcels of land and which is not a highway or street.

Snowmobile or snow traveller means a vehicle designed for travel on snow or ice, supported by skis or runners and propelled by a traction wheel or belt.

(Code 1966, § 18-30(a))

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 16-22. Scope.

The provisions of this article shall apply to all parks and other public lands within the town. This article does not apply to the town, the Vestal Fire District and water, sewer, drainage and light districts and/or duly authorized agents and employees acting in the performance of official duties or otherwise properly acting as authorized representatives of the town, or the fire district or a water, sewer, drainage or light district, except that this section shall not authorize any agent or employee to violate section 16-34, 16-35, 16-38 or 16-39.

(Code 1966, § 18-30(b))

Sec. 16-23. Delegation of administrative responsibilities.

The town board may delegate to the town clerk, the recreation commission, the recreation director, the parks department or, relating to fire district property, the fire department, the issuance of permits or permission to engage in any act allowed by this article by permit or permission of the town board.

(Code 1966, § 18-30(t))

Sec. 16-24. Compliance with orders.

No person shall fail or refuse to comply with any reasonable order lawfully given by any law enforcement officer or an authorized agent acting under the authority of the town board or wilfully

resist, obstruct or abuse any law enforcement officer or other official in the execution of his official duty.

(Code 1966, § 18-30(k))

Sec. 16-25. Permits, reservations for certain facilities.

(a) Permits are required for the use of park facilities by groups of twenty-five (25) or more from the recreational planner.

(b) Ball fields can be reserved through the recreational planner.

(c) Pavilions may be reserved through the recreational planner. The application shall be accompanied by a fee as required by a resolution of the town board.

(d) There shall be no refunds on any permits. (Code 1966, § 18-30(s); L.L. No. 2 of 1991, § 1; L.L. No. 4 of 2002, § 1)

Sec. 16-26. Revocation of permits.

Any permit or permission to do any act within a park or other public place may be revoked by the town board or a law enforcement officer, the recreation planner or the parks department. (Code 1966, § 1830(t); L.L. No. 2 of 1991, § 1)

Sec. 16-27. Time for closure.

(a) All town parks shall be closed between one-half ($\frac{1}{2}$) hour after sunset to 8:00 a.m. daily, unless otherwise posted.

(b) The recreational planner may give written permission to any person or group to remain in a town park at any other hours.

(c) The rails to trails shall be closed one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise.

(Code 1966, § 18-30(c); L.L. No. 2 of 1991, § 1; L.L. No. 4 of 2002, § 1)

Sec. 16-28. Alcohol prohibition.

No alcohol shall be consumed in any park in the town.

(L.L. No. 4 of 2002, § 1)

Editor's note—Local Law 4 of 2002, § 1, repealed and reenacted § 16-28 to read as herein set out. Formerly, § 16-28

pertained to beer consumption permits and derived from the Code of 1966, §§ 18-32—18-35, and Local Law No. 2 of 1991, § 1.

Sec. 16-29. Sport activities generally.

(a) Sports in other than locations designated for such use by the parks superintendent or the recreation director, are prohibited.

(b) No person shall fail or refuse to comply with the time sharing plan as devised by the parks department.

(Code 1966, § 18-30(r))

Sec. 16-30. Operation of motor vehicles.

(a) Motor vehicles shall not be driven in any park area nor on any other public lands except on roadways designated by the town board for motor vehicles. Motor vehicles driven on roadways designated by the town board within parks or other public lands shall not be driven at a speed in excess of fifteen (15) miles per hour, except as otherwise posted; nor in a reckless manner; nor in a way endangering life or property. Motor vehicles shall not be parked so as to block any roadways designated by the town board, except in parking areas designated by the town board.

(b) All snowmobiles and snow travellers are prohibited from all parks and other public lands, except Jones Park where they may be operated along paths and in other areas designated for snowmobiles, provided that all state and other regulations regulating snowmobiles are complied with.

(c) All motor-driven cycles and any motorcycles not duly licensed and equipped for use on highways and operated by a duly licensed operator in compliance with state law are prohibited from all parks and other public lands, including roadway and nonroadway areas.

(Code 1966, § 18-30(d))

Sec. 16-31. Defacing, destroying property.

No person shall injure, deface, destroy, disturb, or remove any part of a park or other public lands 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.

(Code 1966, § 18-30(e))

Sec. 16-32. Litter and trash control.

No person shall leave behind or dump any material in a park or other public lands or place except that 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.

(Code 1966, § 18-30(f))

Sec. 16-33. Possession, use of weapons.

No person except law enforcement officers or persons authorized by the town board shall possess, use or discharge any firearm, fireworks, explosive substance or air or gas gun, slingshot, bow and arrow, missile-throwing device, switchblade, metal knuckles, or other dangerous weapon within a park or other public lands.

(Code 1966, § 18-30(g))

Cross reference—Discharge of weapons, § 13-1.

Sec. 16-34. Indecent conduct.

No person shall appear in a park or other public lands in a state of nudity, or in dress not properly belonging to his sex, 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 person.

(Code 1966, § 18-30(h))

Sec. 16-35. Disorderly conduct.

(a) No person shall disturb the peace and good order in the park or other public lands by fighting, quarreling or wrangling with loud voices or shouts, threatening violence to any person or the property of others, or engage in clamor or boisterous shouts or conduct or tumult.

(b) No person shall collect in parks or other public lands 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 or other public lands, except that sales and concessions may be operated by the town and fire department and by permission from the town board.

(d) In parks or other public lands no person shall play at disorderly games of chance; nor 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 any illegal substance, drug, stimulant, depressant or hallucinating agent within any parks or other public lands. However, wine and beer may be possessed and consumed upon written permit of the town board.

(e) No person shall use obscene, profane or abusive language while in a park or other public lands.

(f) No person shall loiter in or near toilet buildings in parks or other public lands.

(g) No person, except maintenance employees on duty, shall enter a toilet room set aside for the opposite sex.

(h) No music or other sounds shall be amplified by any loudspeaker or other device without first obtaining written permission from the recreational planner of the town.

(Code 1966, § 18-30(i); L.L. No. 4 of 2002, § 1)

Sec. 16-36. Camping.

No person shall establish or maintain any camp or other temporary lodging or sleeping place within a park or other public lands without a written permit from the town board.

(Code 1966, § 18-30(l))

Sec. 16-37. Fire control.

(a) No person shall start a fire in a park or public lands 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, recreation commission or parks department, except that the parks department may, at its 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.
(Code 1966, § 18-30(m))

Sec. 16-38. Hunting, molesting wildlife.

No person within the confines of a park or other public lands 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.
(Code 1966, § 18-30(n))

Sec. 16-39. Control of pets.

(a) No person shall bring into, permit, have or keep in any park in the town any dog, cat, horse, household pet, or other animal destructive to birds and other wildlife except as provided in this section.

(b) Dogs shall be permitted in Jones Parks and Rails to Trails subject to the following conditions:

- (1) Dogs on Rails to Trails shall at all times be on a leash no longer than four (4) feet and no more than two (2) dogs per person shall be permitted.
- (2) Dogs in Jones Park shall be on a leash no longer than fifteen (15) feet.
- (3) Dogs must be under control of the person who is walking. Said person shall not be on a bicycle, roller blades or similar device.

(Code 1966, § 18-30(o); L.L. No. 1 of 1994, § 1, 5-11-94; L.L. No. 4, § 1)

Sec. 16-40. Horseback riding.

No person shall ride horseback in a park or other public lands except on the trails which may be designated for that purpose at Jones Park.
(Code 1966, § 18-30(p))

Sec. 16-41. Golf restricted.

The playing or practicing of golf is prohibited in a park unless in a designated area.
(Code 1966, § 18-30(q))

Sec. 16-42. Tents or temporary structures.

No person shall erect or use any tent or temporary structure within any park or public place in the town without first obtaining written permission from the recreational planner of the town.
(L.L. No. 4 of 2002, § 2)

Secs. 16-43—16-51. Reserved.

DIVISION 2. SNOWMOBILES*

Sec. 16-52. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Operate means to ride in or on, other than a passenger, use or control the operation of a snowmobile in any manner, whether or not said snowmobile is under way.

Operator means any person who operates or is in actual physical control of a snowmobile.

Owner means a person other than a lienholder, having the property in or title to a snowmobile.

Register means the act of assigning a registration number to a snowmobile pursuant to article 47 [§ 2220 et seq.] of the Vehicle and Traffic Law.

Snowmobile means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners and supported in part by skis, belts or cleats.

Snowmobile highway means only a roadway established for snowmobile traffic entering the

***Cross reference**—All-terrain vehicles, dirt bikes, etc., § 24-706.

State law references—Snowmobiles generally, Parks, Recreation and Historic Preservation Law, § 21.01 et seq.; local snowmobile regulations, Parks, Recreation and Historic Preservation Law, §§ 25.07, 25.09.

park solely for the purpose of passing through the park on the way to other properties and shall not be deemed to include recreational snowmobile trails.

Snowmobile operator's certificate means a certificate issued by the state commission of parks, recreation and historic preservation evidencing that the holder thereof has successfully completed an approved course of instruction in snowmobiling operation and safety.

Special event means an organized race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested. (Code 1966, § 15-2)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 16-53. Legislative intent.

(a) It is the intent of this division to promote the safe and proper use of snowmobiles for recreation and commerce in this community by encouraging their use and development and minimizing detrimental effects of such use upon the environment.

(b) It is in the public interest to require permits for their use for the purpose of enforcement of reasonable provisions concerning their use and control; to encourage the sport of snowmobiling as a family activity; to promote the proper and safe use and operation of snowmobiles; to provide an adequate safety education program for youthful operators; to limit the operation of snowmobiles to certain designated areas in a certain park or parks in the town; to limit the operation of snowmobiles upon private property without the consent of the owner; to protect and preserve the town's natural resources, including its wildlife, wild forest, water and scenic and wilderness characters; to reduce the effect on the environment of excessive noise; to ensure privacy of remote areas; and to afford opportunity for compatible enjoyment of various recreational activities on the town's lands.

(Code 1966, § 15-1)

Sec. 16-54. Exemptions.

This division does not apply to:

- (1) The town.

- (2) Town employees while acting as such. (Code 1966, § 15-12)

Sec. 16-55. Areas where allowed; designation of snowmobile course.

(a) Except in areas of Leland J. Jones Park designated as provided in subsection (b) of this section or in section 15-56, it is unlawful for any person to operate a snowmobile in a park.

(b) It shall be the duty of the town clerk or those designated by him or by the town board to designate areas within Leland J. Jones Park on which a snowmobile course is permitted. The designated snowmobile course, as constructed, shall include areas for resting and stopping.

(Code 1966, § 15-6)

Sec. 16-56. Permits.

(a) A person operating a snowmobile within Leland L. Jones Park shall secure a permit to cross the park along a designated snowmobile highway. The hours of operation specified in section 16-58 shall not apply to persons operating a snowmobile along a designated snowmobile highway. However, the time limitations specified in such section 16-58 shall apply in all other areas of Leland L. Jones Park other than the snowmobile highway.

(b) It shall be the duty of the town clerk to issue a permit for the operation of snowmobiles in designated areas of Leland L. Jones Park. The town clerk shall not issue permit without first being supplied with the following information:

- (1) The name and address of the applicant, the age and phone number, if any.
- (2) A valid and current certificate of registration issued pursuant to article 47 [§ 2220 et seq.] of the Vehicle and Traffic Law.
- (3) A valid certificate showing evidence of insurance in the following amounts:
 - a. Ten thousand dollars (\$10,000.00) per person for personal injuries.
 - b. Twenty thousand dollars (\$20,000.00) per occurrence for personal injuries.
 - c. Five thousand dollars (\$5,000.00) for property damage.

(4) A signed statement to be prepared by the town clerk and the town acknowledging by the applicant the assumption of risk of using the town property for snowmobiling purposes.

(c) Upon securing all of the above information to the satisfaction of the town clerk, he shall issue a permit and an appropriate decal evidencing such permit. The permit shall be valid only so long as the certificate of registration and/or certificate of insurance remains in full force and effect. It shall be the duty of the applicant to notify the town clerk in writing immediately on the changing of address, change of ownership of the snowmobile, or upon the suspension or revocation of the certificate of registration. The permit granted pursuant to this division shall be valid from October 1 annually to September 30 of the next year. It shall be the duty of the person who receives a permit, upon receiving an appropriate decal, to immediately place the decal upon the snowmobile before its use pursuant to this permit.

(d) Before the town clerk shall issue a permit a fee of five dollars (\$5.00) shall be paid. In the event the applicant wishes at that time or any other time to seek an additional permit and after supplying the same information required as for the original permit, the town clerk shall issue an additional permit and decal for an additional fee of one dollar (\$1.00). The additional permit shall only be allowed for snowmobiles to be used by the applicant or his immediate family.

(e) The town clerk may suspend or revoke a permit upon satisfactory proof of a violation of any of the provisions of this division. Upon such suspension or revocation, all rights and privileges accruing to the permittee shall terminate. (Code 1966, §§ 15-3, 15-4, 15-9, 15-11)

Sec. 16-57. Special events.

The town clerk may authorize the holding of organized special events and shall have the right to close the designated snowmobile course for such special events. The town clerk may waive the required permit fee for the holding of a special event. (Code 1966, § 15-8)

Sec. 16-58. Hours of operation.

The permit issued under the provisions of this division shall only be valid for the following hours: Daily from 7:00 p.m. to 11:00 p.m. and holidays and weekends from 9:00 a.m. to 11:00 p.m. At all other times snowmobiles are not permitted upon the course designated in Leland L. Jones Park. (Code 1966, § 15-7)

State law reference—Liability insurance for snowmobiles on roadways, Parks, Recreation and Historic Preservation Law, § 25.13.

Sec. 16-59. Speed.

No person shall operate a snowmobile at a speed greater than thirty-five (35) miles per hour or at a rate of speed greater than reasonable or proper under the surrounding circumstances. (Code 1966, § 15-5(1)(a))

State law reference—Imprudent speed, Parks, Recreation and Historic Preservation Law, § 25.03(1).

Sec. 16-60. Reckless operation.

No person shall operate a snowmobile in a careless, reckless or negligent manner so as to create an actual risk to personal property of others or to cause injury or damage thereto. (Code 1966, § 15-5(1)(b))

State law reference—Similar provisions, Parks, Recreation and Historic Preservation Law, § 25.03(2).

Sec. 16-61. Intoxication and drugs.

No person shall operate a snowmobile while in an intoxicated condition or under the influence of narcotics or drugs as defined by section 114-a of the Vehicle and Traffic Law. (Code 1966, § 15-5(1)(c))

State law reference—Similar provisions, Parks, Recreation and Historic Preservation Law, § 25.03(3).

Sec. 16-62. Operation on private property.

No person shall operate a snowmobile on private property without the written consent of the owner or the lessor thereof. (Code 1966, § 15-5(1)(e))

State law reference—Similar provisions, Parks, Recreation and Historic Preservation Law, § 25.03(7).

Sec. 16-63. Damaging plants.

No person shall operate a snowmobile so as to take, damage or remove any plantings, shrubs, trees or growths or create a substantial risk thereto. (Code 1966, § 15-5(1)(f))

State law reference—Similar provisions, Parks, Recreation and Historic Preservation Law, § 25.03(6).

Sec. 16-64. Number of occupants.

No snowmobile or trail sled shall be operated with more than three (3) persons on it. No more than two (2) of the persons shall be over the age of sixteen (16) years. (Code 1966, § 15-5(1)(h), (i))

Sec. 16-65. Use of designated courses.

No person shall operate a snowmobile other than on a designated course and only in the direction designated on the course. (Code 1966, § 15-5(1)(k))

Sec. 16-66. Equipment.

(a) *Generally.* All snowmobiles shall be equipped with:

- (1) *Headlights.* At least one (1) white or amber headlamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during hours of darkness under normal atmospheric conditions.
- (2) *Taillight.* At least one (1) red taillamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during the hours of darkness under normal atmospheric conditions.
- (3) *Brakes.* A brake system in good mechanical condition.
- (4) *Reflector material.* Reflector material of a minimum area of eighteen (18) square inches mounted on each side of the cowling. Registration numbers or other decorative material may be included in computing the required eighteen-inch area.
- (5) *Muffler.* An adequate muffler system in good working condition.

(b) *Lights.* No person shall operate a snowmobile between sunset and sunrise or when required for safety without displaying at least one (1) lighted headlight and a lighted taillight.

(c) *Towing sled, sleigh or toboggan.* The towing of a sled, sleigh or toboggan by a snowmobile unless attached by a rigid support, connection or towbar is prohibited.

(d) *Operation, etc., equipment.* All occupants of a snowmobile must wear helmets and eye protection. (Code 1966, §§ 15-5(1)(d), (g), (j), 15-5(2))

State law reference—Snowmobile equipment, Parks, Recreation and Historic Preservation Law, §§ 25.03(4), (8), 25.17.

Sec. 16-67. Operation by youthful operators.

(a) No person ten (10) years and older and who has not reached his sixteenth birthday shall operate a snowmobile under this permit until he has received a safety training certificate issued pursuant to section 25.19 of the Parks, Recreation and Historic Preservation Law. No person under the age of ten (10) years shall be permitted to operate a snowmobile. Failure to exhibit a snowmobile certificate upon demand to any agent or employee of the town shall be presumptive evidence that the person is not the holder of a certificate.

(b) No person holding a permit issued pursuant to this division shall permit or authorize the operation of a snowmobile on the designated course by any person in violation of subsection (a). (Code 1966, § 15-5(3))

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Chapter 17
(RESERVED)

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