

# PARKS USE

LOCAL LAW NO. 2 OF THE YEAR 1975

## Local Law Regulating the Use of Parks of the Town of Kirkwood

Adopted July 15, 1975

(Most Recent Amendment November 4, 2013 By LL No. 7-2013)

### SECTION 1 Purpose

The purpose of this local law is to regulate the use of the parks of the Town of Kirkwood.

### SECTION 2 Definitions

The following terms shall have the meanings indicated in this section:

**Parks** — The grounds, buildings therein, water therein and any other property necessary for the operation thereof, and constituting a part thereof, which is now or may hereafter be maintained operated and controlled by the Town of Kirkwood for public park purposes.

**Person** — Any individual, firm, partnership, corporation or association of persons; the singular number shall include the plural.

**Handicapped Viewing Areas** — Designated area in park to be used by individual(s) with disabilities to provide proximity to athletic fields for the purpose of attending and/or viewing recreational events held in the park.

(Added June 4, 1996 by LL No. 6-1996)

**Disability** — any “physical or mental impairment that substantially limits one or more of the major life activities” of an individual (“Major life activities” include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working) pursuant to 29 CFR § 35.104.

(Added June 4, 1996 by LL No. 6-1996)

### SECTION 3 Prohibited Activities

The following activities are prohibited:

- a. Parking a motor vehicle in other than designated locations.
- b. Operating a motor vehicle in excess of five (5) miles per hour or in any manner contrary to posted regulations.
- c. Operating a motor vehicle on other than the designated roads.
- d. Operating or parking a snowmobile.
- e. Horseback riding on other than the designated roads.
- f. Allowing dogs to run unleashed.

## PARKS USE

- g. Sports in other than locations designated by the Youth Advisory Board of the Town of Kirkwood.
- h. Entering or using the parks during other than the designated hours posted by the Youth Advisory Board of the Town of Kirkwood.
- i. Refusing to comply with the time-sharing plan posted by the Youth Advisory Board of the Town of Kirkwood for the use of any recreational facility.
- j. Operating or parking a motorcycle, mini-bike or other form of recreational motor vehicle except on designated roads.
- k. Over-night parking of motor vehicles.
- l. Sale of alcoholic beverages as defined in Alcoholic Beverage Control Law in any town parks, except that incident to the Kirkwood Fair Committee obtaining a permit to conduct a town fair at Kirkwood River Park, the Kirkwood Fire Co., Dist. #1 shall be allowed to sell beer in a specifically confined area therein subject to all rules and regulations of the New York State Liquor Authority. (4-6-1993)
- m. The use of any alcoholic beverage other than beer in any town parks.
- n. The use of beer by private picnickers other than in the picnic and pavilion areas of the park.
- o. The use of or being under the influence of any illegal drug or substance in any town park.
- p. Possess or use firearms, bow and arrow or other dangerous weapons within the park, unless authorized by law or the Town Board.
- q. Disturb the peace and good order in the parks by fighting or arguing in loud voices or threaten violence to any person or the property of others.
- r. Beg, hawk, peddle or solicit within the parks except as authorized by the Town Board.
- s. Use profane or abusive language while in the parks.
- t. Injure, deface, destroy, disturb, or remove any part of the parks.
- u. Loiter in or near park restroom buildings.
- v. Litter or leave behind refuse and garbage except in receptacles provided for such purpose.
- w. Start a fire in a park except in park grilles, fireplaces or designated areas.
- x. Fail to extinguish before leaving the park all fires started or used. The dumping of ashes or fire onto the ground is absolutely prohibited.
- y. Golf practice except in designated areas.

## PARKS USE

- z. Making noise of a type and volume that a reasonable person would not tolerate under the circumstances, which noise causes public annoyance.
- aa. Use of parking in handicapped viewing area by any person who is not an individual(s) with a disability. (Added June 4, 1996 by LL No. 6-1996)
- bb. Use of facilities, including pavilions, for political activities, except for the following:
1. During the Town Fair candidates for political office may interface (ie, converse, shake hands, etc) with attendees. However, the use of microphones, megaphones, vehicles or renting of booths from the Fair Committee will not be permitted.
  2. During the Town Fair political parties may rent a booth from the Fair Committee and sell food, non-alcoholic beverages or products and distribute voter registration materials. However, display or distribution of campaign literature will not be permitted.
  3. Candidates for political office may conduct one "Meet Your Candidate" event lasting not more than two (2) hours at the Kirkwood Valley Park during a year in which they are standing for election at a time when such event will not conflict with any other activity being conducted at that park. However, solicitation of contributions or donations towards that election campaign is prohibited.  
(Added May 6, 2003 by LL No. 8-2003)
- cc. Use of park facilities, including pavilions, for fund raising purposes, except for private charitable groups or disaster related groups who have obtained from the Kirkwood Town Board a revocable license for a time when such use at **Kirkwood Valley Park, Veterans River Park, and Grange Hall Park** will not unreasonably interfere with the use of such facilities by the general public. Such charitable group shall obtain a reservation for the use of park pavilion(s) at **Kirkwood Valley Park, Veterans River Park, and Grange Hall Park** pursuant to Section 3A of this Local Law. For the purposes of this section the words "private charitable groups" shall include religious, cemetery, fire company, war veteran, fraternal, or not-for-profit educational or social organizations, and the words "disaster related groups" shall include groups formed for the purpose of assisting victims of fire, flood, injury, death or other hardship by reason of a isolated circumstance or event. (Added May 6, 2003 by LL 8-2003)

### SECTION 3A Reservations

- a. Reservations are required for use of park pavilions by all groups and for organized athletic events.
- b. No park or portion thereof will be reserved for any group whose size or activity in the opinion of the Town Board of the Town of Kirkwood will be detrimental to the park.
- c. Reservations for organized athletic events will be issued by the Town Clerk of the Town of Kirkwood. Reservations for facilities by groups will be issued by the Town Clerk of the Town of Kirkwood.
- d. Fees for other than park pavilions to be determined by Town Board.

**PARKS USE**

e. The permit fee prescribed in paragraph f. following is waived for school class picnics where the group size is less than 100 persons and charitable groups pursuant to Section 3 cc.

f. The use of town park pavilions by groups is prohibited without first obtaining a permit for such use from the Town Clerk upon paying the fee required hereunder, as follows:

<b>Group Size</b>	<b>Permit Fee</b>
1 – 100	\$25
100 – 200	\$200

Such fee must be paid at least (30) days prior to the scheduled event if one pavilion is being reserved and by February 28<sup>th</sup> of the calendar year in which two pavilions at the Kirkwood Veterans River Park are being reserved. Two pavilions can only be reserved for the same time for groups in excess of 100 people.

Failure to leave the reserved pavilion(s) in good condition with no damage caused thereto will result in the denial of issuance of any future permit to the applicant.

**SECTION 3B      Use of Handicapped Viewing Areas**

a. The purpose of this subsection is to assure that all Town parks are readily accessible to any individual with a disability desiring to attend and/or view recreational events held in Town parks, but who is unable to access or use existing viewing areas or stands.

b. The Town shall designate certain handicapped viewing areas at each Town park for the sole and exclusive use of individuals with disabilities. Said handicapped viewing areas shall be close enough to an athletic field so as to provide a line of sight comparable to those for all viewing areas. The Town shall designate the following number of handicapped viewing areas at each park:

<u>Total Parking in Lot</u>	<u>Required Minimum Number of Handicapped Viewing Areas</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

c. Handicapped viewing areas shall be available for use by individual(s) with disabilities and/or vehicles occupied and/ or owned by individual(s) with disabilities in order to attend and/or view a recreational event held in a Town park.

d. In order to provide safety to all persons at the park, any vehicle which is occupied by an individual with a disability shall be directed to and from the parking lot area to the handicapped viewing area by a Town representative.

## **PARKS USE**

e. The owner and/or operator of any vehicle using a handicapped viewing area shall be required to sign a form releasing the Town from any liability for damages arising from the use of said area.

### **SECTION 4           Hours of Closing**

a. No person shall be permitted to remain, stop or park within the confines of any town park between the hours of 9:00 p.m. and 7:00a.m. prevailing local time in the Town of Kirkwood except in emergencies or with special permit from the Town Board of the Town of Kirkwood. In case of an emergency or when in the judgment of the Town Board of the Town of Kirkwood the public interest demands it, any portion of the park may be closed to the public or to designated persons until permission is given to reopen.

b. Notwithstanding the hours of closing stated herein, the Town Board of the Town of Kirkwood may establish closing hours for designated park facilities.

### **SECTION 5           Penalties of Offenses: Enforcement**

a. A violation of this local law shall constitute an offense punishable by a fine not to exceed one hundred dollars (\$100.00) for each and every such offense.

b. Any state police officer or police officer of Broome County or any of its municipal subdivisions may, without a warrant, arrest any offender whom he may detect in the violation of any of the provisions of the above sections, take the persons so arrested forthwith before a Magistrate having competent jurisdiction, and he shall have at all times a right to enter the premises of any building, structure or enclosure in any park, including such grounds, buildings, structures or enclosures in any Town Park which may be leased or set aside for private or exclusive use of any individual or groups of individuals for the purpose of arresting violators hereof, and may use all necessary means to attain that end.

### **SECTION 6           Severability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town Board of the Town of Kirkwood hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

### **SECTION 7           Repealer**

All ordinances, local rules and regulations inconsistent herewith are hereby repealed.

### **SECTION 8           Effective Date**

This local law shall take effect immediately