

PARKS AND RECREATION

Chapter 13B Local Law # 5 1983

A Local Law for recreation and park regulations.

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(History: Adopted, Hilton Village Board, 12-5-83 as Local Law No. 5, 1983. Amendments noted where applicable.)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

13B-1 Title

This local law shall be known and may be cited as the "Recreation and Parks Law of the Village of Hilton."

13B-2 Jurisdiction

The Village of Hilton shall have jurisdiction over the entire Village of Hilton.

13B-3 Definitions

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

PARK - An area owned or used by the Village of Hilton and devoted to active or passive recreation.

PERMIT - Any written license issued by or under the authority of the Village of Hilton permitting the performance of a specified act or acts or the conduct of a particular function, program or activity.

PERSON - Any natural person, corporation, company, association, joint-stock association, firm, co-partnership or other entity or form of association.

UNREASONABLE NOISE - Any unusual loud sound which either annoys, disturbs, injures or endangers the health, safety, welfare, peace, quiet, comfort or repose of persons or which causes injury to plant or animal life.

VEHICLE - Any vehicle propelled by power other than muscular power.

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13B-4 Prohibited acts

The following acts are prohibited and no person shall:

- A. Injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property therein or remove, injure or destroy any tree, flower, shrub, rock or other mineral found therein.
- B. Interfere with any lamp, lamppost, or electric light apparatus or extinguish the light therein, except upon proper authority.
- C. Set fire or assist another to set fire to any timber, trees, shrubs, grass, leaves, growth or any other combustible material or suffer any fire upon other land to extend onto any part of a park, except in designated areas when issued by permit.
- D. Bring into, 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 as provided for such purposes. Refuse is not to be dropped, thrown or scattered on park property.
- E. Either within or outside of a park, discharge into, throw, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through a park, any matter, either liquid or solid, which may result in the pollution of said stream within a park, interfere with the conservation of the natural resources of a park or endanger the health of visitors in said park.
- F. Drive or propel or cause to be driven or propelled along or over any road within a park any vehicle at a greater rate of speed than ten (10) miles per hour in any manner deemed reckless and without regard for safety and rights of pedestrians and occupants of other vehicles.
- G. Park, drive or store any vehicle, motorcycle, bicycle, wagon or other vehicle within a park, except in places or trails designated for such purposes, park or operate any such vehicle in a park after dusk without lights or park any vehicle in a park after 10:00 p.m. during the hours of darkness in areas other than those designated for such purpose, unless allowed by permit.
 - (1) No person shall operate any motor-powered off-road or limited use vehicle in any part of a park unless the vehicle in question is registered in accordance with the New York State Vehicle and Traffic Law.
 - (2) No person shall land any aircraft, including gliders, balloons or parachutes or engage in stunt flying or parachute landing.
- H. Gamble in the park or bring into a park or have in his possession while in a park any implement or device commonly used or intended to be used for gambling purposes.

13B-4 Prohibited acts (continued)

- I.** Bring into or keep in a park any cat or other animal destructive of bird life or wildlife; bring into, have or keep in a park any dog or other pet or domesticated animal unless the same is on a leash or in a cage.
- J.** Use loud, boisterous or indecent language or interfere with any officer of a park, village, town, county or state in the performance of his or her duty.
- K.** Make, continue, cause or permit to be made or continued any unreasonable noise in a park.
- L.** Conduct him/himself in such a manner as to:
 - (1) Endanger, the life, limb or property of the other visitors to a park.
 - (2) Be suggestive of immoral acts.
 - (3) Be offensive or injurious to the morals of any person frequenting a park.
 - (4) Commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior; appear in a state of nudity or make any indecent exposure of his or her person.
- M.** Introduce or carry any firecrackers or fireworks or throw, cast, kick or strike any baseball, golf ball, football, basketball or other object, except in places designated therefor.
- N.** Engage in, instigate, aid or encourage a contention or fight.
- O.** Loiter or remain within a park or any part thereof in a vehicle or otherwise after the posted closing hours at such park without a permit.
- P.** Picnic or cook in any area not designated for that purpose, i.e. make or kindle any fire except in places provided for.
- Q.** Operate or use any radio, musical instrument, television, phonograph, or other machine or device for the production, reproduction or amplification of sound in such a manner so as to cause unreasonable or disturbing noise.
- R.** Operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- S.** Use, carry, transport or sell within a park any marijuana, narcotic drug, hallucinogen or controlled substance as defined in 220.00 or drug paraphernalia as defined in 220.50 of the New York State Penal Law. Violations of this section will be prosecuted in accordance with the New York State Penal Law. Violators will be subject to the penalties prescribed therein.

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13B-5 Operating procedures; permits

- A.** Hours. Except for unusual and unforeseen emergencies, parks shall open to the public every day of the year to 10:00 P.M. Any person found in a park after 10:00 P.M. shall be in violation of this local law.
- B.** Alcoholic beverages. A person is guilty of unlawful possession of alcoholic beverages when such person:
- (1) Possesses or transports or brings beer into a park in a draught dispenser without a permit from the Village of Hilton.
 - (2) Possesses, transports or brings into a park more than six (6), twelve-ounce containers or beer without a permit from the Village of Hilton.
 - (3) Possesses, transports or brings into a park more than thirty-two (32) ounces of liquor other than beer without a permit from the Village of Hilton.
 - (4) Becomes intoxicated.
 - (5) Is under twenty-one (21) years of age. Added 12-1-86 by L.L. No. 6, 1986
- C.** Weapons. No person, except a law enforcement officer, shall carry any firearm, switch blade, gravity knife, slingshot or other dangerous weapon concealed on or about his or her person while in a park.
- D.** Horseback riding. No horseback riding shall be permitted.
- E.** Hunting and Fishing.
- (1) No person shall hunt or trap any waterfowl, birds or animals within a park.
 - (2) Fishing shall be allowed under the guidelines set forth by the New York State Conservation Law.
- F.** No swimming shall be allowed in a park.
- G.** No gasoline-powered boats shall be allowed in a park.

H. Permits to use parks.

- (1) Groups of ten (10) or more persons shall apply for a permit at least five (5) days prior to the day requested. Groups of twenty-five (25) or more persons shall apply for a permit at least ten (10) days prior to the day requested.
- (2) Applications shall be filed with the Village Administrator.
- (3) The Village of Hilton shall issue a permit when it is found that:
 - (a) The proposed activity or use of a park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - (b) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - (c) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
 - (d) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation.
 - (e) The facilities desired have not been reserved for other use on the day and at the hour requested in the application.
 - (f) A refundable deposit is posted as security against damage to park facilities. This deposit may be required at the discretion of the Village Administrator in an amount to be determined by him or her in view of the circumstances of the application.
- a (4) Liability insurance may be required by the Village for groups using park facilities on periodic scheduled basis.
- (5) Within five (5) working days after receipt of an application, the Administrator shall apprise an applicant in writing to the Village Board, which shall consider the application under the standards set forth herein and sustain or overrule the Administrator's decision. The decision of the Board shall be final.
- (6) Effect of a permit.
 - (a) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permit.
 - (b) The permit shall cover use of the described site only any shall not include permission to use any other area.

- (7) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of negligence or the person or persons to whom such permit has been issued. The permittee shall also be responsible for any damage done to any physical properties.

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- (8) The Village shall have the authority to revoke a permit upon finding a violation of any rule or ordinance or upon good cause shown.

13B-6 Enforcement

Members of the New York State Police and the Monroe County Sheriff's Department and any other police agencies shall, in connection with their duties imposed by law, diligently enforce the provisions of this local law.

13B-7 Penalties for offenses

- A. Violation of any provision or regulation of this local law shall be punishable by a fine not to exceed one hundred dollars (\$100.00) for each violation and/or restriction for damages.
- B. Violation of this local law shall constitute disorderly conduct and the person or persons violating the same shall be a disorderly person or persons.
- C. In addition to all other remedies, the Village Board may also enforce obedience to this local law by injunction or in any other manner permitted by the laws of the State of New York.

13B-8 Repealer

Any ordinance, local law or part thereof conflicting with the provisions of this local law be and the same are hereby repealed so far as the same affects this local law.

13B-9 When effective

This local law shall be effective upon publication and filing as required by law.

13B-10 Amendments

The Village Board may from time to time amend, supplement, change, modify and repeal this local law, pursuant to the provisions of the Village Law and the General Municipal Law applicable thereto.

13B-11 Recreation Fee (Added 4-3-95 per L.L. No.3, 1995; amended 8/5/08 L.L. No 4 2008)

Prior to occupancy of any newly constructed residential dwelling, the owner thereof shall pay or cause to be paid to the Village, a Recreation Fee as determined by resolution of the Village Board, which shall be utilized for the construction, preservation, maintenance and advancement of

recreation and recreational facilities and activities serving the Village. No certificate of occupancy shall be issued until said fee has been paid. Nothing herein shall limit or otherwise modify any obligation with respect to open space or park land requirements in any residential subdivision.