

COUNTY OF ERIE

LOCAL LAW NO. 6 - 1980

LOCAL LAW INTRO. NO. 8

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A LOCAL LAW establishing rules and regulations for the use, operation and maintenance of parks under the control, supervision and jurisdiction of the County of Erie and repealing prior park rules and regulations.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Short Title.

This local law shall be known as the "Erie County Parks Law".

Section 2. Text.

1. Scope
2. Definitions
3. Hours
4. Firearms
5. Preservation of Property
6. Traffic and Parking
7. Fires
8. Garbage and Refuse
9. Dogs
10. Hunting, Fishing and Trapping
11. Bathing and Swimming
12. Gambling
13. Horses and Riders

- 14. Alcoholic Beverages
- 15. Glass Beverage Containers Prohibited
- 16. Disorderly Conduct
- 17. Noise and Music
- 18. Commercial Enterprises
- 19. Fees and Charges
- 20. Complaine with Orders of Park Officials

and Police Otrricers

21. Activities Regulated by Special Rules of the Commissioner

- 22. Permits
- 23. Penalties
- 24. Separability

Section 2. §1. Scope - The rules and regulations set forth herein shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Department of Parks and Recreation of the County of Erie.

§2. Definitions - The following terms shall have the meanings indicated in this section.

(a) "Parks" shall mean the grounds, buildings, structures, roads, parking areas, utilities, equipment, waters 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 County of Erie for the following purposes; parks and recreation, beaches, zoological and botanical gardens, forest lands and golf courses.

(b) "Commissioner of Parks and Recreation" shall mean the Commissioner of the Department of Parks and Recreation of the County of Erie or his duly authorized agent.

(c) "Person" shall mean any individual, firm, partnership, corporation or association of persons and the singular number shall include the plural.

§3. Hours. It shall be unlawful for any person, except employees of the Department of Parks and Recreation and police officers acting pursuant to their official duties, to enter a park prior to 7:00 a.m. or to remain within a park after 9:00 p.m., unless those hours are modified by special rule of the Commissioner of Parks and Recreation.

§4. Firearms. It shall be unlawful for any person to carry or otherwise transport any firearm, airgun, slingshot, bow and arrows or other missile throwing device into a park, provided that, for the purpose of participation in responsibly supervised archery events, and with a permit issued by the Commissioner of Parks and Recreation, bows and arrows may be brought into a park for use only in areas designated by the Commissioner of Parks and Recreation, and provided that, police officers acting pursuant to their official duties may carry firearms in a park.

§5. Preservation of Property. It shall be unlawful for any person, other than employees of the Department of Parks and Recreation acting pursuant to their assigned duties:

(a) to injure, deface, disturb or befoul any part of a park or any of the buildings, signs, equipment or other property found therein.

(b) to remove, injure or destroy any tree, flower, shrub, grassed area or any other vegetation, or fruit or seed thereof, found within a park, and including the stripping of bark or cutting of any tree.

(c) to remove, injure, destroy or distrub any rock or other mineral found within a park.

§6. Traffic and Parking. It shall be unlawful for any person:

(a) to drive or cause to be driven along or over any road or drive within a park any vehicle at a speed or in a manner which endangers the life, limb or property of any person, and in no event shall the speed of any vehicle exceed 15 miles per hour unless a greater speed shall be allowed and posted pursuant to special rule of the Commissioner.

(b) to park or cause to be parked any vehicle at a place where a sign prohibiting parking has been erected pursuant to special rules of the Commissioner of Parks and Recreation, or at a place where such vehicle obstructs the smooth flow of traffic.

(c) to park or cause to be parked any vehicle so that such vehicle lies more than 5 feet from the nearest park road or drive as measured from the edge of such road or drive to the closest point on such vehicle:

(d) to drive upon or along any park road or drive which has been closed and posted with appropriate signs or barricades, and provided that, the Commissioner of Parks and Recreation may at his discretion order roads or drives closed to vehicular traffic during the process of construction, reconstruction or repair, or when necessary because weather conditions render travel either unsafe or unduly destructive of any road or drive.

(e) to use any portion of a park for purposes of way except drives, roads, paths, walks and trails established and posted for such purposes.

(f) to operate any commercial vehicle weighing in excess of 2 tons in a park unless authorized by the Commissioner of Parks and Recreation.

§7. Fires. It shall be unlawful for any person:

(a) To start a fire in a park for any purpose, except in a stove, oven, grill, camping facility or fire circle provided for that purpose, and provided that the Commissioner of Parks and Recreation may at his discretion prohibit fires for limited periods at any location or for any purpose when necessary for the protection of park property.

(b) To start or use any fire and to fail to extinguish such fire upon leaving the site.

(c) To deposit or leave lighted matches, cigarettes, cigars or burning tobacco where they may cause fires in a park.

§8. Garbage and Refuse. It shall be unlawful for any person to drop, throw, scatter or litter park property with garbage or refuse, and provided further that, no person shall bring into, leave behind or dump any material of any kind in a park except the refuse, ashes, garbage and other materials of a picnic, camp or other permitted activity and such material shall be deposited in receptacles provided for such purpose.

§9. Dogs. It shall be unlawful for any person to bring any dog into a park unless such dog is properly licensed and held in control at all times by a leash not more than 8 feet long.

§10. Hunting, Fishing and Trapping. It shall be unlawful for any person to hunt, trap or in any other way molest any wild bird, fish or animal within a park, except that, fishing may be permitted in season, and where posted, in certain park waters designated by the Commissioner of Parks and Recreation.

§11. Bathing and Swimming. It shall be unlawful for any person to bathe or swim in any of the streams, pools or lakes in a park, except where and as prescribed by special rules governing the same.

§12. Gambling. It shall be unlawful for any person to engage in gambling, as that term is defined in Section 225.00 of the New York State Penal Law, while in a park.

§13. Horses and Riders. It shall be unlawful for any person other than mounted police officers acting pursuant to their official duties

(a) to ride a horse in a park, except along and over bridal paths or other paths established for such purpose.

(b) to ride a horse so as to travel at a gait in excess of a trot while in a park.

(c) to ride a horse in a park so as to endanger the life, limb or property of any person.

§14. Alcoholic Beverages. It shall be unlawful for any person

(a) to possess or consume any alcoholic beverage in a park, except beer, ale or wine.

(b) to consume any alcoholic beverage, including beer, ale and wine, or to carry any open alcoholic beverage container, in any moving vehicle in a park.

§15. Glass Beverage Containers Prohibited. It shall be unlawful for any person to carry, possess or leave any beverage container in a park where such container is made from glass or any other material which tends to shatter on impact, and provided further that baby bottles shall be exempt from this prohibition.

§16. Disorderly Conduct. It shall be unlawful for any person to engage in any disorderly conduct, as that term is defined in Section 240.20 of the New York State Penal Law, while

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in a park, and provided that, conduct shall determined to be disorderly or not disorderly in light of the dedication of the parks to the quiet enjoyment, recreation and relaxation of the public.

§17. Noise and Music. It shall be unlawful for any person to cause or permit noise or music to reach a level of sound which reasonably tends to annoy or disturb other park patrons, and provided that, no person shall be prosecuted for a violation of this section unless such person has been notified by a police officer acting pursuant to his official duties that such noise or music reasonably tends to annoy other park patrons, and provided further that, the determination as to whether any such noise or music reasonably tends to annoy or disturb shall be made in light of the dedication of the parks to the quiet enjoyment, recreation and relaxation of the public.

§18. Commercial Enterprises. It shall be unlawful for any person, firm or corporation to sell or offer for sale, within a park, any property, privilege or service whatsoever unless authorized by a permit issued by the Commissioner of Parks and Recreation.

§19. Fees or Charges. It shall be unlawful for any person to enter upon or use any park facility or property for the use of which a fee or charge is imposed, unless he shall have first paid such fee or charge.

§20. Compliance With Orders of Park Officials and Police Officers. It shall be unlawful for any person to fail or refuse to comply with any reasonable order lawfully given by a park official or police officer acting pursuant to his official duties.

§21. Activities Regulated by Special Rules of the Commissioner.

(a) The Commissioner of Parks and Recreation is hereby authorized to promulgate and post such reasonable special rules, not inconsistent with any provision of this local law, in relation to the activities specified in subdivision (d) hereof, as may be necessary for the safety, comfort and convenience of park patrons and for the preservation of park property.

(b) The Commissioner of Parks and Recreation may provide that the activities specified in subdivision (d) hereof are prohibited, except within such park areas, during such hours or seasonal periods, or subject to such reasonable conditions or permit requirements, as he may specifically provide.

(c) The violation of any provision of any special rule promulgated and posted pursuant to this section shall constitute a violation of this local law.

(d) The Commissioner of Parks and Recreation may regulate the following activities by special rule not inconsistent with this local law:

- (1) Parking
- (2) Operation of motor vehicles
- (3) Use of park buildings and shelters
- (4) Commercial enterprises
- (5) Holding and advertisement of meetings, public exhibitions, public entertainment and religious ceremonies

- (6) Camping and Fires
- (7) Fishing
- (8) Boating and waterskiing
- (9) Swimming, wading and bathing
- (10) Horseback riding
- (11) Bicycling
- (12) Operation of all terrain vehicles
- (13) Operation of motorcycles
- (14) Operation of snowmobiles
- (15) Roller and ice skating
- (16) Snow skiing
- (17) Tobogganing and sledding
- (18) Archery
- (19) Golfing
- (20) Location and conduct of all types of games, sports and athletic contests
- (21) Kite flying
- (22) Parachuting and hanggliding
- (23) Operation of toy or model aircraft

(e) Every special rule promulgated by the Commissioner of Parks and Recreation pursuant to this local law shall be filed in the office of the Erie County Clerk and shall be effective, after such filing, upon the posting of such special rules in the park(s) affected thereby.

§22. Permits. The Commissioner of Parks and Recreation is hereby authorized to grant permits in conformity with the rules and regulations contained herein and any special rules promulgated by the Commissioner pursuant to Section 21 of this local law. All permits issued to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law or ordinance. Any violation of any term or condition, or of any law or ordinance, or of the rules and regulations governing the parks shall constitute grounds for revocation of said permit by the Commissioner of Parks and Recreation.

§23. Penalties. Any person convicted of a violation of this local law shall be guilty of an offense and shall be punishable by a fine not exceeding \$100.00, or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

§24. Separability. If any of the provisions of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular provision directly involved in the controversy.

Section 3. Laws Repealed.

The Erie County Park Rules and Regulations, having been adopted by resolution of the Erie County Board of Supervisors as Item 46 of Meeting No. 21 at Page 640 of the 1966 Journal of the Proceedings of the Erie County Board of Supervisors, is hereby repealed.

Section 4. Effective Date.

This local law shall take effect immediately.

Acknowledged by Secy of State - 6/11/80

MARY LOU RATH
LEGISLATOR, 15th DISTRICT