

**RESOLUTION NO. 2021 - 061: SETTING A PUBLIC HEARING ON A TEXT CODE AMENDMENT TO TOWN CODE CHAPTER 152 AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering a Local Law to execute a text code amendment to Town Code Chapter § 152 that would clarify language in the code including updating language pertaining to the Director of Parks and Recreation, a position that no longer exists in the Town’s Organizational Chart, and also would create a new section of the chapter, §152-9 which is designed to allow organizations renting a facility the option of obtaining a facility alcohol permit; and

**WHEREAS**, the Town Board would like to hear from residents about the proposed Local Law; and

**WHEREAS**, the Town Board wishes to refer the proposed Local Law to the Town of Canandaigua Planning Board, Environmental Conservation Board, and Zoning Board of Appeals; and

**WHEREAS**, the Town Board intends to determine said proposed Local Law is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing for the proposed Local Law to be held on April 19, 2021 at 6:00 pm via Zoom videoconferencing and/or at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to refer the proposed Local Law to the Town of Canandaigua Parks Committee, Planning Board, Environmental Conservation Board, and Zoning Board of Appeals; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

(Attachment # \_\_\_\_\_)

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

# Chapter 152

## Parks and Recreation

**[HISTORY: Adopted by the Town Board of the Town of Canandaigua 8-23-1993 (Ch. 24 of the 1977 Code); amended in its entirety 10-17-2016 by L.L. No. 8-2016. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Subdivision of land — See Ch. 174.

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#### § 152-1 Title.

This chapter shall be known as the "Parks and Recreation Code, Rules and Regulations of the Town of Canandaigua."

#### § 152-2 Purpose.

The purpose of this chapter is to define the duties and responsibilities of the Town Parks and Recreation Committee and to establish the rules and regulations for the public's use of and the operation of Town parks.

#### § 152-3 Definitions.

Terms used in this chapter are defined elsewhere in Chapter 1, General Provisions, Article II, Definitions and Word Usage, of the Town of Canandaigua Town Code.

#### § 152-4 Duties and responsibilities.

The following duties and responsibilities are hereby established:

- A. Town Parks and Recreation Committee. There is hereby established a seven-member plus one youth member Parks and Recreation Committee, whose membership, duties and responsibilities shall be to:
  - (1) Advise the Town Board on parkland and recreational needs;
  - (2) Advise the Town ~~Director of Parks and Recreation on the need for park building repairs and/or construction, the creation~~ of new parks or recreational facilities ~~and equipment~~ and make recommendations for ~~capital budget improvements or expansions relating to parks or recreations~~;
  - (3) Monitor implementation of the adopted Town of Canandaigua Parks and Recreation Master Plan, including annual reporting thereon to the Town Board;
  - ~~(4) Prepare and submit an annual report on park and recreation services to the Town Board; and~~
  - ~~(5)~~ (4) Prepare and submit to the Town Board, from time to time, proposed amendments to adopted park rules and regulations.
- ~~B. Town Parks and Recreation Committee ex officio members. The Town Director of Parks and Recreation is hereby appointed by the Town Board to serve on the Committee as a nonvoting ex officio member.~~
- ~~C~~B. Town Parks and Recreation Committee members' term. The Committee members' terms shall be for a

period of seven years, except that the members of such Committee first appointed shall be appointed for terms such that the term of one member shall expire annually thereafter, on the 31st day of December. Vacancies on such Committee ~~which may occur other than by expiration of term~~ shall be filled by the Town Board ~~and shall be for the remaining (unexpired) term only~~. All such vacancies shall be advertised in the Town's official newspaper. The youth member's term shall automatically expire when reaching the age of 19. The youth member can be appointed by the Town Board at age 14. The Town Board shall, at its annual organizational meeting, appoint ~~a new member and a~~ Chairperson for the Committee.

#### § 152-5 Parks and Recreation Committee rules of procedure.

The following rules of procedure are hereby established to govern the operations of the Parks and Recreation Committee:

- A. The Committee shall meet at least once every quarter of the calendar year or ~~as deemed necessary by consensus of the Town Director of Parks and Recreation and the Town Parks and Recreation Chairperson~~ when requested by two or more members of the Parks and Recreation Committee;
- B. The agenda shall be set by the Parks and Recreation Committee Chairperson and shall be made available to the public at least three days prior to the meeting;
- C. Any park rules and regulations proposed by the Town Parks and Recreation Committee shall be subject to approval by the Town Board before being effective;
- ~~D.~~ All park rules and regulations shall be posted; and
- ~~E.~~ All Committee meetings shall be open to the public.

#### § 152-6 Park use regulations.

The following regulations are hereby established to govern the use of park facilities and buildings:

- ~~A. Except for special events or programming, park hours shall be established by the Town Parks and Recreation Committee, subject to approval by the Town Board;~~
- ~~BA.~~ Park hours of operation at Town parks shall be from sunrise to sunset, except for special events or programming, unless or as otherwise designated by the Town Board;
- ~~CB.~~ The consumption of alcoholic beverages, including beer and wine, and the bringing of such items into a park are not allowed unless authorized pursuant to § 152-9;
- ~~DC.~~ Pets or domestic animals may be allowed at any Town-owned or -operated park, ~~with the exception of the lakeside portions of Onanda Park and West Lake Schoolhouse Park~~. Where pets or domestic animals are allowed, they shall be:
  - (1) Under the full control by the owner, including the owner being responsible for the picking up of the pet's or domestic animal's fecal matter; and
  - (2) Restrained by means of a secure leash or lead in the manner set forth in Chapter 79 of the Town Code; or Confined to an enclosure, such as a cage or motor vehicle, in such manner that the pet or

domestic animal may not roam freely upon public or private lands;

(3) Under the control of the owner in the designated joint City/Town Dog Park;

D. Pets or domestic animals are not permitted on the lakeside portions of any park (such as Onanda Park and West Lake Schoolhouse Park) unless they are designated service animals.

E. Fires are permitted in designated ~~grills~~ devices only which have been provided by the park;

F. No firearms or weapons of any variety, including air rifles, slingshots, splat balls or similar weapons, are permitted in any Town park;

G. There is no hunting allowed on any Town parkland or on any other land owned or operated by the Town.

H. Legal fish cleaning/scaling knives may be used on park property only while fishing;

I. Smoking or vaping is not permitted at any park owned or operated by the Town;

J. Excessive noise is prohibited. This includes yelling, musical instruments, radios, televisions and other electronic devices;

K. ~~Campers~~ Recreational Vehicle campers, trailers, ~~or and RV~~ motorized camping units are not permitted in any Town park;

L. Tent camping or cabin camping may be allowed ~~at any Town park with the written permission of the Director of Parks and Recreation~~ in designated location(s) by reservation;

M. Parking at any park is permitted only in designated areas;

N. Boat launching, at Onanda Park, ~~is only permitted between November 15 and April 15, in accordance with the Winter Boat Launch Operating Procedures adopted by the Town Board and approved by the Regional Director of the New York State Department of Environmental Conservation, and as said agreement may be amended from time to time. Copies of this agreement are on file in the Office of the Town Clerk and the Onanda Park Office;~~ by motorized vessels is prohibited between April 15 and November 15;

O. Launching of nonmotorized vehicle-top canoes, kayaks, paddle boards, windsurfing, and recreational sculling vessels at Onanda Park is permitted outside of the swim area(s), except when conditions ~~on the lake prohibit the Ontario County Sheriff's boat from launching~~ exist in which the operator is unable to safely operate the vessel or when staff has directed no launching due to safety concerns;

~~P. Launching of motorized fishing boats at Onanda Park is permitted only from November 15 of any given year to April 15 of the next year and when access to the lake from the New York State boat launch located at the north end of the lake is unavailable;~~

QP. Launching of all motorized fishing boats at Onanda Park shall only be from the boat ramp into the waters of Canandaigua Lake;

~~RQ.~~ Launching of ~~non-motorized vehicle-top canoes, kayaks or recreational sculling vessels, and paddle boards~~ shall be permitted only from within the designated portion of the shoreline at Onanda Park located between the boat ramp and the fishing dock;

~~SR.~~ No motorized boats, or nonmotorized boats, ~~or inflatable sit on or sit in devices, such as vehicle-top canoes, kayaks, paddle boards, or recreational sculling vessels,~~ shall be allowed within the delineated swimming area, nor will they be allowed to interfere with the line of sight between the lifeguard chairs and people swimming in the designated swim area at Onanda Park;

~~TS.~~ Launching and loading/unloading of non-motorized vessels at Onanda Park will be limited to park patrons during the posted park hours of operation, sunrise to sunset year round;

~~UT.~~ No organized multi-boat event(s) for kayaking, canoeing, paddle boards, or other recreational sculling vessels will be allowed without permission from the Town Board;

~~VU.~~ The non-trailered unloading, loading and/or launching of nonmotorized vessels, ~~such as vehicle-top canoes, kayaks, paddle boards, and recreational sculling vessels,~~ shall only be permitted through the Onanda Park gatehouse entrance at West Lake Road (County Road 16). parking of trailers on the lakeside portion of Onanda Park is prohibited, all trailers are to be parked in the upland parking lot of Onanda Park;

~~WV.~~ All equipment for boats, including nonmotorized vessels ~~such as vehicle-top canoes, kayaks, paddle boards, and recreational sculling vessels,~~ shall be stored either on top of or inside of vehicles when not in use. All nonmotorized vehicle-top ~~canoes, kayaks, paddle board, or recreational sculling~~ vessels are to be hand carried or transported by a small carrier device. In no event shall small carrier devices be allowed to be stored on the lakeside portion of Onanda Park while the nonmotorized ~~vehicle-top canoe, kayak, paddle board, or recreational sculling~~ vessel is being used;

~~XW.~~ Nonmotorized vessels, ~~such as vehicle-top canoes, kayaks, paddle boards, and recreational sculling vessels,~~ and associated equipment used in conjunction with cabin rentals shall be stored beside the cabin, away from the cabin entrance and behind the front of the cabin when not in use;

~~YX.~~ The fee for launching nonmotorized vessels, ~~such as vehicle-top canoes, kayaks, paddle boards, and recreational sculling vessels,~~ shall be included in the daily entrance fee or in the fee of a season pass. ~~Persons renting cabins will be permitted to bring up to two nonmotorized vehicle-top canoes or kayaks, paddle boards or recreational sculling vessels to the park for their use during their stay at Onanda Park without having to pay a daily launch fee;~~

~~ZY.~~ Persons not renting cabins at Onanda Park shall not leave their nonmotorized vessels, ~~such as vehicle-top canoe, kayak, paddle board, or recreational sculling vessel,~~ overnight at Onanda Park;

~~AAZ.~~ No vehicle will be permitted to trailer nonmotorized vessels, such as vehicle-top canoes, kayaks, paddle boards, or recreational sculling vessels, into Onanda Park;

~~BBAA.~~ Consistent with New York State boating regulations, no minor child shall be allowed to use a nonmotorized vessel, ~~such as vehicle-top canoe, kayak, paddle board, or recreational sculling vessel,~~ unless accompanied at all times by an adult;

~~CCBB.~~ Docking of nonmotorized vessels, ~~such as vehicle top canoes, kayaks, paddle boards or recreational sculling vessels,~~ at Onanda Park and the West Lake Road Schoolhouse Park is not permitted at any time, except in an emergency situation;

~~DDCC.~~ Mooring of boats at Onanda Park and the West Lake Road Schoolhouse Park is not permitted within 100 feet of the shoreline;

~~EEDD.~~ No fireworks are permitted on Town park property;

~~FFEE.~~ Children 10 years of age or younger must be accompanied at all times by an adult at any Town park;

~~GGFF.~~ Entry into the lake is permitted only within the designated swimming areas at Onanda Park and West Lake Road Schoolhouse Park and only when a lifeguard is on duty;

~~HH.~~ ~~No entry is permitted into West Lake Road Schoolhouse Park from the waters of Canandaigua Lake. [Amended 2-11-2019 by L.L. No. 2-2019]~~

~~HGG.~~ The lifeguard on duty has the authority to ~~create and~~ enforce rules regarding the swimming area for the benefit and safety of all swimmers;

~~JHH.~~ Licensed fishermen may shoreline and/or stream fish ~~at Onanda Park~~ year round except in the designated swim areas;

~~KK.~~ ~~No shoreline fishing shall be allowed at the West Lake Road Schoolhouse Park;~~

~~LLI.~~ No peddling, selling or hawking is allowed without prior authorization ~~by the Town Board;~~

~~MMJJ.~~ Pavilions and ball fields must be reserved in advance ~~by contacting the Town Park Reservationist a minimum of seven days in advance of intended use. A fee to insure exclusive use for these facilities may be charged in accordance with the established parks and recreation fees;~~

~~NN.~~ ~~The Director of Parks and Recreation shall authorize the use of the park for groups of 20 or more when it is found that:~~

~~(1) The proposed activity or use of the park will not unreasonably interfere with or detract from the enjoyment of the park by the general public;~~

~~(2) The proposed activity or use of the park will not unreasonably interfere with or detract from promotion of the public health, welfare, safety and recreation;~~

~~(3) The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;~~

~~(4) The proposed activity will not entail unusual, extraordinary, or burdensome expense upon the Town or upon police operations;~~

~~(5) The requested facilities have not been reserved for another use on the day and at the hour~~

~~requested; and~~

~~(6) The Director of Parks and Recreation shall refuse any activities that do not comply with this chapter.~~

~~QQKK.~~ The Town Board reserves the right to require ~~Liability~~ insurance, in an amount determined by the Town Board, ~~may be required for~~ groups organized groups or events using the park facilities, buildings and grounds; and

PPLL. The Town Board may amend these rules and regulations, from time to time, by formally amending the provisions of this chapter.

QQMM. No entry is permitted into Onanda Park or School House Park from the waters of Canandaigua Lake, unless receipt of a proper payment is presented to Town Park Staff upon request, per the Town Board's adopted fee schedule. Only nonmotorized canoes, kayaks, paddle boards, recreational sculling or similar nonmotorized vessels may be permitted. [Added 2-11-2019 by L.L. No. 2-2019]

**§ 152-7 Public conduct at all Town parks.**

No person shall:

A. Injure, deface, disturb or befoul any part of any Town 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 the parks not in an approved park device;

D. Bring into, leave behind or dump any material of any kind in the parks. All persons using the parks shall comply with established carry-in and carry-out procedures of the Town Parks and Recreation Committee. ~~Refuse is not to be dropped, thrown or scattered on park property. All recyclable materials shall be carried out by those persons bringing them to the park;~~

E. Either within or next to any park, discharge into, throw, cast, lay, drop or leave in the lake, brook, stream, storm sewer or drain flowing into or through said park any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of brook, stream or the lake, interfere with the conservation of the natural resources of said 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 or parking lot within the park any vehicle at a rate greater than five miles per hour unless otherwise posted;

G. Gamble in the park;

H. Conduct themselves in such a manner as to:

(1) Endanger the life, limb or property of the other visitors to the park;

(2) Be suggestive of immoral acts.

I. Loiter or remain within the park or any part thereof in a vehicle or otherwise after the posted closing hours at such park without general or special permission from the Town; and

J. Operate any motorized vehicle, other than authorized maintenance or emergency vehicles, upon any Town park trail, hike-way or other Town property, beyond designated park roadways and parking areas;

K. Be under the influence of a substance to the point of being a danger to themselves and/or other park users;

#### § 152-8 **Use of sound-enhancing equipment at all parks.**

The following rules pertain to the use of amplifiers, speakers and/or other sound-enhancing equipment:

- A. Such devices are not allowed outside of any enclosed park building, in park pavilions or on the porch of Gorham Hall, on the decks of cabins, or on the deck of King Hall; and
- B. An internal sound amplification system to assist in various programs is permitted within Crouch Hall, Gorham Hall and King Hall, provided that such amplification does not exceed 55 dBA when measured at the nearest point of the park boundary.

#### § 152-9 **Facility Alcoholic Beverage Permit**

The following rules pertain to the use, sale, distribution, or consumption of alcoholic beverages in Town of Canandaigua parks.

- A. Any organization(s) and their associated persons intending to provide, distribute, sell and/or consume alcoholic beverages in the Town parks must have a Facility Alcoholic Beverage Permit;
- B. Any organization(s) intending to sell or distribute alcoholic beverages, if applicable, shall have a permit or be associated with a permit from the New York State Liquor Authority;
- C. Alcoholic beverages are not permitted in Town parks without a Facility Alcoholic Beverage Permit and the rental of a Town park facility;
- D. Alcoholic beverage(s) is defined for this chapter as including: alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being;
- E. Facility Alcoholic Beverage Permit fee(s) will be set by the Town Board;
- F. Any organization making application for a Facility Alcoholic Beverage Permit in which alcohol will be sold shall provide proof of liability insurance for their organization or associated with their event to the Town;
- G. No person shall under the age of 21 years, possess, transport, or bring into any town park or recreation area any alcoholic beverage or beer;
- H. No person shall under the age of 21 years, consume any alcoholic beverage or beer in any town



park or recreation area;

- I. No person shall become or be in an intoxicated condition while in any town park or recreation area;
- J. Any person found to become or be in an intoxicated condition while in any town park or recreation area may be subject to ejection and/or associated penalties as defined in this chapter and/or action(s) determined by law enforcement;
- K. The permitted principal contact or recipient of the Facility Alcoholic Beverage Permit shall be in the Town park facility designated associated with the permit at all times while alcoholic beverages are being distributed, sold, and/or consumed;
- L. The permitted principal contact or recipient of the Facility Alcoholic Beverage Permit shall be responsible for any and all damages associated with persons consuming alcohol associated with the Facility Alcoholic Beverage Permit;
- M. Non-observance of this section shall constitute a violation;

#### **§ 152-10 Town park opening and closing.**

The Town parks shall be opened and closed as provided by this chapter or resolution of the Town Board. ~~When Town park property is closed, no person, except for registered guests at Onanda Park, shall enter or remain on said property.~~ The Town shall post, in a conspicuous manner on the perimeters of all Town parks, signs giving notice prohibiting trespass during the hours said parks are closed. Registered guests at Onanda Park, authorized persons associated with special events, and Town staff authorized per §152-11 are exempted from this section.

#### **§ 152-~~10-11~~ Enforcement.**

The following officials, in connection with their duties imposed by law, shall diligently enforce the provisions of this chapter:

- A. Town Parks and Recreation staff~~The Director of Parks and Recreation, the Parks Maintenance Supervisor, or designated employees or deputies appointed by said Director;~~
- B. Members of the New York State Police;
- ~~C. Members of the Division of Law Enforcement of the New York State Department of Environmental Conservation;~~
- ~~D.~~ C. Members of the Ontario County Sheriff's Department; and
- ~~E.~~ D. The Town of Canandaigua Code Enforcement Officer; and
- E. Town Manager and/or his designee(s).

#### **§ 152-~~11-12~~ Ejection and seizure of property.**

~~The Director of Parks and Recreation~~Town Parks and Recreation staff member(s), members of any law enforcement agency and those listed in the above section shall have the authority to eject from any park any person acting in violation of this chapter and park regulations posted at the park. ~~In addition, said individuals shall have the power to seize and confiscate any property, thing or device used illegally in the park.~~

§ 152-~~12~~-13 **Penalties for offenses.**

The following penalties are hereby established for violations to these park rules and regulations:

- A. Violation of any provision or regulation of this chapter shall constitute a violation and be punishable by a fine not to exceed \$~~350~~-500 for each violation per day and/or restitution of damages and/or by imprisonment for a term of not more than 15 days, and/or by both such fine and imprisonment;
- B. The Town Board also determines that a violation of this chapter shall constitute disorderly conduct, and the person or persons violating the same shall be classified as a disorderly person or persons; and
- C. In addition to all other remedies, the Town Board may enforce obedience to this chapter by injunction.

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# Chapter 152

## Parks and Recreation

**[HISTORY: Adopted by the Town Board of the Town of Canandaigua 8-23-1993 (Ch. 24 of the 1977 Code); amended in its entirety 10-17-2016 by L.L. No. 8-2016. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

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  - (1) Advise the Town Board on parkland and recreational needs;
  - (2) Advise the Town ~~Director of Parks and Recreation on the need for park building repairs and/or construction, the creation~~ of new parks or recreational facilities ~~and equipment~~ and make recommendations for ~~capital budget improvements or expansions relating to parks or recreations~~;
  - (3) Monitor implementation of the adopted Town of Canandaigua Parks and Recreation Master Plan, including annual reporting thereon to the Town Board;
  - ~~(4) Prepare and submit an annual report on park and recreation services to the Town Board; and~~
  - ~~(5)~~ (4) Prepare and submit to the Town Board, from time to time, proposed amendments to adopted park rules and regulations.
- ~~B. Town Parks and Recreation Committee ex officio members. The Town Director of Parks and Recreation is hereby appointed by the Town Board to serve on the Committee as a nonvoting ex officio member.~~
- ~~C~~B. Town Parks and Recreation Committee members' term. The Committee members' terms shall be for a

period of seven years, except that the members of such Committee first appointed shall be appointed for terms such that the term of one member shall expire annually thereafter, on the 31st day of December. Vacancies on such Committee ~~which may occur other than by expiration of term~~ shall be filled by the Town Board ~~and shall be for the remaining (unexpired) term only~~. All such vacancies shall be advertised in the Town's official newspaper. The youth member's term shall automatically expire when reaching the age of 19. The youth member can be appointed by the Town Board at age 14. The Town Board shall, at its annual organizational meeting, appoint ~~a new member and a~~ Chairperson for the Committee.

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- A. The Committee shall meet at least once every quarter of the calendar year or ~~as deemed necessary by consensus of the Town Director of Parks and Recreation and the Town Parks and Recreation Chairperson~~ when requested by two or more members of the Parks and Recreation Committee;
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- ~~B~~A. Park hours of operation at Town parks shall be from sunrise to sunset, except for special events or programming, unless or as otherwise designated by the Town Board;
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  - (1) Under the full control by the owner, including the owner being responsible for the picking up of the pet's or domestic animal's fecal matter; and
  - (2) Restrained by means of a secure leash or lead in the manner set forth in Chapter 79 of the Town Code; or Confined to an enclosure, such as a cage or motor vehicle, in such manner that the pet or

domestic animal may not roam freely upon public or private lands;

(3) Under the control of the owner in the designated joint City/Town Dog Park;

D. Pets or domestic animals are not permitted on the lakeside portions of any park (such as Onanda Park and West Lake Schoolhouse Park) unless they are designated service animals.

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~~RQ.~~ Launching of ~~non-motorized vehicle-top canoes, kayaks or recreational sculling vessels, and paddle boards~~ shall be permitted only from within the designated portion of the shoreline at Onanda Park located between the boat ramp and the fishing dock;

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~~WV.~~ All equipment for boats, including nonmotorized vessels ~~such as vehicle-top canoes, kayaks, paddle boards, and recreational sculling vessels,~~ shall be stored either on top of or inside of vehicles when not in use. All nonmotorized vehicle-top ~~canoes, kayaks, paddle board, or recreational sculling~~ vessels are to be hand carried or transported by a small carrier device. In no event shall small carrier devices be allowed to be stored on the lakeside portion of Onanda Park while the nonmotorized ~~vehicle-top canoe, kayak, paddle board, or recreational sculling~~ vessel is being used;

~~XW.~~ Nonmotorized vessels, ~~such as vehicle-top canoes, kayaks, paddle boards, and recreational sculling vessels,~~ and associated equipment used in conjunction with cabin rentals shall be stored beside the cabin, away from the cabin entrance and behind the front of the cabin when not in use;

~~YX.~~ The fee for launching nonmotorized vessels, ~~such as vehicle-top canoes, kayaks, paddle boards, and recreational sculling vessels,~~ shall be included in the daily entrance fee or in the fee of a season pass. ~~Persons renting cabins will be permitted to bring up to two nonmotorized vehicle-top canoes or kayaks, paddle boards or recreational sculling vessels to the park for their use during their stay at Onanda Park without having to pay a daily launch fee;~~

~~ZY.~~ Persons not renting cabins at Onanda Park shall not leave their nonmotorized vessels, ~~such as vehicle-top canoe, kayak, paddle board, or recreational sculling vessel,~~ overnight at Onanda Park;

~~AAZ.~~ No vehicle will be permitted to trailer nonmotorized vessels, such as vehicle-top canoes, kayaks, paddle boards, or recreational sculling vessels, into Onanda Park;

~~BBAA.~~ Consistent with New York State boating regulations, no minor child shall be allowed to use a nonmotorized vessel, ~~such as vehicle-top canoe, kayak, paddle board, or recreational sculling vessel,~~ unless accompanied at all times by an adult;

~~CCBB.~~ Docking of nonmotorized vessels, ~~such as vehicle-top canoes, kayaks, paddle boards or recreational sculling vessels,~~ at Onanda Park and the West Lake Road Schoolhouse Park is not permitted at any time, except in an emergency situation;

~~DDCC.~~ Mooring of boats at Onanda Park and the West Lake Road Schoolhouse Park is not permitted within 100 feet of the shoreline;

~~EEDD.~~ No fireworks are permitted on Town park property;

~~FFEE.~~ Children 10 years of age or younger must be accompanied at all times by an adult at any Town park;

~~GGFF.~~ Entry into the lake is permitted only within the designated swimming areas at Onanda Park and West Lake Road Schoolhouse Park and only when a lifeguard is on duty;

~~HH.~~ ~~No entry is permitted into West Lake Road Schoolhouse Park from the waters of Canandaigua Lake. [Amended 2-11-2019 by L.L. No. 2-2019]~~

~~HGG.~~ The lifeguard on duty has the authority to ~~create and~~ enforce rules regarding the swimming area for the benefit and safety of all swimmers;

~~JJHH.~~ Licensed fishermen may shoreline and/or stream fish ~~at Onanda Park~~ year round except in the designated swim areas;

~~KK.~~ ~~No shoreline fishing shall be allowed at the West Lake Road Schoolhouse Park;~~

~~LLII.~~ No peddling, selling or hawking is allowed without prior authorization ~~by the Town Board;~~

~~MMJJ.~~ Pavilions and ball fields must be reserved in advance ~~by contacting the Town Park Reservationist a minimum of seven days in advance of intended use. A fee to insure exclusive use for these facilities may be charged in accordance with the established parks and recreation fees;~~

~~NN.~~ ~~The Director of Parks and Recreation shall authorize the use of the park for groups of 20 or more when it is found that:~~

~~(1) The proposed activity or use of the park will not unreasonably interfere with or detract from the enjoyment of the park by the general public;~~

~~(2) The proposed activity or use of the park will not unreasonably interfere with or detract from promotion of the public health, welfare, safety and recreation;~~

~~(3) The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;~~

~~(4) The proposed activity will not entail unusual, extraordinary, or burdensome expense upon the Town or upon police operations;~~

~~(5) The requested facilities have not been reserved for another use on the day and at the hour~~

~~requested; and~~

~~(6) The Director of Parks and Recreation shall refuse any activities that do not comply with this chapter.~~

~~QQKK.~~ The Town Board reserves the right to require ~~Liability insurance~~, in an amount determined by the Town Board, ~~may be required for~~ groups organized groups or events using the park facilities, buildings and grounds; and

PPLL. The Town Board may amend these rules and regulations, from time to time, by formally amending the provisions of this chapter.

QQMM. No entry is permitted into Onanda Park or School House Park from the waters of Canandaigua Lake, unless receipt of a proper payment is presented to Town Park Staff upon request, per the Town Board's adopted fee schedule. Only nonmotorized canoes, kayaks, paddle boards, recreational sculling or similar nonmotorized vessels may be permitted. [Added 2-11-2019 by L.L. No. 2-2019]

**§ 152-7 Public conduct at all Town parks.**

No person shall:

A. Injure, deface, disturb or befoul any part of any Town 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 the parks not in an approved park device;

D. Bring into, leave behind or dump any material of any kind in the parks. All persons using the parks shall comply with established carry-in and carry-out procedures of the Town Parks and Recreation Committee. ~~Refuse is not to be dropped, thrown or scattered on park property. All recyclable materials shall be carried out by those persons bringing them to the park;~~

E. Either within or next to any park, discharge into, throw, cast, lay, drop or leave in the lake, brook, stream, storm sewer or drain flowing into or through said park any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of brook, stream or the lake, interfere with the conservation of the natural resources of said 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 or parking lot within the park any vehicle at a rate greater than five miles per hour unless otherwise posted;

G. Gamble in the park;

H. Conduct themselves in such a manner as to:



(1) Endanger the life, limb or property of the other visitors to the park;

(2) Be suggestive of immoral acts.

I. Loiter or remain within the park or any part thereof in a vehicle or otherwise after the posted closing hours at such park without general or special permission from the Town; and

J. Operate any motorized vehicle, other than authorized maintenance or emergency vehicles, upon any Town park trail, hike-way or other Town property, beyond designated park roadways and parking areas;

K. Be under the influence of a substance to the point of being a danger to themselves and/or other park users;

#### § 152-8 **Use of sound-enhancing equipment at all parks.**

The following rules pertain to the use of amplifiers, speakers and/or other sound-enhancing equipment:

- A. Such devices are not allowed outside of any enclosed park building, in park pavilions or on the porch of Gorham Hall, on the decks of cabins, or on the deck of King Hall; and
- B. An internal sound amplification system to assist in various programs is permitted within Crouch Hall, Gorham Hall and King Hall, provided that such amplification does not exceed 55 dBA when measured at the nearest point of the park boundary.

#### § 152-9 **Facility Alcoholic Beverage Permit**

The following rules pertain to the use, sale, distribution, or consumption of alcoholic beverages in Town of Canandaigua parks.

- A. Any organization(s) and their associated persons intending to provide, distribute, sell and/or consume alcoholic beverages in the Town parks must have a Facility Alcoholic Beverage Permit;
- B. Any organization(s) intending to sell or distribute alcoholic beverages, if applicable, shall have a permit or be associated with a permit from the New York State Liquor Authority;
- C. Alcoholic beverages are not permitted in Town parks without a Facility Alcoholic Beverage Permit and the rental of a Town park facility;
- D. Alcoholic beverage(s) is defined for this chapter as including: alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being;
- E. Facility Alcoholic Beverage Permit fee(s) will be set by the Town Board;
- F. Any organization making application for a Facility Alcoholic Beverage Permit in which alcohol will be sold shall provide proof of liability insurance for their organization or associated with their event to the Town;
- G. No person shall under the age of 21 years, possess, transport, or bring into any town park or recreation area any alcoholic beverage or beer;
- H. No person shall under the age of 21 years, consume any alcoholic beverage or beer in any town

park or recreation area;

- I. No person shall become or be in an intoxicated condition while in any town park or recreation area;
- J. Any person found to become or be in an intoxicated condition while in any town park or recreation area may be subject to ejection and/or associated penalties as defined in this chapter and/or action(s) determined by law enforcement;
- K. The permitted principal contact or recipient of the Facility Alcoholic Beverage Permit shall be in the Town park facility designated associated with the permit at all times while alcoholic beverages are being distributed, sold, and/or consumed;
- L. The permitted principal contact or recipient of the Facility Alcoholic Beverage Permit shall be responsible for any and all damages associated with persons consuming alcohol associated with the Facility Alcoholic Beverage Permit;
- M. Non-observance of this section shall constitute a violation;

**§ 152-10 Town park opening and closing.**

The Town parks shall be opened and closed as provided by this chapter or resolution of the Town Board. ~~When Town park property is closed, no person, except for registered guests at Onanda Park, shall enter or remain on said property.~~ The Town shall post, in a conspicuous manner on the perimeters of all Town parks, signs giving notice prohibiting trespass during the hours said parks are closed. Registered guests at Onanda Park, authorized persons associated with special events, and Town staff authorized per §152-11 are exempted from this section.

**§ 152-~~10-11~~ Enforcement.**

The following officials, in connection with their duties imposed by law, shall diligently enforce the provisions of this chapter:

- A. Town Parks and Recreation staff~~The Director of Parks and Recreation, the Parks Maintenance Supervisor, or designated employees or deputies appointed by said Director;~~
- B. Members of the New York State Police;
- ~~C. Members of the Division of Law Enforcement of the New York State Department of Environmental Conservation;~~
- ~~D.~~ Members of the Ontario County Sheriff's Department; and
- ~~E.~~ The Town of Canandaigua Code Enforcement Officer; and
- E. Town Manager and/or his designee(s).

**§ 152-~~11-12~~ Ejection and seizure of property.**

~~The Director of Parks and Recreation~~Town Parks and Recreation staff member(s), members of any law enforcement agency and those listed in the above section shall have the authority to eject from any park any person acting in violation of this chapter and park regulations posted at the park. ~~In addition, said individuals shall have the power to seize and confiscate any property, thing or device used illegally in the park.~~

§ 152-~~12~~-13 **Penalties for offenses.**

The following penalties are hereby established for violations to these park rules and regulations:

- A. Violation of any provision or regulation of this chapter shall constitute a violation and be punishable by a fine not to exceed \$~~350~~-500 for each violation per day and/or restitution of damages and/or by imprisonment for a term of not more than 15 days, and/or by both such fine and imprisonment;
- B. The Town Board also determines that a violation of this chapter shall constitute disorderly conduct, and the person or persons violating the same shall be classified as a disorderly person or persons; and
- C. In addition to all other remedies, the Town Board may enforce obedience to this chapter by injunction.

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one;)

of Canandaigua

3/8/2021

Local Law No. \_\_\_\_\_ of the year 20<sup>21</sup>

A local law Amending to Chapter 152 Parks and Recreations in its Entirety  
(Insert Title)

**DRAFT**

Be it enacted by the Town Board \_\_\_\_\_ of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one;)

of Canandaigua \_\_\_\_\_ as follows:

See Attachment

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## Chapter 152

# Parks and Recreation

**DRAFT**

**[HISTORY: Adopted by the Town Board of the Town of Canandaigua 8-23-1993 (Ch. 24 of the 1977 Code); amended in its entirety 10-17-2016 by L.L. No. 8-2016. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Subdivision of land — See Ch. 174.

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#### § 152-1 Title.

This chapter shall be known as the "Parks and Recreation Code, Rules and Regulations of the Town of Canandaigua."

#### § 152-2 Purpose.

The purpose of this chapter is to define the duties and responsibilities of the Town Parks and Recreation Committee and to establish the rules and regulations for the public's use of and the operation of Town parks.

#### § 152-3 Definitions.

Terms used in this chapter are defined elsewhere in Chapter 1, General Provisions, Article II, Definitions and Word Usage, of the Town of Canandaigua Town Code.

#### § 152-4 Duties and responsibilities.

The following duties and responsibilities are hereby established:

- A. Town Parks and Recreation Committee. There is hereby established a seven-member plus one youth member Parks and Recreation Committee, whose membership, duties and responsibilities shall be to:
  - (1) Advise the Town Board on parkland and recreational needs;
  - (2) Advise the Town of new parks or recreational facilities and make recommendations for improvements or expansions relating to parks or recreation;
  - (3) Monitor implementation of the adopted Town of Canandaigua Parks and Recreation Master Plan, including annual reporting thereon to the Town Board;
  - (4) Prepare and submit to the Town Board, from time to time, proposed amendments to adopted park rules and regulations.
- B. Town Parks and Recreation Committee members' term. The Committee members' terms shall be for a period of seven years, except that the members of such Committee first appointed shall be appointed for terms such that the term of one member shall expire annually thereafter, on the 31st day of December. Vacancies on such Committee shall be filled by the Town Board. All such vacancies shall be advertised in the Town's official newspaper. The youth member's term shall automatically expire when reaching the age of 19. The youth member can be appointed by the Town Board at age 14. The Town Board shall,

at its annual organizational meeting, appoint Chairperson for the Committee.

**§ 152-5 Parks and Recreation Committee rules of procedure.**

The following rules of procedure are hereby established to govern the operations of the Parks and Recreation Committee:

- A. The Committee shall meet at least once every quarter of the calendar year or when requested by two or more members of the Parks and Recreation Committee;
- B. The agenda shall be set by the Parks and Recreation Committee Chairperson and shall be made available to the public at least three days prior to the meeting;
- C. Any park rules and regulations proposed by the Town Parks and Recreation Committee shall be subject to approval by the Town Board before being effective;
- D. All park rules and regulations shall be posted; and
- E. All Committee meetings shall be open to the public.

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**§ 152-6 Park use regulations.**

The following regulations are hereby established to govern the use of park facilities and buildings:

- A. Park hours of operation at Town parks shall be from sunrise to sunset, except for special events or programming, or as designated by the Town Board;
- B. The consumption of alcoholic beverages, including beer and wine, and the bringing of such items into a park are not allowed unless authorized pursuant to § 152-9
- C. Pets or domestic animals may be allowed at any Town-owned or -operated park Where pets or domestic animals are allowed, they shall be:
  - (1) Under the full control by the owner, including the owner being responsible for the picking up of the pet's or domestic animal's fecal matter; and
  - (2) Restrained by means of a secure leash or lead in the manner set forth in Chapter 79 of the Town Code; or Confined to an enclosure, such as a cage or motor vehicle, in such manner that the pet or domestic animal may not roam freely upon public or private lands;
  - (3) Under the control of the owner in the designated joint City/Town Dog Park;
- D. Pets or domestic animals are not permitted on the lakeside portions of any park (such as Onanda Park and West Lake Schoolhouse Park) unless they are designated service animals.
- E. Fires are permitted in designated devices only which have been provided by the park;
- F. No firearms or weapons of any variety, including air rifles, slingshots, splat balls or similar weapons, are permitted in any Town park;
- G. There is no hunting allowed on any Town parkland or on any other land owned or operated by the

Town.

H. Legal fish cleaning/scaling knives may be used on park property only while fishing;

I. Smoking or vaping is not permitted at any park owned or operated by the Town;

J. Excessive noise is prohibited. This includes yelling, musical instruments, radios, televisions and other electronic devices;

K. Recreational Vehicle campers, trailers, or motorized camping units are not permitted in any Town park;

L. Tent camping or cabin camping may be allowed in designated location(s) by reservation;

M. Parking at any park is permitted only in designated areas;

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N. Boat launching, at Onanda Park, by motorized vessels is prohibited between April 15 and November 15;

O. Launching of nonmotorized vehicle-top canoes, kayaks, paddle boards, windsurfing, and recreational sculling vessels at Onanda Park is permitted outside of the swim area(s), except when conditions exist in which the operator is unable to safely operate the vessel or when staff has directed no launching due to safety concerns;

P. Launching of all motorized fishing boats at Onanda Park shall only be from the boat ramp into the waters of Canandaigua Lake;

Q. Launching of non-motorized vessels, shall be permitted only from within the designated portion of the shoreline at Onanda Park located between the boat ramp and the fishing dock;

R. No motorized boats, or nonmotorized boats, or inflatable sit on or sit in devices, shall be allowed within the delineated swimming area, nor will they be allowed to interfere with the line of sight between the lifeguard chairs and people swimming in the designated swim area at Onanda Park;

S. Launching and loading/unloading of non-motorized vessels at Onanda Park will be limited to park patrons during the posted park hours of operation, sunrise to sunset year round;

T. No organized multi-boat event(s) for kayaking, canoeing, paddle boards, or other recreational sculling vessels will be allowed without permission from the Town Board;

U. The non-trailer unloading, loading and/or launching of nonmotorized vessels, shall only be permitted through the Onanda Park gatehouse entrance at West Lake Road (County Road 16), parking of trailers on the lakeside portion of Onanda Park is prohibited, all trailers are to be parked in the upland parking lot of Onanda Park;

V. All equipment for boats, including nonmotorized vessels, shall be stored either on top of or inside of vehicles when not in use. All nonmotorized vehicle-top vessels are to be hand carried or transported by a small carrier device. In no event shall small carrier devices be allowed to be stored on the lakeside

portion of Onanda Park while the nonmotorized vessel is being used;

W. Nonmotorized vessels, and associated equipment used in conjunction with cabin rentals shall be stored beside the cabin, away from the cabin entrance and behind the front of the cabin when not in use;

X. The fee for launching nonmotorized vessels, shall be included in the daily entrance fee or in the fee of a season pass;

Y. Persons not renting cabins at Onanda Park shall not leave their nonmotorized vessels, , overnight at Onanda Park;

Z. No vehicle will be permitted to trailer nonmotorized vessels, such as vehicle-top canoes, kayaks, paddle boards, or recreational sculling vessels, into Onanda Park;

AA. Consistent with New York State boating regulations, no minor child shall be allowed to use a nonmotorized vessel, unless accompanied at all times by an adult;

BB. Docking of nonmotorized vessels, at Onanda Park and the West Lake Road Schoolhouse Park is not permitted at any time, except in an emergency situation;

CC. Mooring of boats at Onanda Park and the West Lake Road Schoolhouse Park is not permitted within 100 feet of the shoreline;

DD. No fireworks are permitted on Town park property;

**DRAFT**

EE. Children 10 years of age or younger must be accompanied at all times by an adult at any Town park;

FF. Entry into the lake is permitted only within the designated swimming areas at Onanda Park and West Lake Road Schoolhouse Park and only when a lifeguard is on duty;

GG. The lifeguard on duty has the authority to enforce rules regarding the swimming area for the benefit and safety of all swimmers;

HH. Licensed fishermen may shoreline and/or stream fish year round except in the designated swim areas;

II.No peddling, selling or hawking is allowed without prior authorization;

JJ. Pavilions and ball fields must be reserved in advance;

KK. The Town Board reserves the right to require liability insurance, in an amount determined by the Town Board, for organized groups or events using the park facilities, buildings and grounds; and

LL. The Town Board may amend these rules and regulations, from time to time, by formally amending the provisions of this chapter.

MM. No entry is permitted into Onanda Park or School House Park from the waters of Canandaigua



Lake, unless receipt of a proper payment is presented to Town Park Staff upon request, per the Town Board's adopted fee schedule. Only nonmotorized canoes, kayaks, paddle boards, recreational sculling or similar nonmotorized vessels may be permitted. [Added 2-11-2019 by L.L. No. 2-2019]

**§ 152-7 Public conduct at all Town parks.**

No person shall:

- A. Injure, deface, disturb or befoul any part of any Town 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 the parks not in an approved park device;
- D. Bring into, leave behind or dump any material of any kind in the parks. All persons using the parks shall comply with established carry-in and carry-out procedures of the Town Parks and Recreation Committee.;
- E. Either within or next to any park, discharge into, throw, cast, lay, drop or leave in the lake, brook, stream, storm sewer or drain flowing into or through said park any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of brook, stream or the lake, interfere with the conservation of the natural resources of said 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 or parking lot within the park any vehicle at a rate greater than five miles per hour unless otherwise posted;
- G. Gamble in the park;
- H. Conduct themselves in such a manner as to:
  - (1) Endanger the life, limb or property of the other visitors to the park;
  - (2) Be suggestive of immoral acts.
- I. Loiter or remain within the park or any part thereof in a vehicle or otherwise after the posted closing hours at such park without general or special permission from the Town; and
- J. Operate any motorized vehicle, other than authorized maintenance or emergency vehicles, upon any Town park trail, hike-way or other Town property, beyond designated park roadways and parking areas;
- K. Be under the influence of a substance to the point of being a danger to themselves and/or other park users;

**DRAFT**

**§ 152-8 Use of sound-enhancing equipment at all parks.**

The following rules pertain to the use of amplifiers, speakers and/or other sound-enhancing equipment:

- A. Such devices are not allowed outside of any enclosed park building, in park pavilions or on the porch of Gorham Hall, on the decks of cabins, or on the deck of King Hall; and
- B. An internal sound amplification system to assist in various programs is permitted within Crouch Hall, Gorham Hall and King Hall, provided that such amplification does not exceed 55 dBA when measured at the nearest point of the park boundary.

**DRAFT**

**§ 152-9 Facility Alcoholic Beverage Permit**

The following rules pertain to the use, sale, distribution, or consumption of alcoholic beverages in Town of Canandaigua parks.

- A. Any organization(s) and their associated persons intending to provide, distribute, sell and/or consume alcoholic beverages in the Town parks must have a Facility Alcoholic Beverage Permit;
- B. Any organization(s) intending to sell or distribute alcoholic beverages, if applicable, shall have a permit or be associated with a permit from the New York State Liquor Authority;
- C. Alcoholic beverages are not permitted in Town parks without a Facility Alcoholic Beverage Permit and the rental of a Town park facility;
- D. Alcoholic beverage(s) is defined for this chapter as including: alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being;
- E. Facility Alcoholic Beverage Permit fee(s) will be set by the Town Board;
- F. Any organization making application for a Facility Alcoholic Beverage Permit in which alcohol will be sold shall provide proof of liability insurance for their organization or associated with their event to the Town;
- G. No person shall under the age of 21 years, possess, transport, or bring into any town park or recreation area any alcoholic beverage or beer;
- H. No person shall under the age of 21 years, consume any alcoholic beverage or beer in any town park or recreation area;
- I. No person shall become or be in an intoxicated condition while in any town park or recreation area;
- J. Any person found to become or be in an intoxicated condition while in any town park or recreation area may be subject to ejection and/or associated penalties as defined in this chapter and/or action(s) determined by law enforcement;
- K. The permitted principal contact or recipient of the Facility Alcoholic Beverage Permit shall be in the Town park facility designated associated with the permit at all times while alcoholic beverages are being distributed, sold, and/or consumed;
- L. The permitted principal contact or recipient of the Facility Alcoholic Beverage Permit shall be responsible for any and all damages associated with persons consuming alcohol associated with the Facility Alcoholic Beverage Permit;
- M. Non-observance of this section shall constitute a violation;

**§ 152-10 Town park opening and closing.**

The Town parks shall be opened and closed as provided by this chapter or resolution of the Town Board. The Town shall post, in a conspicuous manner on the perimeters of all Town parks, signs giving notice prohibiting trespass during the hours said parks are closed. Registered guests at Onanda Park, authorized persons associated with special events, and Town staff authorized per §152-11 are exempted from this section.

**§ 152-11 Enforcement.**

The following officials, in connection with their duties imposed by law, shall diligently enforce the provisions of this chapter:

- A. Town Parks and Recreation staff;
- B. Members of the New York State Police;
- C. Members of the Ontario County Sheriff's Department; and
- D. The Town of Canandaigua Code Enforcement Officer; and
- E. Town Manager and/or his designee(s).

**DRAFT**

**§ 152-12 Ejection and seizure of property.**

Town Parks and Recreation staff member(s), members of any law enforcement agency and those listed in the above section shall have the authority to eject from any park any person acting in violation of this chapter and park regulations posted at the park.

**§ 152-13 Penalties for offenses.**

The following penalties are hereby established for violations to these park rules and regulations:

- A. Violation of any provision or regulation of this chapter shall constitute a violation and be punishable by a fine not to exceed \$500 for each violation per day and/or restitution of damages and/or by imprisonment for a term of not more than 15 days, and/or by both such fine and imprisonment;
- B. The Town Board also determines that a violation of this chapter shall constitute disorderly conduct, and the person or persons violating the same shall be classified as a disorderly person or persons; and
- C. In addition to all other remedies, the Town Board may enforce obedience to this chapter by injunction.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: \_\_\_\_\_

(Seal)

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town of Canandaigua Town Board			
Name of Action or Project: Parks and Recreation Code Update			
Project Location (describe, and attach a location map): Town of Canandaigua			
The Town Board of the Town of Canandaigua is considering the adoption of a Local Law to execute a text code amendment to Town Code Chapter § 152 that would clarify language in the code including updating language pertaining to the Director of Parks and Recreation, a position that no longer exists in the Town’s Organizational Chart, and also would create a new section of the chapter, 152-9 which is designed to allow organizations renting the park venues to serve alcohol via a permit from the Town			
Name of Applicant or Sponsor: Town of Canandaigua Town Board		Telephone: 585-394-1120	
		E-Mail: sreynolds@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?             b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Doug Finch, Town of Canandaigua</u> Date: <u>3/15/2021</u></p> <p>Signature: _____ Title: <u>Town Manager</u></p>		