

Local Law Filing

9/15/16

(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

Local Law No. _____ of the year 20¹⁶

A local law Amend Chapter 152 Parks and Recreation

(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:

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

EXHIBIT "A"

SECTION ONE. The text of Town Code Chapter 152, Parks and Recreation, shall be replaced in its entirety with the following:

Chapter 152 Parks and Recreation

§ 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 recreational facilities and equipment, and make recommendations for capital budgets;
 - (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) 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. 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;
- B. 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;
- C. All park rules and regulations shall be posted; and
- D. 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;
- B. Park hours of operation at Town Parks shall be from sunrise to sunset, unless otherwise designated by the Town Board;
- C. The consumption of alcoholic beverages, including beer and wine and the bringing of such items into a park is not allowed;
- D. 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 pets 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
 - (3) 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.
- E. Fires are permitted in designated grills 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 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, trailers and RV units are not permitted in any Town park;
- L. Tent camping may be allowed at any Town Park with the written permission of the Director of Parks & Recreation;
- 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;
- O. Launching of nonmotorized vehicle top canoes, kayaks, paddle boards, and recreational sculling vessels at Onanda Park, is permitted except when conditions on the lake prohibit the Ontario County Sheriff's boat from launching;
- 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;
- Q. Launching of all motorized fishing boats at Onanda Park shall only be from the boat ramp into the waters of Canandaigua Lake;
- R. Launching of 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;
- S. No motorized boats, or nonmotorized boats 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;
- T. Launching and loading at Onanda Park will be limited to park patrons during the posted park hours of operation, sunrise to sunset year round;
- U. No organized, multiboat event(s) for kayaking, canoeing, paddle boards, or recreational sculling vessels will be allowed without permission from the Town Board;
- V. Unloading, loading and/or the 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);
- W. All equipment for boats, including nonmotorized vessels such as vehicles 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;
- X. 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;

- Y. 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;
- Z. Persons not renting cabins at Onanda Park shall not leave their nonmotorized vessels such as vehicle-top canoe, kayak, paddle boards, or recreational sculling vessel overnight at Onanda Park;
- AA. No vehicle will be permitted to trailer nonmotorized vessels such as vehicle-top canoes, kayaks, paddle boards, or recreational sculling vessels into Onanda Park;
- BB. 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;
- CC. 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;
- DD. Mooring of boats at Onanda Park and the West Lake Road Schoolhouse Park is not permitted within 100 feet of the shoreline;
- EE. No fireworks are permitted on Town park property;
- FF. Children 10 years of age or younger must be accompanied at all times by an adult at any Town park;
- GG. 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 Onanda Park or West Lake Road Schoolhouse Park from the waters of Canandaigua Lake;
- II. The lifeguard has the authority to create and enforce rules regarding the swimming area for the benefit and safety of all swimmers;
- JJ. 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;
- LL. No peddling, selling or hawking is allowed without prior authorization by the Town Board;
- MM. 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.

OO. Liability insurance, in an amount determined by the Town Board, may be required for groups using the park facilities, buildings and grounds; and

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

§ 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;
- 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.

§ 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 Town park opening and closing.

The Town parks shall be opened and closed as provided by 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.

§ 152-10 Enforcement.

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

- A. 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. Town of Canandaigua Code Enforcement Officer.

§ 152-11 Ejection and seizure of property.

The Director of Parks and Recreation, 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 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 be punishable by a fine not to exceed \$350 for each violation, or by imprisonment for a term of not more than 15 days, 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.

SECTION TWO. Severability. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

SECTION THREE. Effective Date. This local law shall take effect immediately upon its filing with the New York State Secretary of State.

DRAFT

(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 20¹⁶ of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board _____ on 20¹⁶, 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) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) 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) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

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) _____ (Name of Legislative Body) (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.

DRAFT

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

Date: _____

(Seal)