

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Monday March 1st, 2021, at 9:00 AM

Rev. 4/14/2021

MEETING REPORT

MEETING CALLED BY: GARY DAVIS

COMMITTEE MEMBERS: GARY DAVIS JOHN CASEY CHUCK OYLER
BOB HILLIARD

SECRETARY: KIMBERLY BURKARD

GUESTS: TERRY FENNELLY DOUG FINCH

PRIVILEGE OF THE FLOOR

Chair Davis opened the meeting at 9am.

COMMITTEE BUSINESS

- **Permeable Pavers**

- Mr. Davis proposes that Planning & Zoning Boards review paver use as there are only a few instances that would need to be reviewed.
- Mr. Casey and Mr. Finch suggested that the Environmental Conservation Board should be included in this discussion.
- Mr. Oyler notes that “porous pavement” is a generic term and can vary greatly. Details are needed in the design and construction of the pavement—which the applicant should be required to detail in their application. Mr. Fennelly suggests that this requirement be officially noted so the applicants will know of this requirement.
- Mr. Casey notes that the ZBA created precedent on permeable paving as a solution.
- Mr. Davis is hoping for Chris Jensen to bring their informed viewpoint on this topic to the April meeting. Committee is also looking for Kevin Obeny (sp?) to join in this discussion at the April meeting.
- Ordinance Committee decided to discuss this topic with the ECB Committee at the March 17th meeting.

- **Proposed Changes to Parks and Rec Code**

- Mr. Finch shared the proposed code updates to Chapter 152 Parks and Recreation with the committee. Code update document shared is as follows:

*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.

§ 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.

§ 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 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;

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 motorized fishing boats at Onanda Park is permitted only 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 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;

S. 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;

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 multi-boat event(s) for kayaking, canoeing, paddle boards, or other recreational sculling vessels will be allowed without permission from the Town Board;

V. The non-trailerred 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);

W. 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;

X. 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;

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

Z. Persons not renting cabins at Onanda Park shall not leave their nonmotorized vessels, , 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, unless accompanied at all times by an adult;

CC. 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;

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

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

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

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

LL. 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

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

NN. 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;

§ 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. 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).

§ 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.

- Mr. Finch covered all proposed changes to the code with the committee. He pointed out that many changes were required because the existing code specified a Director of Parks and the Town of Canandaigua now has the Town Parks and

Recreation Committee instead of this position. Wording was changed or struck to reflect current situation. Also many redundant definitions removed to improve readability.

- Committee agreed to strike section 152-6, item P in its entirety.
- Mr. Fennelly suggested noting in 152-6, item V that any trailers used for hauling any nonmotorized vessels be parked in the Uplands Parking Area at Onanda Park.
- Committee agreed to strike section 152-6, item GG in its entirety.
- Mr. Finch pointed out section 152-9, which is a new addition, is designed to allow organizations renting the park venues to serve alcohol via a permit (which will need to be created for this code addition) from the Town. The application for this permit will require the organization to have liability insurance and a permit from the NYS Liquor Authority to sell/distribute alcohol as well as following the outlined regulations.
- To speed up the process in order to get these code changes in place for the 2021 park season, the committee has approved the changes, as noted here, pending the additional updates agreed upon by the committee are made. The public hearing will be at the March 15th Town Board Meeting.

- **Billboard Signage Code**

- Tabled until the March 17 meeting.

Upcoming Meetings:

- **March 17th, 2021 @ 9:00 am <https://us02web.zoom.us/j/85864213663>**
 - **Permeable Pavers - Environmental Conservation Board invited to discussion.**
 - **Discussion on proposed changes to billboard sign code.**

Adjournment @ 10:15 am