

**LOCAL LAW NO. 2 OF THE YEAR 2014  
ADDING A NEW CHAPTER 135 ENTITLED  
“PARKS AND RECREATION AREAS”  
TO THE CODE OF THE TOWN OF HIGHLANDS  
AND AMENDING OTHER TOWN CODE  
PROVISIONS CONCERNING PARKS**

**BE IT ENACTED** by the Town Board of the Town of Highlands as follows:

**SECTION 1 – TITLE**

This Local Law shall be referred to as “A Local Law Adding a New Chapter 135 entitled ‘Parks and Recreation Areas’ to the Code of the Town of Highlands and Amending other Town Code Provisions Concerning Parks.”

**SECTION 2 – LEGISLATIVE PURPOSE**

It is the purpose and intent of this local law to provide for the protection, care and control of public parks and recreation areas in the Town and to regulate the conduct of persons using such facilities.

**SECTION 3 – ADDING A NEW CHAPTER TO THE CODE**

A new Chapter 135 entitled “Parks and Recreation Areas” is hereby added to the Code of the Town of Highlands to read as follows:

“Chapter 135: PARKS AND RECREATION AREAS

**Section 135-1. Purpose.**

This chapter is enacted to provide for the protection, care and control of public parks and recreation areas in the Town and to regulate the conduct of persons using such facilities.

**Section 135-2. Definitions.**

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

**PARK**

Includes all public parks, playgrounds, recreation areas and other facilities within the Town and under ownership of the Town or under control and supervision of the Town Board or Recreation Commission.

**SPECIAL EVENT**

Any activity or event conducted, sponsored or organized by a group other than the Town Recreation Department.

**Section 135-3. Use of parks.**

- A. The parks are for the enjoyment of Town of Highlands residents, guests and visitors for any proper purpose, subject to the restrictions set forth in this chapter.

- B. The use of parks by any person or persons shall be subject to the prior right of use by the Town Recreation Department while engaged in actual conduct of its recreational programs.

**Section 135-4. Rules of conduct.**

A person or group of persons shall, while upon any Park observe the following rules of conduct:

- A. No swimming, except in accordance with the rules at Long Pond Recreation Area.
- B. No open fires or flames of any sort.
- C. No cooking, except in cases where the Town has provided a grill for such purposes.
- D. Boating Regulations:
  - a. No powered boating (i.e. gas) on Garrison Lake;
  - b. No powered boating (i.e. gas) at Long Pond Recreation Area;
  - c. No powered boating (i.e. gas) on Brooks Lake.
  - d. No Jet Ski's or similar wave runners permitted.
- E. Private Groups must apply for permits in accordance with Section 135-5.
- F. All dogs must be kept on a leash except in such areas, if any, as may be clearly marked therefor by signs posted.
- G. No loud noise or amplified music.
- H. No motorized vehicles, except that properly licensed vehicles may be brought to designated parking areas, if any, using designated roads for that purpose.
- I. No overnight parking of any motorized vehicles or trailers.
- J. The speed limit, unless otherwise posted, shall be ten miles per hour.
- K. A Park shall not be used for any purpose during the hours that such facility is closed or when such facility or a part thereof is posted "Closed."
- L. A person shall not damage, deface, injure, destroy, remove or interfere with any property of the Town including plant life or wildlife.
- M. No alcoholic beverages except in accordance Chapter 68 of the Code of the Town.
- N. A person shall not bring in or dump upon, deposit or leave any bottles, broken glass, trash, garbage or other refuse, except in connection with the proper use of the property and placed in proper receptacles where provided for such matter, and, where receptacles are not provided, such matter shall be carried away by the person responsible for its presence and properly disposed of elsewhere.
- O. A person shall not post or other place any sign, placard or advertisement whatever, unless authorized by proper authority.
- P. A person shall not carry or possess firearms of any description, air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges of any kind or trapping device. Shooting into park areas from beyond park boundaries is forbidden.
- Q. A person shall not have in his possession or cause to be exploded or discharge any firecrackers, fireworks or similar thing.
- R. Bring golf clubs or similar equipment or use the same in any park facility.

- S. Disturb or interfere unreasonably with any person or persons occupying any area or participating in any activity under authority of a permit.
- T. Conduct himself in a disorderly or indecent manner or commit any indecent act or use profane, indecent or obscene language or gestures of interfere with or disturb any other person using or enjoying such facility.

**Section 135-5. Permits for special events.**

Permits shall be required for special events as follows:

- A. The person or persons seeking issuance of such a permit shall file an application, in writing, signed by the applicant, with the Town Board stating:
  - (1) The name and address of the applicant.
  - (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
  - (3) The day and the hours for which the permit is desired.
  - (4) The park and portion thereof for which such permit is desired.
  - (5) A reliable estimate of the anticipated attendance.
  - (6) The type of activity for which such permit is desired.
  - (7) The anticipated age group of the expected participants.
  - (8) The names and addresses of the adult persons who would supervise and be responsible for the proposed activity.
  - (9) Such other information as may be reasonably required.
  - (10) That the applicant is aware of §135-6 of this chapter and the rules of conduct in §135-4 and has or will advise all members of the applicant's group of the provisions on liability in said §135-6 and advise the group of the rules of conduct.
- B. Issuance of a permit shall be made by the Town Board based on the following criteria and may contain special conditions as appropriate:
  - (1) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
  - (2) The nature and character of the proposed activity or use of the park is not reasonably anticipated to incite violence, crime or disorderly conduct.
  - (3) The proposed activity or use of the park will not entail extraordinary or burdensome expense of police operation by the Town.
  - (4) The park area or facility desired has not been reserved for other use at the date and hour desired in the application and does not conflict with any other activity of the Town Recreation Department.

**Section 135-6. Liability.**

The person or persons to whom any permit is issued hereunder shall be fully liable for any and all loss, damage or injury sustained by any person whatever by reason of the willful misconduct or negligence of the person, persons or one of the group to whom such permit shall have been issued.

**Section 135-7. Observance of regulations.**

All persons obtaining a permit shall, in all respects, be required to observe the conditions this chapter and any regulations or promulgated pursuant hereto, as well as any special

conditions contained in the permit.

**Section 135-8. Operating procedures.**

- A. Park hours. Except for emergencies or another special reason, the various parks in the Town shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein and in the Town Hall for public information and shall be determined, from time to time, by resolution of the Town Board. If no opening or closing hours are established and posted as herein provided, parks shall open at 8:00 a.m. and close at sunset, except those parks which are publicly lighted, which shall open at 8:00 a.m. and close 15 minutes after the lights go out.
- B. Any part or the whole of any park may be closed to the public at any time and for such interval of times as may be reasonably necessary in the public interest. Such closing shall be accomplished by the posting of signs containing the word “Closed” and such other information as may be reasonably required to inform the public.

**Section 135-9. Compliance required.**

- A. The rules of conduct set forth in §135-4 of this chapter shall regulate the conduct of persons, as individuals or members of a group or groups of persons, and govern their use of parks, playgrounds or recreational areas of the Town.
- B. The Town Board may, by resolution, adopt provisions of a temporary nature inconsistent with the rules of conduct as set forth in §135-4 of this chapter.
- C. The Town Board may, by resolution, adopt provisions changing, supplementing or adding to the rules of conduct as set forth in §135-4 of this chapter, with a copy of the Rules of Conduct being available in the Town Clerk’s Office.

**Section 135-10. Penalties for offenses.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$250 for each offense or by imprisonment for a term not to exceed 15 days, or both.”

**SECTION 4 – AMENDMENT TO CHAPTER 68 ENTITLED “ALCOHOLIC BEVERAGES”**

Article I entitled “Brooks Lake Park” of Chapter 68 entitled “Alcoholic Beverages” of the Code of the Town of Highlands be and hereby is amended as follows:

- 1. Article I entitled “Brooks Lake Park” is hereby renamed “Town Parks”.
- 2. §68-1 entitled “Definitions” is hereby amended by the addition of a new definition for “PARK” to read as follows:

“PARK – Includes all public parks, playgrounds, recreation areas and other facilities within the Town and under ownership of the Town or under control and supervision of the Town Board or Recreation Commission.”

#### SECTION 5 – VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.