

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 Rockville Centre

Local Law No. 8 of the year 2015

A local law to amend the Code of the Village of Rockville Centre, in relation to
(Insert Title)
regulation of activities in Village parks.

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

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

of Rockville Centre **as follows:**

Section one. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new chapter, to be Chapter 241, to read as follows:

“Chapter 241. PARKS

§241-1. Definitions. Unless otherwise expressly provided, as used in this chapter the following words shall have the meaning herein indicated:

Adult. A person 18 years of age or older.

Board. The Village Board of Trustees.

Director. The Superintendent of the Village Department of Public Works.

Park or Parks. Includes all parks, playgrounds, athletic field and other recreation areas and facilities under the jurisdiction of the Village.

Person. An individual person or an entity.



§241-2. Applicability. Use of the parks in the Village shall be subject to the provisions of this chapter. All other provisions of this Code also shall be applicable except where expressly provided otherwise in this chapter, or where such other Code provision is inconsistent with a provision of this chapter; in the event of any inconsistency, the provisions of this chapter shall prevail.

§241-3. Regulations.

A. The Director may issue such regulations for the use of a park or parks as the Director shall determine to be appropriate for the protection of the public health, safety and general welfare. No such regulation may be inconsistent with any provision of this chapter. Each such regulation shall be deemed to be enforceable as if it were a provision of this chapter and set forth herein.

B. The Board of Trustees shall have authority, by resolution, to alter, amend or repeal any regulation issued by the Director pursuant to this chapter.

§241-4. Advertising. Except with the written permission of the Director or pursuant to regulation issued by the Director, no person shall post, distribute, cast or leave about any bills, placards, tickets, handbills, circulars, advertisements in any form or any other matter for advertising purposes directly in or in the immediate vicinity of any park.

§241-5. Alcoholic beverages. Except with the written permission of the Director or pursuant to regulation issued by the Director, no person shall bring into any park, nor consume or possess in any park with the intent to consume, any liquor, ale, beer, wine, spirits or other alcoholic beverages in a keg, case, can, bottle or other container.

§241-7. Smoking in parks. No person shall smoke or carry any lighted smoking substances, including but not limited to cigarettes, cigars, pipes and the like, in or at any park within the Village, except in designated smoking areas established by regulation of the Director.

§241-8. Animals. No person shall bring or harbor any animal in any park except as authorized by regulations with respect thereto as may be promulgated by the Director. A person owning or having custody of any animal shall not cause or permit such animal to enter or be in any park in violation of such regulations, nor shall such person commit any act in violation of such regulations.

§241-9. Bathing regulations. No person shall bathe, wade or swim, or engage in any aquatic or recreational activities, in any waters within any park except at such times and places, in



such proper attire, and in such time, place or manner, as authorized by regulation promulgated by the Director.

§241-10. Disorderly Conduct in a Park.

A. No person shall perform any act in violation of this chapter or any regulation lawfully issued pursuant to this chapter.

B. No person shall disobey a lawful order of a police officer, peace officer, law enforcement officer or any person authorized to enforce the provisions of this chapter, or any person employed in the Village Recreation Department in a supervisory capacity.

C. No person shall perform any act in violation of instructions on any park sign; throw stones or other missiles; interfere with, encumber, obstruct or render dangerous any drive, road, path, walk or area of a park; climb upon any wall, fence, shelter, cabana or other structure not intended as climbing apparatus; enter or leave any park area except at established entranceways or exits; introduce, carry or fire any fireworks; engage in, instigate, aid or encourage a contention or fight, whether or not a ring or prizefight; assault any person; spit on any walk, platform or stairway; or urinate or defecate except in public restrooms.

D. No person shall make or permit the making of excessive or unreasonable noise which would create a nuisance and prevent park patrons or residents of the area surrounding the park from participating in their usual activities.

§241-11. Fires.

A. No fire shall be permitted in any park except as authorized by the regulations promulgated by the Director or with the written permission of the Director.

B. Except as authorized by such regulations or written permission of the Director, no person shall kindle, build, maintain or use a fire anywhere within any park. Where a fire is authorized by such regulation or permission, each such fire shall be continuously under the care and direction of an adult from the time it is kindled until it is extinguished, and no fire shall be built within 10 feet of any tree or building, or beneath the branches of any trees or in any underbrush.

D. No person shall throw away or discard any lighted match, cigar, cigarette or other lighted object, and all such objects shall be deposited in suitable receptacles. No shall dump, lay or place or dispose of any hot coals, ashes or embers except in suitable receptacles.



§241-12. Fishing. Fishing is prohibited in any park area except where authorized by regulation promulgated by the Director or with the written permission of the Director.

§241-13. Games. The following activities are prohibited in any park except in areas where authorized by the Director: throwing or using any type of ball, bean bag, frisbee, knife, missile or other object; playing any ball game; flying any model aircraft of any size; engaging in kite flying or model boating; riding bicycles, scooters, go-carts, motor bikes, motorcycles, beach buggies or other such vehicles other than on roads; roller skating, skate-boarding; engaging in archery; using air rifles, pistols, BB guns or any type of firearm or other such device or instrumentality which may create a hazard to person or property or which may cause a nuisance or discomfort to any person.

§241-14. Loss, damage or theft. The Village is not responsible for loss, damage or theft of motor vehicles or other personal property brought into any park, unless said property is received by persons authorized by the Village and at designated facilities provided for that purpose under a written agreement with the Village, and in the event of receipt by such authorized person in no event shall the Village's liability exceed the sum of \$150. Persons checking clothing and parking motor vehicles as authorized herein do so at their own risk and without any liability on the part of the Village except as provided herein.

§241-15. Opening and closing. The regulations promulgated by the Director may include provisions with respect to the dates and times when any park is open to the public, and any such dates and times shall be posted at the park. No person shall be in any park without the written permission of the Director at any time when such park is closed to the public. The Director is authorized to pen or close any park at any time, in the sole discretion of the Director, for emergency, health or safety reasons.

§241-16. Payment of charges. Where a fee is applicable for the use of any park or any facility in a park, no person shall use or attempt to use or gain admittance to such park or facility unless such person first shall have paid any such charges or fees.

§241-17. Prohibition against use or landing of airborne vehicles. Except as authorized by regulation or written permission issued by the Director, no person shall voluntarily use or land any airborne vehicle, object or apparatus in any park.

§241-18. Protection of property. No person shall injure, deface, displace, remove, fill in, raze, destroy or tamper with any park property, drive, path or walk; take up, remove or carry away trees, shrubs, turf or other material; remove, deface or destroy any structure, building or any appurtenances connected with the park or any other property or equipment, real or personal owned by the Village or others under the jurisdiction and control of the Village.



§241-19. Refuse and garbage. No person shall take, carry, leave, throw, lay, drop, discard or in any manner discharge any cans, bottles, broken glass, refuse, garbage, rubbish or waste or debris into or on any park. All such materials shall be placed in receptacles provided for that purpose.

§241-20. Restrictions on taking photographs. Except as authorized by law or regulation, or with the written permission of the Director, no person shall take, cause to be taken, or assist to be taken any photograph or other visual or video record for commercial purposes.

§241-21. Structures, platforms, picnics, outings and special events. Except as authorized pursuant to regulation or with the written permission of the Director, no person shall erect any structure, stand or platform, hold any meetings, perform any ceremony, make a speech or address, give or exhibit any performance or form any parade or procession in any park, unless authorized by the Board or Director.

§241-26. Traffic control. In addition to any other applicable provisions of this Code, no person shall operate or park a vehicle in any park except as authorized by regulation promulgated by the Director, or by rule or regulation adopted by resolution of the Board of Trustees. It shall be unlawful for the operator of any to disobey the direction of any sign or marking relating to traffic control in any Village which shall be placed in accordance with any such provision, rule or regulation.

A. Except as otherwise posted, the speed limit applicable to any vehicle authorized to be operated in any park shall be 15 miles per hour.

B. Driving instruction of persons operating motor vehicles, motorcycles or minibikes, either under a New York State learner's permit or otherwise, is prohibited in all parks.

C. No person shall solicit for hire passengers in any park.

D. Hitchhiking is prohibited in any park.

E. Obstruction of traffic by vehicle or otherwise, except in case of emergency, is prohibited.

F. Exemption of emergency and municipally owned or leased vehicles and equipment. Nothing herein contained shall be construed to prohibit the standing, parking or operation of police or fire vehicles, ambulances and other emergency vehicles or government owned or leased vehicles and equipment when being operated or parked or otherwise used in connection with an emergency.

§241-27. Miscellaneous restrictions. Except where authorized by regulation or written permission of the Director:

A. no person under the age of 10 years shall be admitted to a park unless accompanied by an adult who shall assume full responsibility for his or her safety and conduct.



B. no person shall use park property for business or professional purposes, including the sale or offering for sale of any goods or the rendering of or offer to render any service for a fee or for the purpose of soliciting alms or contributions.

§241-28. Unhygienic activities. No person shall use any water fountain, drinking fountain, sprinklers, reservoir, lake or any other water contained in a park for the purpose of washing or cleaning any person, or the clothing or personal belongings of any person. This section shall not apply to those areas or facilities within a park which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, wash basins, etc.); provided, however, that no person shall wash clothes or personal belongings in such areas, nor shall any person who has not been using a facility in a manner authorized by this chapter for park or recreational purposes use a shower room or other facility for personal hygiene purposes.

§241-29. . Penalties for offenses.

A. Any person found to violate any of the provisions set forth in this chapter, or any regulation issued by the Director pursuant to this chapter, shall be guilty of a violation punishable by a fine as provided herein. In addition, where such violation results in damage to the property of any person, a person found to have committed such violation may be required to make restitution in whole or in part to the owner of such property.

B. Each offense against any provision of this chapter or such regulation shall constitute a separate violation.

C. Upon conviction of an offense as provided herein, a person shall be subject to the following fine:

(1) A first offense within any period of ninety days shall be punishable by a fine of not less than \$50 nor more than \$250 or by imprisonment for a period not exceeding 5 days for each offense, or by both such fine and imprisonment;

(2) A second offense within such period of ninety days shall be punishable by a fine of not less than \$100 nor more than \$350 or by imprisonment for a period not exceeding 10 days for each offense, or by both such fine and imprisonment;

(3) Each additional offense within such period of ninety days shall be punishable by a fine of not less than \$150 nor more than \$500 or by imprisonment for a period not exceeding 15 days for each offense or by both such fine and imprisonment.

Section two. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such



repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law. Notwithstanding the foregoing, any existing rule or regulation regarding activity in Village parks, as promulgated by the Director of the Village Recreation Department or any other Village official or body or as currently displayed at any Village park or recreation facility, is hereby adopted and reaffirmed as a valid rule or regulation until amended, superseded or repealed by a rule or regulation adopted pursuant to this local law.

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

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

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

(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. 8 of 2015 of the ~~(County)(City)(Town)~~(Village) of Rockville Centre was duly passed by the Board of Trustees on October 6, 2015, in accordance with the applicable *(Name of Legislative Body)* 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 *(Elective Chief Executive Officer*)* 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, 1 above.

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

(Seal)

Date: October 6, 2015

