

CHAPTER 41

PARKS AND RECREATION

ARTICLE I

SCOPE AND DEFINITIONS

§41.1 **Scope**

The rules and regulations as set forth herein shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Board of Trustees and the Park Commission of the Village of Avon.

§41.2 **Definitions**

For the purpose of this chapter, the terms used herein are defined as follows:

1. "Park or parks" shall mean all parks, grounds, commons or other recreational areas and waters therein under the jurisdiction of the Board of Trustees or the Park Commission of the Village of Avon, together with all buildings and appurtenances thereon or therein, which now or hereafter may be maintained, operated or controlled by the Village of Avon for public park purposes.

2. "Vehicle" shall mean every device in, upon or by which a person or property is or may be transported or drawn upon a highway.

3. "Person" shall mean any individual, firm, partnership, corporation or association of persons and the singular number shall include the plural.

ARTICLE II

GENERAL REGULATIONS

§41.21 **Restricted hours**

No person or vehicle shall be permitted to remain, stop or park within the confines of the park between the hours of 10:00 p.m. and 6:00 a.m., prevailing local time in the Village of Avon, except in emergency or with special permit of the Park Commission. In case of an emergency or when in the judgment of the Park Commission the public interest demands it, any portion of the park may be closed to the public or to designated persons until permission is given to reopen.

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§41.22 **Prohibited conduct**

A. No person shall congregate with other persons in a public place in such a manner as to interfere with the use of the premises by other persons and refuse to comply with a lawful order of the police or the Park Commission to disperse or leave the park.

B. No person shall beg, hawk, peddle or solicit within any park except as hereinafter provided.

C. No person shall use obscene, profane or abusive language while in the park.

D. No person shall loiter in or near toilet buildings so as to interfere with the use of the premises by

other persons.

§41.23 **Acts requiring written permission**

No person shall permit any of the following acts within said parks without written permit from the Park Commission or some other person duly authorized to act for said Commission:

A. Post or display any sign, banner, advertisement of any kind within the park, or play any music or keep or offer any article for sale, except as otherwise provided by law, or solicit passengers for hire, and then only subject to such rules as shall be prescribed by said Park Commission.

B. Make any public speech, oration or harangue; hold any public meeting or engage in marching, drilling or driving as members of a military, political or other organization; conduct any funeral procession or vehicle containing the body of a deceased person; use any loud-speaker or other sound amplifying equipment.

C. Picnic or cook in any area not designated by the Park Commission for that purpose; make or kindle any fire, except in places provided therefor, and then subject to such regulations as may be prescribed. Write, paint or carve on any tree, bench or park structure; sleep, camp, lodge or reside in any park building, except in such places as designated for said purposes by the Park Commission. Carry, fire or discharge any gun, pistol or firearm, nor carry any rocket, torpedo or other fireworks of any description, nor use any bow or arrow.

D. Ascent or land with any aircraft, including gliders, balloons and parachutes, nor engage in stunt flying or parachute landing.

E. Construct, repair or relocate utility fixtures such as sewers, hydrants, posts, lines or conduits or open trenches or make excavations or engage in any construction in or on park lands.

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F. Carry any flowers or shrubs, slingshots, axes, saws, shovels or spades within the parks; violate the regulations of the Park Commission relating to any building or place; damage any notice posted by order of the Park Commission; cut park road curbs for private drives; locate, grade or construct paths, driveways and roadways across or along any park road; deposit materials in or upon any park or park road.

§41.24 **Games regulated**

No person shall engage in potentially dangerous games involving thrown or propelled objects, such as footballs, baseballs, horseshoes, roller skates, golf balls or similar objects, except in areas designed for such usage, and then only subject to such rules as may be prescribed by the Park Commission. All games of any description must be conducted in a safe and orderly manner and no rough or boisterous practices shall be allowed. No one shall play games for which a permit or fee is required without first obtaining such a permit and paying such fee.

§41.25 **Hunting, fishing and trapping wildlife**

No person shall take or attempt to take any fish from or send or throw any animal or thing into a pond or any of the waters of the parks, except with permission of the Park Commission and excepting that fishing may be permitted in season in certain park waters designated by the Park Commission. No person shall kill, injure or unnecessarily disturb any fish, waterfowl, birds or animals in any park. No person within the confines of any park shall hunt, pursue with dogs, traps or in any other way molest any wild bird or animal found within the confines of any park or rob or molest any bird nest or take eggs of any bird.

§41.26 **Preservation of property and natural features**

No person shall injure, deface or befoul any part of any park nor any building, sign, equipment or other property found therein; nor shall any tree, flower, shrub, rock or other mineral be removed, injured or destroyed.

§41.27 **Littering, rubbish and garbage disposal**

A. No person, without the specific written consent of the Park Commission, shall bring into, leave behind or dump any material of any kind in the park, except the refuse, ashes, garbage and other material of a picnic, camp or other permitted activity, and such materials shall be deposited in receptacles or pits provided for such purpose. Refuse shall not be dropped, thrown or scattered on park property. Cans, bottles or other glassware or metallic substances containing sharp edges shall be deposited in park receptacles.

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B. No person shall, either within or outside of any park, discharge into, throw, cast, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through any park, any substance, matter or thing, either liquid or solid, which may pollute or result in the pollution of said river, brook or stream within the park; or interfere with the conservation of the natural resources of any park or endanger the health of said visitor in any park.

C. No person shall abandon any motor vehicle or other equipment or property of any kind in any park.

§41.28 **Alcoholic beverages**

No person shall within the Village of Avon possess, drink or otherwise consume liquor, wine, beer or other alcoholic beverages while such person is in or upon any public park without the prior written consent of the Board of Trustees. [Amended by Local Law #7, 9/31/86]

§41.29 **Dogs, cats and household pets**

No person shall bring into, permit, have or keep in any parks any dogs, cats, household pet or other animal destructive to birds and other wildlife, except that dogs and cats are permitted if held in proper control by a leash or suitable confinement.

§41.30 **Horseback riding**

Horseback riding is permitted only on roadways or designated areas and only on condition that the horses are ridden with care and under such control that they can be easily or quickly turned or stopped.

No person shall permit any horse to stray unattended or to graze within any park. No person shall ride horseback in any park after dark or before daybreak. No person shall smoke while mounted on horseback in any park.

§41.31 **Bicycles**

Riders of bicycles shall comply with the rules for the regulations of other vehicles and in addition thereto shall be subject to the following regulations:

1. No person shall ride a bicycle upon the lawns, walks or foot trails of the park.
2. Riders shall proceed in the extreme right-hand lane of park roads at all times in single file only.

3. No rider shall take both hands off the handles or steering mechanism or ride recklessly in any other manner.
4. A bicycle shall not be towed by rope or otherwise or shall any rider hold onto any moving vehicle for the purpose of being drawn along.
5. No bicycle shall be pushed upon any park or park road where an adjoining foot walk is available.
6. Infants, children or extra passengers shall not be carried on bicycles, except in specially designated seats.
7. Children under the age of twelve (12) riding small bicycles with wheels less than twenty (20) inches in diameter may use the foot walks.
8. Whenever possible bicycles shall be parked in places provided for such purpose.

§41.32 **Snowmobiles, off-road and limited use vehicles**

- A. No person shall operate any snowmobile within any park. A snowmobile shall be defined as any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts and cleats.
- B. No person shall operate any motor powered off-road or limited use vehicle in any part of any park.

§41.33 **Traffic regulations**

- A. No person shall drive any automobile, motorcycle or other vehicle in any part of any park except on the park roads and parking areas or permit the same to stand upon the park roads or any part thereof so as to congest traffic or obstruct any park road. Paths established as bridle paths, foot paths or bicycle paths shall not be used for any other vehicular traffic.
- B. Vehicle for hire not to stand in parks; exception.

No person shall cause any taxi, bus, limousine or other vehicle for hire to attend upon any part of any park for the purpose of soliciting or taking passengers or persons other than those carried to the parks by said vehicle.

- C. Duty of vehicle operators to comply with Vehicle and Traffic Laws.

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It shall be the duty of every person operating an automobile, motorcycle or other motorized vehicle within any park to comply with the New York State Vehicle and Traffic Law; Chapter 60 of the Village of Avon Municipal Code entitled "Vehicle and Traffic" and with all orders, direction and regulations issued by traffic officers or officially displayed on any post, standard, sign or device installed for the regulation of traffic.

- D. Speed of vehicles.

No vehicle shall be operated on any park road in any park at a speed exceeding 15 miles per hour, unless otherwise posted.

F. Posting of signs.

The Park Commission shall erect suitable signs on all park roads hereinafter restricted as to parking, which signs shall indicate the limitations on parking and shall indicate where no parking shall be allowed at any time.

G. Reckless driving.

No person shall operate a vehicle along or over any park road to drive within any park in a reckless manner or without due regard for the safety and the rights of pedestrians and drivers and occupants of all other vehicles so as to endanger the life, limb or property of any person while in the lawful use of park roads.

H. Drag racing.

No person shall participate in a drag race upon any park road or park property. "Drag racing" is defined as the operation of two (2) or more vehicles from a point, side by side, at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course from the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two (2) or more vehicles, side by side, either at speeds in excess of permitted speeds on park drives or rapidly accelerating from a common starting point to a speed in excess of such permitted speeds, shall be prima facie evidence of drag racing.

I. Driving vehicles in unsafe condition.

No person shall drive or move, or cause or knowingly permit to be driven or moved, within the park any vehicle or combination of vehicles which is in an unsafe condition so as to endanger any person.

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J. Spotlights.

No person shall use or shine spotlights, or unnecessarily or continuously shine automobile headlights on to park lands, except under the supervision of a police officer or park employee, or where necessary for the preservation of life or property.

§41.34 **Parental responsibility**

No parents, guardians or custodians of any minor shall permit or allow him or her, as the case may be, to do any act which would constitute a violation of this chapter.

§41.35 **Rules and regulations**

A. The Park Commission is authorized to promulgate rules and regulations concerning the activities described in this law; such further rules and regulations as may be necessary to effectuate or implement the provisions of this law; and such additional rules and regulations as may be authorized or directed by the Board of Trustees.

B. All rules and regulations promulgated by the Park Commission hereunder shall be approved by the Board of Trustees.

C. Reasonable efforts shall be made by the Park Commission to reproduce, post, make available, distribute and publicize all rules and regulations hereunder. Where practicable, such rules and regulations shall be included as appendices to this law.

§41.36 Compliances with orders of park personnel and policing agencies

A. No person shall fail or refuse to comply with any reasonable order relating to the regulation of activities hereunder or the enforcement of provisions of this law, lawfully given by the Park Commission, park personnel or any law enforcement officer or other official of any policing agency having jurisdiction.

B. No person shall willfully resist, obstruct or abuse duly authorized agents of the Park Commission, parks personnel or any law enforcement officer or other official of any policing agency having jurisdiction in the execution of their offices and duties.

§41.37 Powers of law enforcement officers

A. Any law enforcement officer may, without warrant, arrest any person who has violated any of the provisions of this law and take the person so arrested forthwith before a magistrate having competent jurisdiction.

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B. Any law enforcement officer shall have the right at all times to enter the premises of any building, structure or enclosure in any park including such grounds, building, structures or enclosures occupied or used pursuant to a permit hereunder for the purpose of arresting violators hereof and may use all necessary means to attain that end.

C. Law enforcement officers are authorized to request the production of a driver's license or other identification in enforcing this law.

§41.50 Penalties

Any person who shall violate any provision of this chapter shall be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

Historical Note

Chapter 41 was re-enacted by Local Law #1 of 1986 on January 21, 1986 and filed in the Office of the Secretary of State on April 29, 1986. It was originally designated as Local Law #3 of 1985.

Cross-references:

Alcoholic beverages; consumption in public places. §65.31 - §65.35
Consumption of alcoholic beverages in certain public places. §65.32
exceptions as to Avon Driving Park and Five Arch Bridge Park. §65.33(A)
permits. §65.33(B)
Discarding containers. §65.34
Open containers in vehicles. §65.35
Prohibited. §65.32(A)
exceptions. §65.33

References:

Duty to supervise. While City has duty of general supervision of its playgrounds which it holds open to the public, it need not provide specific and immediate supervision of playground facilities. The City cannot be held liable where six year old infant was injured while using "baby swing" which was not defective. *Nichter v. City of Buffalo*, 74 AD2d 996 (7); 427 NYS2d 101
Liability. A municipality owes to those who use its parks a duty of ordinary care against foreseeable danger. Municipality could properly be held liable where it was established that City was aware of proximity of railroad tracks and pathways in park to tracks, that City did not fence playground or supervise us or take other reasonable precaution to prevent children from going on tracks. *Leone vs. City of Utica*, 49 NY2d 807; 426 NYS2d 980; 403 NE2d 964
Trusts for public parks. Gen Mun L §140