

## **ORDINANCE #38**

### **ORDINANCE FOR REGULATION OF PARKS AND BEACHES IN THE TOWN OF BOLTON, NEW YORK**

ADOPTED: JULY 12, 1983  
PUBLISHED: JULY 18, 1983  
EFFECTIVE: JULY 28, 1983

AMENDED: APRIL 7, 1987  
PUBLISHED: APRIL 17, 1987

AMENDED: JULY 24, 1987  
AMENDED: SEPTEMBER 3, 1991

AMENDED: AUGUST 10, 1989  
AMENDED: MAY 2, 1995

AMENDED: JULY 2, 1996

AMENDED: OCTOBER 1, 1996  
PUBLISHED: OCTOBER 12, 1996  
EFFECTIVE: OCTOBER 22, 1996

AMENDED: MAY 11, 1999  
RESCINDED: DECEMBER 7, 1999  
2006

AMENDED: SEPTEMBER 5, 2006  
PUBLISHED: SEPTEMBER 11, 2006  
EFFECTIVE: SEPTEMBER 21,

AMENDED: JUNE 2, 2009 (§15.2)

See the end of this ordinance for adopted resolutions that did not require a public hearing.

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#### **1. LEGISLATIVE INTENT.**

The purpose of this ordinance is to ensure the safety, comfort and convenience of the public in their appropriate uses of parks and beaches in the Town of Bolton.

#### **2. DEFINITION.**

The term parks and beaches as used in this ordinance shall include Rogers Park, Veterans Park, Bolton Free Library property, Bolton Museum property, and the Conservation Park property.

#### **3. ANIMALS PROHIBITED.**

Dogs and cats shall be prohibited within the Town Parks. It shall be unlawful for any person to bring or possess any animal or reptile, except seeing eye dogs, leashed or otherwise, within any Town Park at anytime.

**4. VEHICLES PROHIBITED.**

Buses, omni-buses, campers, trailers, mobile homes, and trucks, except trucks in the pick-up class, are prohibited within the confines of any park, except where specifically designated as otherwise, and except in the exercise of governmental functions and in the case of a bona fide emergency.

No vehicles, motorcycles, motor scooters, mopeds, minibikes, all terrain vehicles, bicycles, except wheel chairs, allowed within any beach or swimming area.

Parking of vehicles in other than designated areas is prohibited.

Overnight parking of vehicles is prohibited between the hours of 11:00p.m. and 7:00 a.m.

**5. STANDING ON BENCHES AND WALLS PROHIBITED.**

It shall be unlawful to stand on or climb on, or deface any bench, picnic table, bandstand, fence, wall or other structure, except in the exercise of governmental functions. This shall not include authorized personnel in the performance of their duties.

**6. PERFORMANCES PROHIBITED EXCEPT BY PERMISSION.**

A. It shall be unlawful to conduct performances of any nature whatsoever, including, but not limited to, concerts, dramas, shows, parades, drills, reviews and speeches, within any park or beach except upon first obtaining permission from the Town of Bolton.

B. Request for permission must be made as prescribed by the Town of Bolton, and must be made far enough in advance to allow sufficient time for processing. Denial may be made when it is deemed reasonable and necessary to protect the public welfare.

**7. OCCUPATION OF PARKS AND BEACHES IS PROHIBITED DURING CERTAIN HOURS.**

It shall be unlawful to occupy any beach or park area, museum or Library property between the hours of 11:00 p.m. and 7:00 a.m. unless granted special permission by application to the Town.

Vehicular traffic is prohibited within Rogers Park between the hours of 11:00 p.m. and 7:00 a.m.

**8. BATHING ATTIRE REQUIRED.**

It shall be unlawful for any person to use the beach or swimming area unless he/she be clothed in at least a bathing suit or similar attire.

**9. PLAYING OF GAMES ON BEACH PROHIBITED.**

It shall be unlawful to engage in or conduct any ball game or other game or activity that might inhibit, endanger or disturb users of the swimming area, beach or park, except in designated areas.

**10. PICNICKING.**

Picnicking is allowed in areas designated as “picnic areas”. Fires for cooking are allowed in the fireplaces and grills presently provided by the Town and in privately owned grills, providing that any residue from them is properly disposed of.

**11. FIREARMS AND OTHER WEAPONS PROHIBITED.**

No person shall have in his possession or control any rifle, shotgun, pistol or any firearm, slingshot, pellet gun, air rifle, knife, bludgeon or other dangerous weapon within the boundaries of any park or beach, provided that this rule shall not apply to any law enforcement officer in the performance of his duties.

**12. SWIMMING, BATHING AND WADING.**

A. Swimming, bathing and wading are permitted only in those areas designated for that purpose.

B. Swimming, bathing and wading are not allowed when lifeguards are not on duty.

C. No person shall swim, dive or enter the waters of any Town swimming area while wearing or carrying air or gas tanks for the purpose of underwater breathing in the activity commonly known as “skin or scuba diving”.

Sub-div.: C. shall not apply to any law enforcement agency, rescue squad or other authorized emergency service while in the performance of a bonafide emergency service.

D. Children under the age of eight (8) years old must be accompanied by an adult or other responsible guardian.

**13. BOATING, LAUNCHING AND DOCKING OF BOATS.**

A. Boating shall be permitted only in designated areas. Boating in any bathing area is prohibited.

B. Launching of and retrieving of boats at any Town park or beach is prohibited.

C. Docking of boats at any Town dock is prohibited between the hours of 11:00 p.m. and 7:00 a.m., except in a bonafide emergency. All night parking of boats at any Town dock or beach and all night mooring is prohibited.

**14. ADVERTISING.**

Posting, distributing, casting, or leaving about any bill, placard, tickets, handbills, circulars,

advertisements in any form or any other matter for advertising purposes directly in or in the immediate vicinity of any park or beach is prohibited.

#### **15.1 ALCOHOLIC BEVERAGES.**

A. Notwithstanding any other provision of law to the contrary, alcoholic beverages may be consumed within the parks only in the areas designated as picnic areas providing said consumption is reasonable and not to the extent of intoxication. There shall be no consumption of alcoholic beverages of any kind whatsoever within the parks from 11:00 p.m. until 7:00 a.m.

B. The use of “kegs” and/or “beer bubbles” or “beer balls” shall be permitted providing compliance with Section 6B has been met and consumption complies with above Subdiv. A.

#### **15.2 TOBACCO USE PROHIBITED**

It shall be unlawful for any person to utilize any tobacco product, including but not limited to, cigarettes, cigars, chewing tobacco and pipes, on any beach area within the park.

#### **16. LITTERING.**

It shall be unlawful to dispose of any cans, bottle, papers or other trash within the parks, except in the proper trash containers.

It shall be unlawful to possess any can, bottle or other container on any beach within the park.

#### **17. DEFACING OF PUBLIC PROPERTY IS PROHIBITED.**

It shall be unlawful for any person to deface any public buildings, monument, bandstand, walls, fences, trees, bushes, shrubs, benches, tables or other Town property by cutting, painting, scratching or removal of same.

#### **18. VENDING AND SOLICITING.**

A person shall not use park property or streets within park property for business or professional use involving the sale of any goods or rendering of any service for a fee or for the purpose of soliciting of alms or contributions, without first obtaining permission as provided by Section 6B of this ordinance.

#### **19. RESPONSIBILITY FOR LOSS, DAMAGE OR THEFT.**

The Town of Bolton will not be responsible for loss, damage or theft of personal property brought into any park or beach.

20. **ENFORCEMENT.**

The Town of Bolton Police Department or other law enforcement agency shall see to the enforcement of all ordinances and regulation related to the parks and beaches.

21. **PENALTIES FOR OFFENSES.**

Every violation of this ordinance shall constitute an offense, as defined by Section 10.00 of the penal law of the State of New York, and shall be punishable by a fine not more than FIFTY DOLLARS (\$50.00).

22. **SEVERABILITY.**

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional.

23. **WHEN EFFECTIVE.**

This ordinance shall take effect ten (10) days after publication in the official newspaper of the Town of Bolton as provided by Local Law.

24. The Town Board shall have the authority from time to time to amend or change by resolution the rules and regulations duly enacted relating to the parks and beaches in the Town of Bolton.

25. All the rules and regulations regarding the Parks apply to the Museum property and the Bolton Free Library property.

26. An appropriate sign shall be placed at all parks and beaches in the Town of Bolton providing to the public notice that the premises are closed between the hours of 11:00 p.m. and 7:00 a.m.

**RESOLUTION #162 July 1, 1997**

No person shall engage in unruly, disorderly or harassing conduct at any time.

**RESOLUTION #100 OF 1999 AMENDED UNDER SECTION 3: TO EXEMPT HORSES FROM THE PROHIBITION WHEN ASSOCIATED WITH COMMERCIAL CARRIAGE RIDES.**

**RESOLUTION #277 OF DECEMBER 7, 1999**

Rescind Resolution #100 of 1999 which amended our Park Regulations to allow for horses in the park.

**RESOLUTION#139 OF AUGUST 5, 2003**

To include Conservation Park Property as a regulated park or beach and specifying the hours of closure of parks and beaches from 11:00 p.m. and until 7:00 a.m. unless granted otherwise by special permission.

**RESOLUTION#165 OF SEPTEMBER 2, 2003**

To change all the times within the ordinance to read the same.: Vehicular Traffic, Beverage consumption and overnight parking of vehicles and docking of boats to now read that it is not allowed between the hours of 11:00 p.m. and 7:00 a.m.

**RESOLUTION #196 OF AUGUST 23, 2005**

To adopt a resolution that says “Feeding the wildlife” is against the Rules and Regulations of Ordinance #38 “Ordinance for Regulation of Parks and Beaches in the Town of Bolton” and to have signs put up to inform park visitors.