

REVISED ORDINANCE #38

TOWN BEACHES, TOWN PARKS and SHORELINE ACCESS

POINTS

1. **LEGISLATIVE INTENT**

The purpose of this Revised Ordinance #38 is to protect public safety as well as to promote the comfort and convenience of the public in regulated appropriate uses of public parks, public beaches and shoreline access points situated in the Town of Bolton.

2. **DEFINITION**

A) Town beaches as used in this Ordinance #38 shall include those properties known as Rogers Park and Veterans Park.

B) Town Parks as used in this Ordinance shall include those properties known as the Bolton Museum property, and the Bolton Community Center Conservation Park property.

C) "Shoreline Access Point" as used in this Ordinance #38 shall pertain to an area where an existing public right of way terminates at the lakeshore affording emergency service access to and from the lake, however, such locations are recognized as providing historical opportunities for informal swimming, sun bathing and similar beach amenities however, no specific services amenities from the Town of Bolton that are intended to create or be considered as an official Town beach.

3. **ANIMALS PROHIBITED**

Dogs, cats and household pets shall be prohibited within the Town parks, Town beaches and shoreline access points. It shall be lawful for any person to bring or possess any animal in a Town park or at a Town beach where such animal that has been qualified as a therapy animal in accordance with New York State statute or regulations.

4. **VEHICLES PROHIBITED EXCEPT AS DESIGNATED**

A. Buses, omni-buses, campers, camping trailers, motor homes, boat trailers and trucks (except trucks in the pick-up class) shall be prohibited within the environs of any Town park, Town beach or at a “shoreline access point” except in furtherance of the exercise of governmental functions or in the case of a bona fide emergency. Handicapped vehicle access and public parking in association with park uses, beach uses or shoreline access point uses shall be designated by the Town Board.

B. Within Town beach areas, including beach area designated for swimming all motorized vehicles, including personal watercrafts, jet skis or similar motorized contrivances shall be prohibited.

C. The Town Board by resolution shall designate public parking spaces. The parking of motor vehicles in a place other than a designated areas shall be prohibited. Overnight parking of any motor vehicles between the hours of

11:00 p.m. and 7:00 a.m. in any Town park, at any Town beach or at any public “shoreline access area” shall be prohibited.

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

It shall be unlawful to stand on or climb upon, or deface any bench, picnic table, bandstand, fence, wall, sign or any other structure at a Town park, Town beach or “shoreline access point”. This prohibition shall not be construed to limit authorized personnel in the performance of their official duties.

6. **PERFORMANCES PROHIBITED EXCEPT BY PERMISSION**

A. It shall be unlawful to conduct a public performance of any nature whatsoever, including, but not limited to, concerts, dramas, shows, parades, drills, reviews or speeches, within any Town park or at any Town beach unless permission from the Town Board of the Town of Bolton has been granted for such purpose in advance.

B. Request for Town Board permission shall be made as prescribed by the Town of Bolton, and must be applied for far enough in advance to allow sufficient time for consideration of the request and a review by the Town Board. Denial of any application to such purpose shall be appropriate when it is deemed in the sound discretion of the Town Board as reasonable and necessary to protect the public welfare and safety in the community.

7. **OCCUPANCY IN TOWN PARKS, AT TOWN BEACHES OR AT PUBLIC “SHORELINE ACCESS POINTS” PROHIBITED BETWEEN CERTAIN HOURS**

A. It shall be unlawful for any person to occupy any Town beach, Town park, Bolton Community Center Conservation Club property, Town of Bolton Museum, or any “shoreline access point” property between the hours of 11:00 p.m. and 7:00 a.m. unless such occupancy has been authorized by special permission granted by the Town Board.

B. Motor vehicular traffic shall be prohibited within Town parks, Town beaches and “shoreline access points” between the hours of 11:00 p.m. and 7:00 a.m.

8. **BATHING ATTIRE REQUIRED**

It shall be unlawful for any person over the age of three (3) years old to bathe, swim, suntan or to otherwise be present at a Town beach, Town park or “shoreline access point” while naked.

9. **DESIGNATED AREAS FOR ORGANIZED SPORTS AND GROUP ACTIVITIES**

Except as may be provided in any designated areas in a Town park or at a Town beach, it shall be unlawful to engage in or conduct an organized sport or group activity that may endanger or disturb users of a park area or a swimming area at any Town beach, Town park or shoreline access point.

10. **PICNICKING AND COOKING FIRES OR GRILLS**

Where the Town Board has designated and provided “picnic areas” and picnic tables, such amenities shall be available on a “first come first served basis”. In designated “picnic areas” in any Town park cooking fires shall be limited to the fireplaces or grills that are provided by the Town. Use of a privately owned barbecue grill in a designated picnic area in any Town park shall be permitted. Under no other circumstance shall cooking fires or campfires be permitted in Town park, Town beaches or at “shoreline access points”.

11. **FIREARMS, WEAPONS, FIREWORKS PROHIBITED**

No person shall have in their possession or control any rifle, shotgun, pistol or any firearm, slingshot, pellet gun, air rifle, hunting knife, machete bludgeon or other dangerous weapon or fireworks within the boundaries of any

Town park, Town beach or at “shoreline access points”. This prohibition shall not apply to any law enforcement officer in the performance of his or hers official duties.

12. **SWIMMING, BATHING AND WADING AT TOWN BEACHES**

A. Swimming, bathing and wading are permitted only in those areas designated by the Town Board as a Town beach for such purpose.

B. Swimming, bathing and wading shall not be permitted at a Town beach at any time when lifeguards are not on duty.

C. No person shall swim, dive or enter the waters of any Town beach swimming area while wearing or carrying air or gas tanks for the purpose of underwater breathing in the activity commonly known as “skin diving or scuba diving”. Such prohibition shall not apply to any law enforcement agency,

rescue squad or other authorized emergency service while in the performance of a bonafide emergency service or official training exercise.

D. Children under the age of twelve (12) years old must be accompanied by an adult or other responsible guardian at a swimming area in the Town beach at all times.

E. Only those swimming aides or floats that are U.S. Coast Guard approved shall be allowed in a swimming area at a Town beach and the determination as to whether a swimmer will be allowed to use a swimming aide or float shall be in the discretion of the lifeguard on duty.

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

A. Boating shall be permitted only in designated areas at a Town beach and prohibited in any swimming area.

B. Launching of and retrieving of vessels of any kind and nature at any Town park or Town beach shall be prohibited, however, this prohibition shall not be construed to prohibit the personal launching of a non-motorized canoe,

kayak or similar non-motorized personal vessel transported to launch by a cartop carrier, or in the bed of a pick-up truck and similar retrieval. The group launching of six (6) or more non-motorized personal vessels, canoes or kayaks from trailers at a Town beach, Town park or a shoreline access point shall require advance permission from the Town Board.

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. Overnight parking or overnight mooring (between the hours of 11:00 a.m. and 7:00 a.m. of a boat at any Town dock, Town beach or shoreline access point is prohibited, except in a bonafide emergency.

14. **SHORELINE ACCESS POINTS**

A. In the Town of Bolton, there are “Shoreline Access Points” that have afforded public access to the waters of Lake George, usually situated at the terminus of a public road and at a public shoreline allowing emergency

service's access to lake waters and historically providing recreational access to the public. Such "shoreline access areas" are not considered an official Town swimming area as no lifeguards are on duty and no "on site" emergency services or safety equipment shall be provided by the Town.

B. The Town Board of the Town of Bolton acknowledges that its public "shoreline access points" include:

(i)...at the terminus of Bixby Road

(ii)...at the terminus of Huddle Bay Road

(iii)...at the terminus of South Brereton Road

C. The Town Board shall provide its "shoreline access points" with the following amenities:

- (i) The posting of “SWIM AT YOUR OWN RISK” signage.

- (ii) The posting of signage providing emergency services access
phone numbers.

- (iii) “Park at your own risk” parking spaces limited to use by
motor vehicles. Other contrivances such as boat trailers, camping
trailers, motor homes or similar vehicular contrivances of
transport nor any other type of motorized vehicle, including golf
cars, ATV’s, motorcycles shall be permitted at “shoreline access
points”.

- (iv) Campfires, cooking fires, barbeque grills or other cooking
devices shall be prohibited.

- (v) Camping shall be prohibited.

- (vi) No motor vessel launching of any kind shall be permitted.

- (vii) Non-motorized vessel transport and launch or retrieval by
use of a cartop carrier or when carried in the bed of a pickup truck

shall constitute a legitimate public use of the shoreline access

point area, however, all other launching or retrieval, except under

emergency services shall be prohibited.

15 **ADVERTISING**

Posting, distributing, broadcasting, 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 Town park, Town beach or shoreline access area is prohibited. This provision shall not be construed nor is it intended to restrict, limit or prohibit the Bolton Chamber of Commerce from its customary activities nor shall this provision be construed to limit, impair or prohibit any First Amendment right or privilege.

16. **ALCOHOLIC BEVERAGES AND SMOKING PRIVILEGES**

A. Alcoholic beverages may be consumed within the Town park picnic areas or other areas designated by the Town Board and such consumption shall be reasonable and not to the extent of public intoxication. There shall be no

consumption of alcoholic beverages of any kind within the Town parks, Town beaches or shoreline access points from 11:00 p.m. to 7:00 a.m.

B. The use of “kegs” and/or “beer bubbles” or “beer balls” shall be permitted in a Town park picnic area providing compliance with Section 6B.

C. No alcoholic beverages and no use of glass containers or glass bottles shall be permitted at any swimming area at a Town beach or at a shoreline access point.

D. No smoking shall be permitted at any Town park, Town beach or on any Town property.

17. **LITTERING PROHIBITED**

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

18. **DEFACING OF PUBLIC PROPERTY IS PROHIBITED**

It shall be unlawful for any person to deface any public buildings, monument, bandstand, walls, fences, signs, trees, bushes, shrubs, benches,

tables or any Town property by cutting, painting, defacing, scratching or removal of same.

19. **VENDING AND SOLICITING**

No person shall use a Town park, Town beach, or property or streets within any park property, beach property or shoreline access property for any 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.

20. **CLAIM OF LOSS, DAMAGE OR THEFT**

The Town of Bolton shall not be responsible for loss, damage or theft of any person's personal property lost, stolen or intentionally damaged at any Town park, Town beach or shoreline access point.

20 **ENFORCEMENT**

The Town of Bolton Police Department or other law enforcement agency shall be authorized to enforce all ordinances and regulations related to Town parks, Town benches and shoreline access areas.

21. **PENALTIES FOR OFFENSES**

A. Each violation of this Ordinance shall constitute a separate offense and shall be prosecuted in accordance with state and federal requirements imposed by law and upon a finding of violation punishable by a civil penalty:

1. Upon conviction of a First Offense, a civil penalty not to exceed

ONE HUNDRED DOLLARS (\$100.00).

2. Upon conviction on a Second Offense, a civil penalty no less than ONE HUNDRED DOLLARS (\$100.00) and not to exceed TWO HUNDRED and FIFTY DOLLARS (\$250.00).

3. Upon conviction on a Third Offense, and any other subsequent Offense, a civil penalty of no less than TWO HUNDRED and FIFTY DOLLARS (\$250.00) and not to exceed FIVE HUNDRED DOLLARS (\$500.00).

B. In addition to the imposition of civil penalties, in the furtherance of all compliance requirements of this Ordinance, in any appropriate case the Town, or its designated agent, shall be authorized at the owner's expense to tow, relocate and, if required, store any vessel illegally docked, illegally moored at a Town beach, Town park or public "shoreline access point" and at the owner's expense tow, and relocate and if required store any trailer, vehicle

or other personal property illegally left at any Town park, Town beach or “shoreline access point”.

22. **SEVERABILITY**

In the event that any section or provision of this Ordinance shall be determined by a court of competent jurisdiction to be unenforceable ,

unconstitutional or invalid, such determination shall not affect the validity of the ordinance as a whole or any part thereof other than the part so determined.

23. **MODIFICATION BY RESOLUTION**

The Town Board shall have the authority from time to time to enact, amend or modify by resolution appropriate rules and regulations duly enacted relating to the Town parks, Town beaches and shoreline access points in the Town of Bolton.

24 **APPLICATION**

All the rules and regulations herein pertaining to Town parks are intended to apply to the Museum property, the Bolton Free Library property and the Bolton Community Center / Conservation Club.

25. **SIGNAGE**

Appropriate signage shall be placed at all Town parks, Town beaches and other public properties in the Town of Bolton providing public notice of the requirements of this Ordinance.

26. **WHEN EFFECTIVE**

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