

**LOCAL LAW NO. 13 OF 2001****A LOCAL LAW ESTABLISHING LAWS, RULES AND REGULATIONS GOVERNING THE USE OF LANDS AND PROPERTIES COMPRISING THE ORANGE COUNTY PARKS SYSTEM.**

Be it enacted, by the County Legislature of the County of Orange, State of New York, as follows:

**Section 1. PURPOSES**

The purpose of this Local Law and the rules and regulations authorized hereunder is to harmonize, organize, clarify and collect all laws relating to the governance of the use of the lands and facilities of the Orange County Park system by the public to preserve and protect the Orange County Park System and all associated properties and facilities, so that they may endure and be used and enjoyed in peace and safety by the citizens of and visitors to the County of Orange in perpetuity. This Local Law is intended to supercede all prior enactments on the subject, including Local Laws No. 5 of 1978 and No. 2 of 1995.

**Section 2. DEFINITIONS**

1. As used herein the terms "Park(s)" and "Parks system" shall mean all lands and facilities under the jurisdiction, supervision and control of the Orange County Commissioner of Parks, Recreation and Conservation, including but not limited to park lands, golf courses, museums, visitor centers, trails (including the Heritage Trail,) ball fields, historic sites, arboretums, nature preserves and all other recreational facilities; and shall also include water courses, buildings, structures, parking areas for vehicles, equipment, machinery, County-owned vehicles and supplies; and all other Countyowned property assigned to and/or used by or for the Orange County Department of Parks, Recreation and Conservation.
2. "Commissioner" shall mean the Orange County Commissioner of Parks unless otherwise specified.
3. "County" shall mean the County of Orange of the State of New York unless otherwise defined herein.
4. "Facilities" shall hereinafter refer to all property; real, personal and mixed, of whatsoever kind and nature and wheresoever situated, owned by and/or in the care, custody and control of the County of Orange, devoted to and/or designated as serving the purposes of the Orange County Department of Parks, Recreation and Conservation, and including, but not limited to, parking areas, storage, offices, vehicles, equipment and other facilities.
5. "User(s)" shall hereinafter refer to all persons entering upon and/or using the Parks and/or Park Facilities for any purpose, other than to carry out their duties and responsibilities as agents or employees of the County of Orange, to be interpreted herein in the singular or plural as the sense shall require.

**Section 3. GENERAL USE**

- 1.** The Parks and Park Facilities are for the peaceful use and safe enjoyment of citizens and residents of the County of Orange and visitors to the County of Orange. Use of the Parks and Park Facilities shall conform to this Local Law and to all rules and regulations promulgated hereunder.
- 2.** The Parks and Park Facilities, except as may be excluded or limited by the Commissioner, shall be open for public use on such days, at such times and according to such schedule as the Commissioner may determine or designate. The Commissioner may publish such schedule, which shall be subject to such temporary or permanent amendment or variation as the Commissioner may determine.
- 3.** The Parks and Park Facilities shall not be used other than during such times as the Commissioner shall have determined and designated. Exceptions for special uses at times not specified for use by the general public shall require the advance written permission of the Commissioner. Groups, clubs, businesses or other organizations wishing to use the Parks or Park Facilities for an event must first secure the prior written approval therefor from the Commissioner.
- 4.** The Parks or any portion or portions thereof and Park Facilities or any part thereof may be closed or rendered unavailable for access or use, for such interval of time as may be deemed appropriate or necessary, by the Commissioner, the County Executive or the Orange County Legislature, or by such deputy as any of them may designate in writing as authorized to so determine, who in any event shall be an official of the County of Orange. Such closing may be accompanied by the posting of notices and/or signs to such effect upon the affected property and/or facilities, and as otherwise may best give notice of same to the public.
- 5.** The Commissioner is authorized to adopt a schedule of fees, which shall be charged for the use of Park Facilities and/or equipment. The Commissioner is authorized to require the posting of security, in the form of cash, check, bonds, insurance or other form or manner, as a condition of the use of the Parks or Park Facilities and/or equipment.
- 6.** Use of the Parks and Park Facilities shall be at the sole and complete risk of the User. The County of Orange assumes no responsibility and is not liable for any injury, damage or loss to any persons or property arising from the use of the Parks and/or Park Facilities.
- 7.** Entering upon and using the Parks and/or Park Facilities shall constitute an agreement by the User to hold the County of Orange harmless from all claims for any injury, damage or loss to any persons or property arising from the use of the Park and/or Park Facilities. Injury, damage or loss of property of the County of Orange, including the Parks and/or Park Facilities, resulting from the use of the Parks and/or Park Facilities, shall be the responsibility of the User, who shall be liable to the County of Orange for the actual cost or value of such injury, damage or loss; in addition to such other claims and sanctions as may be allowed or imposed by law.
- 8.** All Federal, State and local laws, rules, regulations and ordinances which apply or shall hereinafter apply in and for the County of Orange shall apply in and for the Orange County Parks and

Park Facilities, including insofar as same require prior notice of actions, claims, suits and other proceedings; and in all other forms and for such other purposes as are or may be provided therein.

#### **Section 4. CONDUCT AND PROHIBITIONS**

1. The Orange County Commissioner of Parks and any individual who may be designated in writing by the Commissioner and who shall be, in any event, an official of the County, shall have the authority to monitor compliance and seek enforcement of the provisions of this Local Law and any rules and regulations promulgated hereunder.

2. The Orange County Commissioner of Parks shall have the authority to promulgate rules and regulations regarding the use of the Parks or Park Facilities. Such rules and regulations shall be consistent with the terms and provisions of this Local Law. A current copy of all such rules and regulations shall be maintained on file at the headquarters of the Orange County Department of Parks and with the County Executive and the Clerk of the Orange County Legislature.

3. The following activities are permitted in or on the Parks and/or Park Facilities; on those portions or areas designated for same and in compliance with all rules and regulations pertaining thereto:

a. walking, hiking, jogging, running, exercising, recreating, bird-watching, sight-seeing, touring, observing, studying and contemplating nature; bicycling on designated bicycle paths, horseback riding on areas and paths designated for same, using motorized and non-motorized wheelchairs and other appliances by disabled persons, using Park Facilities in a safe and prescribed manner, visiting sites, attractions and features located on Park property, and peacefully using and enjoying Park resources; except as otherwise limited or prohibited by the lawful authority of the County of Orange.

4. All persons are prohibited from doing any of the following in or upon the Parks and Park Facilities:

a. entering, remaining upon and/or using the Parks and/or Park Facilities at any time other than as scheduled or made available for use by County authority. Any such unauthorized entry and/or use shall constitute a trespass and be subject to civil and criminal prosecution, in addition to any other penalties and sanctions authorized by this Local Law.

b. without permission or invitation of the private owner, entering onto private property adjacent to Park property by means of the Parks and/or Park Facilities. Violation of this sub-section may be prosecuted hereunder in addition to any other sections of law.

c. failing to obey all signs, signals and other directions and instructions from County or other lawful authorities in or on Park property and Park Facilities.

d. acting, behaving and/or using language in a disorderly, disturbing, indecent or obscene manner; or harassing, annoying, disturbing or interfering with other persons using the Parks and/or Park Facilities.

e. making or causing loud noise and/or music in or on Park property and Park Facilities in such manner as disturbs or interferes with other users; or in any fashion impairing the ability of any person to quietly enjoy and use same.

f. possessing and/or using explosives, fireworks, rockets, dangerous chemical and/or electrical devices or substances in or on the Parks and Park Facilities, unless specifically approved by the Commissioner in advance.

g. littering, dumping, disposing or otherwise placing household trash, solid or liquid waste or debris in or on the Park property or Park Facilities except in appropriate receptacles provided therefor. No person shall use Park receptacles for household waste, construction and demolition debris or waste, medical waste, radioactive waste, chemical waste or other waste material which is generated or originated anywhere except on or from Parks property.

h. starting or maintaining a fire or open flame; operating a portable stove, grill or any other device for the heating, cooking or preparation of food, except in designated picnic areas and campgrounds, or with the advance written permission of the Commissioner, and then only with the approval and/or under the direct supervision and control of the Commissioner and/or Park staff.

i. carrying or possessing any kind of weapons in or on Park property or Park Facilities, including but not limited to firearms, bows, slingshots, air or spring guns; or firing or discharging firearms or weapons on, from, into or across Park property or Park Facilities.

j. secreting, storing, burying, abandoning or otherwise emplacing privately owned or abandoned materials, items or property in or upon Park property and/or Park Facilities.

k. selling, vending or conducting or soliciting private business, commerce or commercial transactions or for-profit activities on Park property or Park Facilities or using same in pursuit thereof; using or renting for private profit or charging a private fee for the use of the Parks or Park Facilities by any individual or group or entity, corporate or otherwise, for any purpose whatsoever, without the prior written knowledge and approval therefor of the Commissioner, and then only under the direct supervision and control of the Commissioner and/or Park staff.

l. obstructing, impairing, burdening, damaging, altering or destroying the Parks, Park Facilities and property; disturbing, destroying, injuring, damaging or removing any property within the Parks, including, but not limited to, vegetation, wildlife, ruins, chattels, fossils, artifacts, geological formations and specimens, signs, equipment or facilities except as unavoidably impacted by normal minimal wear and tear resulting from authorized use of the Park and Park Facilities; erecting, displaying or affixing unauthorized signs, placards, bills or notices for any purpose whatsoever.

m. possessing, using, selling or conveying to another person alcohol or substances containing alcohol except as hereinafter provided; or illegal chemicals, compounds or drugs; being in or upon or using the Parks or Park Facilities while intoxicated or under the influence of alcohol or drugs or while abilities are impaired by same.

- n. using, operating, riding in or upon, or bringing onto the Parks or Park Facilities any motorized vehicle or method of conveyance howsoever powered, driven or propelled, except in such manner and in such areas as authorized and designated in advance by the Commissioner. Specifically excluded from this prohibition is the use of motorized wheelchairs by persons with disabilities in appropriate areas and in or on the Park property and Park Facilities designated for same. Motorized vehicles may enter upon Park property only on established and marked roads, and only with the exercise of due care and caution and in obedience to signage, speed limits and signalization and in accordance with the directives of the Commissioner and/or authorized police or other officers charged with the control of traffic and the protection of public safety and order.
- o. taking upon or intentionally or negligently allowing upon Park property or Park Facilities any unleashed, unconfined or otherwise uncontrolled animal, or any animal under any circumstances which poses a danger or threat to the health or safety of any person or to any person's right and opportunity to quietly use and enjoy the Parks or Park Facilities.
- p. using or employing sporting equipment in any manner which poses a danger or threat to the quiet and peaceful enjoyment of the Parks or Park Facilities by any person, including but not limited to balls, clubs, sticks, racquets, frisbees, bats, remote-controlled models, hunting and fishing equipment, climbing gear; or otherwise propelling objects through the air or along the ground such as may pose the threat of striking another person or persons using the Parks or Park Facilities, or interfering with their right to quietly enjoy same; except in areas designated therefor and only at such time as permitted by Park rules and regulations.
- q. pitching a tent or erecting any temporary or permanent shelter on Park property or Park Facilities; except in areas designated and approved by the Commissioner; camping, hunting, parachuting, hang-gliding, sky-diving, or undertaking any other sport or activity prohibited by law, code, rule or regulation on Park property or Park Facilities; or any activity inconsistent with and tending to interfere with any lawful and permitted use of the Parks or Park Facilities.
- r. parking any vehicle, trailer or other human or animal conveyance or apparatus anywhere other than in designated parking areas, or contrary to the instructions of lawful authority. Parking overnight in or on any Park parking facility or area is prohibited. Parking areas are for use by vehicles or persons using the Parks or other Park Facilities. Parking areas shall not be used by persons not using the Parks or Park Facilities.
- s. The Commissioner may grant a one-time exemption from any prohibition only upon advance written request therefor. Such exemption shall be made in writing and may contain such conditions and limitations as the Commissioner deems appropriate.

## **Section 5. ALCOHOLIC BEVERAGES**

1. Individuals must purchase alcoholic beverages only from the concessionaire designated and authorized by the County and may consume same only at locations designated for same. The

possession and consumption of alcoholic beverages in the Parks or on Park property facilities is prohibited except as provided herein.

2. a. Groups wishing to have alcoholic beverages available for group events must first obtain a written permit from the Commissioner.

b. To obtain an Alcohol Permit the following conditions must be met:

i. The permit will be issued only to a bona fide group, club or business which has secured the prior approval of the Commissioner for the use of the Park for their event.

ii. The permit shall specify the name, address and other contact information of the group and of the responsible individual to whom the permit is issued. The permit shall also state the date, time and place of the event, and shall only be valid as so stated.

c. No permit shall be issued to a commercial or business group unless the County is provided with documentation showing that adequate insurance covering the County has been provided. Such documentation shall be in the form of a Certificate of Insurance specifically naming the County as an additional insured. In each case the Commissioner shall determine the sufficiency of coverage, with the advice of the Orange County Risk Manager and the Orange County Attorney. Such insurance shall hold the County harmless from all claims and actions for damages and injuries sustained by any person or property as a direct or indirect consequence of the holding of such event, including but not limited to traveling to or from the Parks. Family groups or not-for-profit organizations are specifically exempt from the insurance requirements, as may be approved by the Commissioner.

3. Groups must obtain all other necessary permits and approvals from the Commissioner prior to obtaining an Alcoholic Beverage Permit. All permits must be available for inspection during the event. Sale of alcoholic beverages is prohibited at all events, except as approved by the Commissioner and the New York State Alcoholic Beverages Control Board.

4. In any event, no alcoholic beverage shall be provided to or consumed by persons who are or appear to be intoxicated or disorderly.

5. All permits are subject to revocation by the Commissioner and/or his authorized agents for non-compliance with any governing laws, rules or regulations.

## **Section 6. ENFORCEMENT**

1. Any person who violates any provision of this law or any rule or regulation promulgated hereunder shall be, upon conviction thereof, subject to a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment for a term not to exceed ninety (90) days, or both, for each such violation.

2. Any vehicle or conveyance which is operated or parked in such a manner as to violate any provision of this law or any rule or regulation promulgated hereunder is subject to towing and/or impoundment at the sole and entire expense of the owner of said vehicle or conveyance. Such vehicle or conveyance when towed and/or impounded may not be released prior to payment of the cost and fees chargeable for same, plus any outstanding fines or other lawful obligations regarding such vehicle shall be payable to the County of Orange.
3. All police officers, including members of local, county and state departments and agencies, shall be authorized to enforce this law and all rules and regulations promulgated hereunder.
4. Actions brought under this law may be heard in the courts of the local municipality wherein the violation occurred, or in the County and/or Supreme Courts of the County of Orange.

### **Section 7. AUTHORITY: SEVERABILITY, CONFLICTS, EFFECTIVE DATE**

1. This law is enacted pursuant to the authority granted under Article IX of the Constitution of the State of New York, the Municipal Home Rule Law, and Section 215 of the County Law.
2. Should any part or portion of this Law be ruled invalid or otherwise rendered unenforceable or null and void, the balance shall not be affected thereby and shall remain in full force and effect.
3. In the event of inconsistency between or among the provisions of this law and the rules and regulations promulgated hereunder and any other law, rule or regulation, the more restrictive provision shall apply.
4. This Law shall become effective on January 1, 2002, in the time and manner provided in the Municipal Home Rule Law.
5. All permits, contracts, agreements and other obligations affected by this Local Law by and between the County of Orange and any private party which shall have been entered into prior to the effective date hereof shall be exempted from the provisions hereof; and shall be governed by the terms of such laws, permits, contracts and agreements as shall have been in effect at the time they shall have been made.

Local Law No. 13 of 2001 was passed August 10, 2001 by the following roll call vote:

Ayes:	19
Noes:	2
Absent:	0

Approved by the County Executive: August 30, 2001

Effective: September 10, 2001