

## **Chapter 7A, CONDUCT -- PUBLIC AREAS**

[HISTORY: Adopted by the Orangetown Town Board 10-14-1968 by L.L. No. 6-1968; amended in its entirety 9-11-2006 by L.L. No. 15-2006. Subsequent amendments noted where applicable.]

### **GENERAL REFERENCES**

**Drinking in public -- See Ch. 10.**

**Public entertainment: musical or large groups -- See Ch. 11A.**

**Noise -- See Ch. 22.**

### **§ 7A-1. Firearms and fireworks prohibited.**

No person shall fire or discharge any gun, pistol, firearm, slingshot or bow and arrow or any rocket, torpedo or other fireworks of any description or carry or transport the same in any park, playground, recreation area or land owned or maintained by the Town of Orangetown (hereinafter "Town"), unless upon permission of the Superintendent of Parks, Recreation and Buildings, or his authorized representative, or upon a range established for that purpose and with a permit secured pursuant to special rules established by the Superintendent of Parks, Recreation and Buildings, as hereinafter set forth.

### **§ 7A-2. Preservation of property.**

No person shall climb any tree or injure, deface or disturb or defoul any part of a Town park, playground, recreation area or Town land or any building, signs, equipment or other property found therein, or remove, cut down, cut, injure or destroy any tree, flower, shrub, ornament, statue, fence, bridge, structure or other property within any Town park, playground, recreation area or park approach or within any Town land or any area under the jurisdiction of the Superintendent of Parks, Recreation and Buildings. No person shall engage in the hitting or striking of golf balls within the boundaries of any Town park, playground, recreation area or Town land, unless designated to allow the same.

### **§ 7A-3. Fires.**

No person shall kindle, build, maintain or use a fire in any Town park, playground, recreation area, park approach or Town land for any purpose except in a stove, fireplace, oven or fire circle provided for that purpose. Any fire in a permitted area or authorized fireplace shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. Lighted matches, cigarettes, cigars or burning tobacco must not be deposited or left where they may cause fires. Smoking is prohibited in those areas designated by resolution

of the Town Board.

**§ 7A-4. Garbage and refuse.**

No person shall deposit, dump, throw or place any earth, rubbish, paper, bottle, bits of crockery, glass or glassware, metallic or other substance, garbage or other refuse matter or any sand, stone, lumber or other material of any kind in or upon any part of the water or grounds of any Town park, playground, recreation area, park approach or Town land. Grounds must be maintained in a clean and sanitary condition by all users thereof, and garbage and refuse must be deposited in the receptacles provided.

**§ 7A-5. Dogs.**

It shall be unlawful to bring, or cause to be brought, into any Town park, recreation or playground area any animal, except where posted as allowed. In those areas where posted as allowed, it shall be unlawful to permit any dog or animal to be in any such area unless such dog or animal is secured on a leash of not more than six feet in length. Owners of leashed or unleashed dogs or animals, whether legally or illegally on any Town park, recreation or playground area, shall be responsible for the immediate removal and disposal of fecal matter excreted by that animal. Notwithstanding anything to the contrary set forth herein, the training or exhibition of dogs or animals in designated areas shall be permitted only by special permit of the Superintendent of Parks, Recreation and Buildings. Trained guide dogs for the blind are expressly exempt from all provisions of this chapter.

**§ 7A-6. Hunting and trapping.**

No person shall hunt or trap birds, animals or any other game within the boundaries of any Town park, playground, recreation area or Town land under the jurisdiction of the Superintendent of Parks, Recreation and Buildings.

**§ 7A-7. Bathing and swimming.**

No person shall bathe, wade or swim in any waters, pools or lakes in any Town park playground, or recreation area or on Town land, except at such times and in such places designated or maintained as bathing areas and unless so covered with a bathing suit as to prevent indecent exposure of the person. No person shall dress or undress in any Town park, playground, recreation area, or park approach except in such places as may be designated or maintained for that purpose.

**§ 7A-8. Horses and riders.**

No person shall use, ride or drive a horse in any Town park, playground, or recreation area or on Town land under the jurisdiction of the Superintendent of Parks, Recreation and Buildings.

**§ 7A-8.1. Model airplanes, boats and cars.**

Model airplanes, boats, cars and other powered objects are prohibited and may not be used within the boundaries of any Town park or Town land, except within those areas designated or permit issued for said activity by the Superintendent of Parks, Recreation and Buildings.

**§ 7A-8.2. Alcoholic beverages.**

The consumption, possession, carrying or transport of alcoholic beverages is prohibited on any Town parkland, playground, recreation area, Town land, public way, sidewalks, streets, roads or highways as further outlined in Chapter 10, Drinking in Public, of the Orangetown Code, except within Town-owned golf courses, where there shall be no such prohibition, so long as the alcoholic beverages were procured from the Town-licensed operator of the food and beverage establishment located at the Town-owned golf course and in compliance with the said Town-licensed operator's New York State issued liquor license.

**§ 7A-9. Speed of vehicles.**

No person shall drive or cause to be driven along or over any road within any Town park, playground, recreation area, or Town land any vehicles at a speed in excess of 15 miles per hour, nor shall any person park and/or stand or cause to be parked any vehicle at any point where a sign prohibiting parking and/or standing has been erected. Properly registered motorcycles, motor-driven cycles, motor scooters and bicycles with motors attached are restricted to roadways and parking areas within the park boundaries. Nonregistered motor vehicles, including motorcycles, all-terrain vehicles (ATVs), etc., are not permitted on Town park property, Town recreation areas or Town lands.

**§ 7A-10. Camping.**

A. Permit.

- (1) Except where otherwise permitted, no person or group of persons shall camp in any Town park, playground, or recreation area or on Town land other than in such areas as the Superintendent of Parks, Recreation and Buildings, or his authorized representative,

may permit from time to time, between the hours of 8:00 p.m. and 8:00 a.m., and only after a permit therefor has been issued at least 48 hours in advance by the Superintendent of Parks, Recreation and Buildings or his authorized representative. A camping permit may be canceled at any time, with or without cause, by an authorized representative of the Department of Parks, Recreation and Buildings or of the Police Department of the Town of Orangetown. A copy of the camping permit shall be filed by the camper at the office of the Police Department of the Town of Orangetown prior to the date and time the permit becomes effective.

- (2) Where a permit has been canceled or denied hereunder, the applicant may apply to the Town Board for such permit or reinstatement thereof. After a public hearing thereon, at which time the applicant shall have an opportunity to be heard, the Town Board shall determine if the permit shall be issued or be reinstated. The Town Board shall fix a reasonable date and time for the public hearing and give public notice of such hearing by publication in the official newspaper of the Town at least 10 days prior to the date of the hearing thereof, which costs of sending or publishing of such notices shall be borne by the applicant and paid to the Town prior to the public hearing. A review of any denial thereof may be had by the applicant pursuant to Article 78 of New York's Civil Practice Law and Rules.

- B. All Town parks, playgrounds, recreation areas and Town lands shall be closed to the public at nighttime (i.e., between sunset and sunrise), except as otherwise permitted by the Superintendent of Parks, Recreation and Buildings.

**§ 7A-11. Public meetings; parades or processions.**

- A. Except as herein provided, all existing laws, rules and regulations concerning public roads and highways shall remain in full force and effect.

- B. Permit.

- (1) No parade, procession or other gathering shall be held on any Town parkland, playground, recreation area, or Town property without a permit therefor having been issued at least 48 hours in advance by the Superintendent of Parks, Recreation and Buildings or his authorized representative. Such permit may be canceled at any time, with or without cause, by the Superintendent of Parks, Recreation and Buildings or his duly authorized representative or by the Chief of Police of the Town of Orangetown or his duly authorized representative.
- (2) Where a permit has been canceled or denied hereunder, the applicant may apply to the Town Board for such permit or reinstatement thereof. After a public hearing thereon, at which time the applicant shall have an opportunity to be heard, the Town Board shall determine whether or not such permit shall be issued or be reinstated. The Town Board shall fix a reasonable date and time for the public hearing and give public notice of such

hearing by publication in the official newspaper of the Town at least 10 days prior to the date of the hearing thereof, which costs of sending or publishing of such notices shall be borne by the applicant and paid to the Town prior to the public hearing. A review of the denial thereof may be had by the applicant pursuant to Article 78 of New York's Civil Practice Law and Rules.

- (3) No parade, procession or other gathering shall be held on any public way, sidewalk, street, road or highway without a permit therefor having been issued at least 48 hours in advance by the Superintendent of Highways or his authorized representative. Such permit may be canceled at any time, with or without cause, by the Superintendent of Highways, his authorized representative, or the Chief of Police of the Town of Orangetown or his duly authorized representative.
- C. A copy of such permit, together with a statement or chart showing the route of such parade or procession or location of such gathering, must be filed by the licensee or its or his representative at the office of the Police Department of the Town of Orangetown at least 24 hours in advance of the date and time of such parade, procession or gathering.
- D. Any permit required by § 7A-11B(1) shall be subject to such special rules established by the Superintendent of Parks, Recreation and Buildings and the Chief of Police as hereinafter set forth, and any permit required for public ways, sidewalks, streets, roads or highways shall be subject to such special rules as established by the Superintendent of Highways.

**§ 7A-12. Special group activities; hawking and peddling; park improvements.**

- A. No meetings, assemblies, demonstrations, exhibitions, parades, racing, organized picnics or outings shall be conducted in Town parks, playgrounds or recreation areas or on Town lands without a permit first being obtained from the Superintendent of Parks, Recreation and Buildings, or his duly authorized representative, at least 48 hours prior to such activity and a copy of such permit filed by the holder of the permit with the Police Department of the Town of Orangetown prior to the time the permit becomes effective. Such permit may be canceled at any time, with or without cause, by the Superintendent of Parks, Recreation and Buildings or his duly authorized representative or by the Chief of Police of the Town of Orangetown or his duly authorized representative.
- B. No meetings, assemblies, demonstrations, exhibitions, parades, racing or organized outings shall be conducted on sidewalks, streets, roads and highways without a license therefor first being obtained from the Superintendent of Highways, or his duly authorized representative, at least 48 hours prior to such activity and a copy of such license filed by the licensee with the Police Department of the Town of Orangetown prior to the time the license becomes effective. Such permit may be canceled at any time, with or without cause, by the Superintendent of Highways or by the Chief of Police of the Town of Orangetown or his duly authorized representative.

- C. No person, corporation, organization, group, association, business entity or firm shall, in any Town park, recreation or playground areas:
- (1) Offer for sale or distribution any merchandise, goods, wares, foods, beverages, fare, articles or other things (hereinafter "goods or fare"), nor station or place any stand, stall, booth, tent, cart or vehicle for the transportation, sale, distribution or display of any such goods or fare, except with the permission and authorization of the Superintendent of Parks, Recreation and Buildings, by application and permit as hereinafter provided.
  - (2) Announce, advertise, promote or call the public's attention, in any way, to any goods or fare for sale or services for hire.
  - (3) Post, paste, fasten, paint, write, draw, carve, tack or affix any placard, bill, notice, sign, advertisement, or any writing whatsoever upon any structure, tree, stone, fence, thing or enclosure within any Town park, playground or recreation area or on any Town lands, highways or roads adjacent to any Town park, playground or recreation area or Town conservation area, except that the Department of Parks, Recreation and Buildings may place informational signs within such areas.
  - (4) Erect, install, set up, assemble or occupy any stand, stall, booth, tent, cart or other structure in any Town park, playground or recreation area, or sell, vend, purvey, give away, offer for free or provide complimentary any goods or fare from any such stand, stall, booth, tent, cart or other structure, without the prior written permission of the Department of Parks, Recreation and Buildings.
- D. Erection or installation of permanent facilities, buildings or structures; modification, alteration or renovation of existing facilities, buildings or structures; the planting or installation of trees, shrubberies, bushes, landscaping, ground cover or sod; or any other construction, building, renovation, landscaping or similar land improvement activity (hereinafter referred to as "park improvements"), with permanent or lasting impact on a Town park, playground or recreation area, is allowable only by permit, with the following restrictions:
- (1) All park improvements shall be considered with a view toward future development plans for the affected area and in view of the comprehensive/Master Plan of the Town of Orangetown.
  - (2) Park improvements shall conform to all Town, county, state, federal and other applicable and governing codes, laws, statutes, rules and regulations.
  - (3) All plans for park improvements shall be reviewed by the Town's Park Development Advisory Committee, the Town's Youth Recreation Assessment Advisory Committee, and the Superintendent of Parks, Recreation and Buildings for their consideration and comment. Final consideration and approval shall be rendered by the Town Board.
  - (4) Since all Town parks, playgrounds, recreation areas and Town lands are municipal

property and are maintained for the use and enjoyment of all residents, it shall be impermissible for any person, corporation, organization, group, association, business entity or firm to erect, install, use, utilize, operate, control, occupy or maintain any facility, building or structure for its restricted or exclusive use, operation, control, utilization or occupancy.

- (5) All park improvements shall become the property of the Town and shall be owned in title to and under the control and authority of the Department of Parks, Recreation and Buildings. In the event a private corporation, organization, group, association, business entity, firm or individual (hereinafter "donor") wishes to make substantial park improvements, arrangements may be established so as to grant priority in scheduling the use, utilization and operation of those park improvements. The terms and provisions for priority scheduling shall be agreed to in writing prior to the commencement of any park improvements.

**§ 7A-13. Special rules; permits; permit fees; administration and enforcement.**

- A. In addition to the general rules of conduct within Town parks, playgrounds, recreation areas, Town lands, public ways, sidewalks, streets, roads or highways herein set forth, special rules and regulations may be promulgated and amended from time to time by the Superintendent of Parks, Recreation and Buildings, the Superintendent of Highways and/or the Chief of Police, as provided in this chapter, subject to the approval of the Town Board. In addition, the Town park system contains a number of specialty areas, including, but not limited to, hike/bike trails, tennis courts, the picnic pavilion and athletic fields, each requiring specific rules and regulations concerning proper and appropriate use and utilization of those individual facilities. This chapter shall in no way restrict the Superintendent from formulating, posting and enforcing rules and regulations for those specific areas, in addition to the general proscriptions in this chapter.
- B. Permits are available from the Superintendent for the following:
  - (1) Reservations of group-use facilities: ball fields, basketball and tennis courts, picnic pavilion or area, multipurpose fields, and any other facilities that may be constructed, built, installed or erected.
  - (2) Erection, installation or construction of temporary or permanent buildings or structures.
  - (3) Modification, alteration or renovation of existing facilities, buildings or structures.
  - (4) Use, utilization or operation of special equipment, such as, for example, generators, public address or sound systems, and other mechanized or electronic apparatus.
  - (5) The posting of placards, bills, notices, signs, advertisements, and other commercial uses, as defined in this chapter.

- (6) The planting or installation of trees, shrubberies, bushes, landscaping, ground cover or sod.
- C. Fees for permits shall be determined and approved by the Town Board.
- D. A complete copy of the rules and regulations as described in this chapter shall be provided to each applicant with his/her/their/its approved permit.
- E. The issuance of a permit does not exempt any person, corporation, organization, group, association, business entity or firm from any of the rules or regulations as set forth in this chapter.
- F. The issuance of a permit shall not imply, suggest, guarantee or ensure that the Superintendent cannot close or shut down a Town park, playground, recreation area or facility that becomes hazardous, dangerous or unsafe for public use, utilization or operation due to inclement weather, fire, water, construction or other adverse conditions.
- G. The Superintendent of Parks, Recreation and Buildings and/or the Town Supervisor, or his/her designee, shall administer and enforce the provisions of this chapter, including the establishment and collection of fees, preparation of permit application forms, review of permit applications, issuance and revocation of permits, promulgation and enforcement of rules and regulations to implement the provisions of this chapter, and all other decisions and determinations relating thereto. When the activities, behavior or conduct of any person, corporation, organization, group, association, business entity or firm is determined to be in violation of this chapter or the rules and regulations promulgated under the authority of this chapter or is determined not to be in the best interests of the Town park, playground or recreation area, or when such acts are deemed to be disruptive to the surrounding neighborhood, or when such activities, behavior or conduct affects other people or private or public property, the Town of Orangetown Police or the Superintendent of Parks, Recreation and Buildings, or his agent assigned to such area or program, shall have the authority to cause such activities, behavior or conduct to cease and be terminated or to expel the perpetrators of such activities, behavior or conduct from the area or to have the Orangetown Police arrest and detain the perpetrators or to file a complaint for the violation of this chapter.

**§ 7A-14. Penalties for offenses.**

- A. Any violations by a person, organization, group, association, business entity, firm or corporation of any provision of this chapter shall be deemed a violation punishable by a fine not to exceed \$1,000 or imprisonment for a period not to exceed 14 days, or both such fine and imprisonment.
- B. Any person, organization, group, association, business entity, firm or corporation which takes part in or assists in any violation of this chapter shall also be subject to the penalties

provided herein.

- C. Each day that a violation of this chapter is committed or is permitted to exist or to continue shall constitute a separate offense.

**§ 7A-15. Severability.**

The declaration of any portion of this chapter, by a court of competent jurisdiction, to be invalid shall not invalidate the entire chapter but only that part thereof so declared to be invalid, and the remainder of said chapter shall remain in full force and effect.

**§ 7A-16. Section titles.**

Any title enumerated under this chapter is for organization purposes and convenience only and shall not be deemed part of the text of this chapter.

**§ 7A-17. When effective.**

This chapter shall take effect immediately upon filing in the Office of the Secretary of State in accordance with § 27 of the Municipal Home Rule Law.