

Chapter 194, Parks and Playgrounds

194-1, Legislative intent

Continuing commercial and residential development within the Town has created a compelling need to acquire, improve, preserve, protect, maintain the availability of, and improve the Town's parks, natural areas, wetlands, trails, and other similar such open land for active and passive park and recreational facilities, and preserve open areas, to enhance the general quality of life and the environment of the Town, and thereby benefit the residents and taxpayers of the Town.

194-12, Prohibited acts.

The following acts by any person within the confines of any of the parks, playground or public places of the Town of Rotterdam are hereby prohibited:

- A. Climbing trees or cutting, breaking, injuring, defacing or disturbing any tree, shrub, plant, rock, building, monument, fence, bench or other structure, apparatus or property; plucking, pulling up, cutting, taking or removing any tree, shrub, bush, plant or flowers; gathering or taking any fruit or nut; or cutting, writing or marking upon any building, monument, fence, bench, table or other structure, apparatus or property.
- B. Injuring, defacing or destroying any notices, rules or regulations posted for the government of the park or playground.
- C. Cutting or removing any wood, turf, grass, soil, rock, sand or gravel.
- D. No one shall kindle, build, maintain or use a fire within the confines of any park except in park grills provided there-of for the preparation of food.
- E. Indulging in riotous, boisterous, threatening, immoral or indecent conduct.
- F. Using any abusive, threatening, profane, immoral, indecent or suggestive language.
- G. A person shall not use park property or streets within park property for business or professional purposes involving the sale of any goods or the rendering of any service for a fee or for the purpose of soliciting alms or contributions unless authorized to do so.
- H. Throwing or disposing of any bottle, tin can, broken glass, paper, clothes, rubbish or offal of any description except in receptacles provided for that purpose.
- I. Firearms of any kind, air guns, compressed-gas or spring-operated guns, bows and arrows or slingshots are permitted to be used or carried.
- J. No one shall have, possess, carry, consume or transport any illegal substance, drug, stimulant, depressant, or hallucinogenic agent in or upon any Town parkland or lands under the jurisdiction of the Town Board. No one shall have, possess, carry, consume or transport any liquor, wine, beer or other alcoholic beverage in or upon any Town parkland or lands under the jurisdiction of the Town Board, except by special permit from the Recreation Department of the Town of Rotterdam.
- K. Smoking is expressly prohibited within the confines of any Rotterdam Town Park. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or any form of lighted object such as E-Cigarettes, or device which contains tobacco. Smoking is not permitted inside any building.
- L. No person shall deposit or abandon in any park, driveway, or parking lot or in the waters in any such park or adjacent to any such park any garbage, sewage, refuse, trash, waste, grass clippings, branches, or other obnoxious material except in receptacles provided for such purposes. The general policy is carry-in/carry-out unless receptacles are specifically provided.

- M. A person shall not post, distribute, or leave about any bills, placards, tickets, handbills, circulars, advertisements in any form or any other matter for advertising purposes.
- N. All permit holders are prohibited from assigning or subletting its right to any other person or corporation without the express written consent of the Town of Rotterdam.
- O. No live bands, disc jockey or karaoke, except with permission noted on the permit.
- P. Adult entertainment is prohibited.
- Q. Amusement rides or inflatables are prohibited.
- R. Horseback riding or pony rides are prohibited.
- S. Golfing is prohibited.
- T. Tents are prohibited, except for festivals or tournaments with permission noted on permit.
- U. All groups are required to thoroughly clean up all areas used.
- V. Unlicensed motor vehicles, minibikes, snowmobiles, ATV's, go-carts, etc. are prohibited.
- W. Speeding is prohibited. Patrons must observe park speed limit at all times.
- X. Blocking fire lanes or access roads is prohibited. Patrons may use designated parking areas only. Cars may be towed or ticketed.
- Y. All pets must be on a leash, and their litter disposed of in receptacles or removed from the premises.

194-3, Prohibition of alternations and improvements.

No person shall modify, alter, make improvements to the existing landscape and structures or erect any structure, stand or platform, whether temporary or permanent, without the written permission of the Coordinator or his or her designee.

194-4, Permits for group activities, field use and tournaments.

~~No individual or organization shall hold or conduct any picnic, celebration, parade, service or exercise without first obtaining a permit and it shall be unlawful for any person to take part in any picnic, celebration, service or exercise held or conducted contrary to the provisions hereof. Further, such permit may include permission for an individual or organization desiring to have, distribute or consume alcoholic beverages in a park or playground area within the Town of Rotterdam. A permit including permission to have, distribute or consume alcoholic beverages shall be issued only upon the following conditions:~~

- ~~A. Such individual or organization, by its duly authorized officer, must agree, in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit, and to properly clean up and restore the premises, after use, to its prior condition.~~
- ~~B. Such individual or organization must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.~~

A. Permits for field use, generally.

1. A Field Use Permit is required for sports leagues desiring to use town fields. Field permits for seasonal sport (spring, summer and fall seasons) should be submitted by the end of February each year. Field Use Permits for sports leagues shall be for two and a half month play season. Game schedules, rosters, and insurance certification shall be submitted with league permits. Proposed extended play, clinic and camp applications for a permit shall be applied for at least 30 days before the proposed event.

2. A certificate of insurance shall be supplied by the applicant with any permit application and shall be filed with the Town Clerk before the event takes place, with a copy of the approved permit. The certificate of insurance shall name the Town of Rotterdam and its agents and employees as additional named insureds on a primary and noncontributory basis on a general liability policy in an amount no less than \$1,000,000 per occurrence, with a \$3,000,000 aggregate.

3. Payment in full for season use is due upon receipt of the approved permit by the league representative. All checks made payable to the Town of Rotterdam and all payments made to the Rotterdam Receiver of Tax Office at the time of application.

4. All events and field use shall comply with the New York State Fire Prevention Code and Building Code, as adopted in Chapter 154 of this code.

5. Applications for any permits and/or programs shall be made to the Coordinator on forms supplied by him or her. For each application submitted, the applicant shall pay an application fee which shall be set by the Town Board by resolution.

6. The Coordinator or his or her duly authorized representative is hereby authorized to deny the issuance of any such permit. Any violation of the terms and conditions of a permit issued hereunder, or of this chapter or a rule or regulation promulgated pursuant thereto, or any other applicable law or ordinance, by the permittee, his agents or employees, shall constitute grounds for the immediate revocation of such permit by the Commissioner, which revocation shall be final and without appeal. No permit for the same purpose shall be issued to any person whose permit has been revoked hereunder for a period of one (1) year following the date of such revocation.

7. In the case of the revocation on any permit, all moneys paid for or on account thereof shall, at the option of the Coordinator, be forfeited to and retained by the Town; and the permittee, together with his agents and employees who violated such terms and conditions, shall be jointly and severally liable to the Town of Rotterdam for any damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the Town of the whole or any part of such moneys, nor the recovery or collection of such damages, or both, shall in any manner relieve such person or persons from liability for punishment for any violation of any law or ordinance of the Town or rule or regulation of the Coordinator.

8. No person shall procure, transfer or otherwise use an approved identification permit contrary to this or the rules and regulations of the Coordinator or in any other illegal manner.

9. No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions hereof for a period of six months.

10. The Town shall not be responsible for loss, damage or theft to cars and their contents, to private property, nor to the contents of baskets and lockers; such loss, whether inside of buildings or on the grounds of the park, shall be the patron's responsibility.

B. Permits for tournaments, additional requirements

Special permits will be required for all tournaments. Applications for a tournament permit shall be applied for at least 60 days before the proposed event and shall be limited to two successive days. Tournament permits shall not be approved until all summer league applications for field use, submitted by May 1, have been approved or denied.

C. Scheduling

The Town of Rotterdam may schedule all proposed events during any time period when there are no scheduled activities.

194-45. Hours.

Each park or playground shall be closed each night between the hours of 9:00 p.m. prevailing time and sunrise the following morning, and the loitering, lounging or being present in any park or playground at any time within said hours shall be deemed a violation of this rule, except by permit.

194-56. Authority for issuance of permits.

All permits provided for hereunder shall be issued ~~through the Department of Parks and Recreation, subject to the approval of the Town Board~~ by the Department of Public Works.

194-67. Promulgation and enforcement of rules and regulations.

~~It is hereby granted to The Director of Parks and Recreation Coordinator or his or her designee shall enforce this chapter the authority to make and enforce reasonable rules and regulations for use of the parks and playgrounds, the violation of which rules and regulations shall be considered to be a violation of this chapter and shall be subject to the penalties herein provided.~~

194-78. Penalties for offenses.

~~The violation of any of the provisions of this chapter shall be punishable by a maximum fine of a sum not exceeding \$250 plus costs of prosecution, or by imprisonment in the Schenectady County Jail for a period not exceeding 15 days, or both~~

Any person who violates this article or knowingly permits the violation of this article or any of the provisions thereof shall be deemed to have committed a violation against this article, and any person convicted of any such violation shall be deemed liable to a penalty of not less than \$250 for the first conviction or by imprisonment for a period not to exceed 15 days, or both; \$500 for the second conviction or by imprisonment for a period not to exceed 15 days, or both; and \$750 for the third conviction or by imprisonment for a period not to exceed 15 days, or both.

§ 194-89. Riverfront Bike/Hike Trail.

A. All motorized vehicles, except for recognized emergency, maintenance and patrol vehicles, are expressly prohibited on the Riverfront Bike/Hike Trail during the months commencing April first and terminating November first of each year. Snowmobiles may use the Riverfront Bike/Hike Trail as indicated in Subsection B, provided that there exists a minimum of four inches of snow on the trail at the time of use.

B. Snowmobiles are the only motorized vehicles that will be permitted on the western portion of the Riverfront Bike/Hike Trail in the Town of Rotterdam, the area designated commencing at Scrafford Lane, eastward, to the mouth of the Plotterkill at the Triple Arch Bridge (Baan's Orchard), during the months commencing November first of each year and terminating on April 1 of the following year. Signs will be posted in this area indicating permitted use of snowmobiles.

C. All rules, regulations and restrictions contained within this chapter shall apply to the Riverfront Bike/Hike Trail in the Town of Rotterdam with the exception that § 194-5 of this chapter shall not apply to the Riverfront Bike/Hike Trail in the Town of Rotterdam.

§ 194-910. Plotterkill Preserve.

A. All motorized vehicles, except for recognized emergency, maintenance and patrol vehicles, are expressly prohibited in the Plotterkill Preserve, with the exception of snowmobiles which are restricted to a designated area located in the northwestern corner of the preserve which is accessible through private property.

B. Hunting is prohibited.

C. All rules, regulations and restrictions contained within this chapter shall apply to the Plotterkill Preserve with the exception of § 194-5 of this chapter regarding hours of closure, which shall be limited to the hours between dawn and dusk.

§ 194-1011. Nature Trail.

A. The Town of Rotterdam Nature Trail, and designated parking areas used in connection therewith, are public places, and the rules, regulations, restrictions and prohibitions contained in this chapter applicable to parks, playgrounds and public places apply to use of the Nature Trail and said parking areas.

B. In addition, the following regulations shall apply:

1. Domestic animals are not permitted on the Nature Trail except for use by the handicapped.
2. Motorized vehicles are not permitted on the Nature Trail except for recognized handicapped, emergency, maintenance and patrol vehicles.
3. Parking of vehicles at any location other than in parking areas designated for the users of the Nature Trail is prohibited.
4. Bicycles are not permitted on the Nature Trail.
5. Hunting, fishing and trapping are not permitted on or from the Nature Trail.

C. Entrance to the Nature Trail and to the parking areas designated for users of the Nature Trail is prohibited between the hours of dusk to dawn.