

Chapter 120

PARKS AND RECREATION

ARTICLE I
After-Hours Use of Parks
[Adopted 7-14-1970]

§ 120-1. Permit required for after-hours use of park.

Ganser-Smith Memorial Park in the Village shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., unless a specified use thereof is permitted at a given time by written permit issued by the Village Clerk. The Village Clerk shall issue such a permit to a resident of the Village who is over 21 years of age upon satisfactory demonstration that such citizen intends to make reasonable use of said park during such hours for legitimate recreational purposes and that such use will not unreasonably disturb the peace and quiet of neighboring citizens. A separate such permit will be required for each such occasion and shall state the number of persons who will be using the facilities of the park and will be present therein at that time.

§ 120-2. After-hours use without permit prohibited. [Amended 8-4-2003 by L.L. No. 2-2003]

- A. No person shall loiter without lawful or authorized purpose about Ganser-Smith Park during said period from 10:00 p.m. to 6:00 a.m. in the absence of a proper and timely permit issued to him or to his sponsor as set forth above.
- B. No person shall loiter without lawful or authorized purpose about Polk Switzer Park or properties and facilities owned by the Village of Menands on Kingston Street and Hutton Street during the period between 9:00 p.m. and 6:00 a.m. Alcohol is prohibited at said park, properties and facilities during the period between 9:00 p.m. and 6:00 a.m.

§ 120-3. Penalties for offenses.

The violation of any provision of this article shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.

ARTICLE II

Smoking and Vaping in Parks

[Adopted 8-15-2016 by L.L. No. 5-2016; amended in its entirety 5-3-2021 by L.L. No. 3-2021]

§ 120-4. Policy established.

- A. The objective of this article is to establish a policy to create a smoke-free environment for all Village of Menands parks and playgrounds.
- B. Reference: New York State Public Health Law, Article 13-E, § 1399-r.
- C. Policy statement. Smoke- and vape-free parks enhance visitors' enjoyment of clean air, natural beauty and healthy activities, communicate a positive message to the community that smoking and vaping are not compatible with active, healthy living and reduce maintenance and fire risks.

§ 120-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SMOKING AND VAPING PRODUCTS — Include, but are not limited to, any product containing combustible leafy material, such as cigarettes and marihuana, devices used for smoking and vaping, such as pipes, cigars, hookahs and any electronic delivery system (any battery-operated device designed to emit a vapor without being lit), such as e-cigarettes and vape pens. Also, smokeless tobacco products, such as chew, spit, dip and snuff and herbal cigarettes are also prohibited.

TOBACCO OR MARIHUANA USE — The act of smoking or carrying a lighted cigar, cigarette, pipe or other smoking material or device.

VILLAGE OF MENANDS PARKS/PLAYGROUNDS — Includes, but is not limited to, Ganser Smith Park, Hutton Street Park, Polk Switzer Park, any Village trail system and that portion of Sage Estates deemed forever wild.

§ 120-6. Smoking and vaping use prohibited.

The use of use of smoking or vaping products as defined in § 120-5 is prohibited in all parks and playgrounds located in the Village of Menands.

§ 120-7. Signage; public notification.

Signage will be posted in all parks and playgrounds in the Village of Menands to notify the public of this policy.

§ 120-8. Penalties for offenses.

Any violation of this article is hereby declared to be a nuisance. Penalties for violations include warnings for a first offense, with fines of \$100 for each repeat offense.

