

Chapter 168, PARKS AND RECREATION AREAS

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 4-1-2002 by L.L. No. 3-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages -- See Ch. 76.
Auctions and auctioneers -- See Ch. 85.

§ 168-1. Purpose.

The Village of Horseheads recognizes the importance that parks and recreation areas play in the quality of life of its residents. Control of the use of public parks and recreation areas and park facilities is desirable in order to provide safe and wholesome recreational opportunities and to maximize access to the parks and recreation areas by the general public and others. It is the intent of this chapter to establish rules and regulations governing the use of public parks and recreation areas owned and/or operated by the Village.

§ 168-2. Definitions.

For the purposes of this chapter, the certain terms used herein are defined below. All other words and phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

PARK -- A park or any other area owned, used or operated by the Village and devoted to active or passive recreation, such as but not limited to Teal Park, Sullivan Park, Legion Park, and Mill Street Park. "Park" shall also be deemed to include any building, recreation facility or roadway located on Village property and used for or in conjunction with recreational purposes.

PERMIT -- Any written license issued by or under the authority of the Village Recreation Department permitting the performance of a specific act or acts, or the conduct of a particular use, function, program, or activity within a park, parks, portion or facility thereof.

PERSON -- Any natural person, corporation, company, association, joint-stock association, firm, partnership, school, club or other entity or form of association of persons. The singular shall include the plural.

VEHICLE -- Any device in, upon or by which a person or property is or may be transported or drawn, and which is propelled by other than human muscular power. The term shall not include

police, municipal or emergency vehicles.

VILLAGE -- The Village of Horseheads.

§ 168-3. Park rules.

The Village Board of Trustees may, from time to time, by resolution rather than local law, establish such rules and regulations as it deems advisable governing the use and operation of areas designated as a Village park. All existing rules and regulations now in effect are hereby ratified and confirmed except as are inconsistent with the provisions of this chapter.

§ 168-4. Hours of public use.

- A. All Village parks and public recreation areas shall be open to the public each day from sunrise to sunset but no later than 10:00 p.m. local time during the months of June, July and August. No person shall remain in any Village park or public recreation facility after the hour of closing.
- B. The Village Manager and/or Recreation Director may change the hours during which the parks and recreation areas are open to accommodate legitimate needs of a special event or program.
- C. Notwithstanding the hours of closing stated herein, the Village Manager and/or Recreation Director may establish closing hours for designated park facilities.

§ 168-5. Permit and fees for park use.

- A. A person or group may, upon application, secure a permit authorizing use by the group of a portion of any Village park.
- B. Security deposit.
 - (1) The use of Village parks by groups of more than 25 persons, including any anticipated spectators, is prohibited without first obtaining a permit for such use and placing a cash deposit to guarantee that the area will be properly cleaned up after such event and no damage will be caused thereto by the applicant.
 - (2) The amount of deposit shall be as follows:

Group Size	Deposit
0-14	\$0.00
15-24	\$25.00
25-74	\$50.00
75-150	\$100.00
Over 150	To be determined By Village Board

- (3) Said deposit shall be refunded to the applicant after determination of damage and cleanup by the Recreation Director or his designee. The Village Board may amend the schedule of security deposits by resolution.

C. Issuance or denial of permit.

- (1) Any permit granted hereunder shall be issued by the Recreation Director and shall include on the face of the permit the date and hours during which use is authorized, and the name and address of the applicant who shall be responsible for observance by the group of all laws and regulations relating to such use. The application and permit shall be in a form approved by the Village Manager.
- (2) To the extent permitted by law, the Recreational Director may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The Recreational Director may also deny an application for permit on any of the following grounds: [Added 10-24-2002 by L.L. No. 5-2002]
 - (a) The application for permit (including any required attachments and submissions) is not fully completed and executed;
 - (b) The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by this chapter or the Recreational Director;
 - (c) The application for permit contains a material falsehood or misrepresentation;
 - (d) The applicant is legally incompetent to contract or to sue and be sued;
 - (e) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Village property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Village;
 - (f) A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
 - (g) The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Village and previously scheduled for the

same time and place;

- (h) The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof;
 - (i) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of Village employees or of the public;
 - (j) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the Village concerning the sale or offering for sale of any goods or services;
 - (k) The use or activity intended by the applicant is prohibited by law, by this chapter and laws and ordinances of the Village.
- D. Return of security deposit. The security deposit shall be returned by the Village Clerk upon written request and after inspection by the Recreation Director or his designee has confirmed that the group has restored the facility used to its condition immediately prior to such use. Deficiencies identified during the inspection will be provided in writing to the applicant for corrective action. Failure to correct deficiencies within 12 hours will result in the forfeiture of any security deposit. Forfeiture shall not absolve the applicant from culpability for actual damages or penalties for violation of federal, state, and local laws.
- E. No park or facility will be reserved for any group whose size or activity in the opinion of the Village Manager will be detrimental to the park or facility.
- F. No permit shall be issued to any group for the use of any park unless more than 1/2 of the individuals comprising the group are residents of the Village or Town of Horseheads or are organizations having their headquarters or principal place of business located in the Village or Town of Horseheads.
- G. Sports leagues/associations requesting use of athletic fields for the duration of the organization's season must submit their request and proof of insurance to the Recreation Director no later than January 1 of each year. Approval of such requests and the issuance of a sporting season permit do not entitle the organization to exclusive use of the fields, excepting the times and dates provided on the permit. The Village will provide basic athletic field maintenance and groundskeeping at the same level or standard as it provides to non-sports-league recreation areas. Sports leagues/associations may undertake athletic field maintenance programs to further enhance the appearance and suitability of athletic fields beyond the basic Village standards, provided approval has been obtained from the Recreation Director and such programs are funded by the organization. Sports leagues/associations may store maintenance items and equipment only in areas designated by the Recreation Director.

- H. Sports leagues/associations may not make any permanent or temporary modifications or changes to park equipment or park property, including the park itself, without the written approval of the Village Board.
- I. Use of any park/recreation area concession facility and/or the sale of concession-type items (such as food, candy, beverages, etc.) must be approved in writing in advance of said use and/or by the Recreation Director. Failure to obtain prior approval or to collect and dispose of all trash generated by such sales immediately after the end of the scheduled event/game can result in the violator being prohibited from using the park/recreation area, and its facilities in the future.
- J. Fees for the use of a park or any portion or facility thereof shall be set by the Village Board from time to time. Said fees and security deposits shall be paid to the Village Clerk-Treasurer upon the filing of an application, unless such action is initiated by or under the direction of the Village Board or Village Manager. Such fees, and any required security deposit shall be promptly remitted to the Village Clerk-Treasurer.
- K. In the event that the applicant is a business, corporation, company, public or private school, club or sports league, or that the use is for a group of more than 75 persons (including spectators), then the applicant shall provide general public liability insurance coverage naming the Village, its Board, officials and employees as insured, in form, amount and insurer acceptable to the Village Manager. The Village Manager shall have discretion to waive this requirement.

§ 168-6. Pre-use inspection and assumption of risk.

- A. Before each use, the applicant is responsible for a pre-use inspection of the park, or portion thereof, it is permitted to use before each use. The applicant will remove any objects which will cause harm to park users and/or spectators. If such inspection discloses risks of harm which cannot be removed or ameliorated, the park will not be used. The applicant will promptly report, in writing, the risk of harm to Recreation Department personnel. Further, the applicant will draw to the attention of its users and/or spectators readily apparent objects which may present risks of harm and are not removable, such as light poles, backstops, etc.
- B. The applicant, park users and spectators assume all risk of damage or harm to persons or property, risk of loss, injury or expense arising out of or resulting from the use of the park. The applicant shall indemnify and hold harmless the Village, its officials and employees from any and all claims, demands, actions, judgments, liability, injury, cost or expense, including reasonable attorney's fees for defense resulting from or arising out of the use of the park by the applicant, its users and/or spectators.

§ 168-7. Swimming and wading pools.

All swimming and wading pools located in any park shall be closed between the hours of 8:00 p.m. and 10:00 a.m. of the following day, except that additional hours of operation may be established by the Village Manager or Recreation Director. Swimming or wading in any pool during the hours when the same is closed to the general public is prohibited. The pool is not available for private functions during hours posted for general public use or scheduled swimming lessons.

§ 168-8. Mill Street Park. [Amended 2-12-2004 by L.L. No. 1-2004; 8-14-2005 by L.L. No. 4-2005]

All sections of this chapter shall apply to the Mill Street Park recreation area. In addition, the following special use provisions are applicable to this facility:

- A. Fishing shall be prohibited from October 15 to April 1.
- B. A two-trout limit per person, per day is in effect at all times during which fishing is permitted. The practice of catch and release is encouraged.
- C. Fishing is restricted to:
 - (1) Persons 15 years of age and under;
 - (2) Governmental, private and nonprofit agencies/groups representing, sponsoring or advocating for disabled and handicapped persons recognized or approved by the Village Board of Trustees or the Village Manager of the Village of Horseheads. Such agencies/groups will request permits from the Village Clerk.
- D. Persons 13 years of age through 15 and persons fishing under a permit shall use artificial lures only. Persons under the age of 13 may use worms. No corn or other live bait is permitted.
- E. The Village Manager may designate periods for open fishing by the general public and may impose additional restrictions or waive restrictions during such periods.
- F. The Village maintains no full time park personnel on site at Mill Street Park. Fishing and activities at the park are at the individual's own risk.
- G. The New York State Environmental Conservation Law and regulations shall apply to this park, except as otherwise provided herein.
- H. An adult may assist a child by casting or retrieving a fishing line or fishing rod, provided that

the child stays within arms reach of the assisting adult and is actively involved in the fishing activity. An adult may assist a child by baiting hooks, removing fish from the line, netting fish, preparing the fishing rod for use and untangling the line.

§ 168-9. Prohibitions.

The following acts are prohibited within the parks, and no person shall:

- A. Mark, deface, damage, displace or remove any part of a park, i.e., buildings, signs, equipment, utilities, trees, shrubs, fences, trash receptacles, tables, benches or rocks;
- B. Dig or remove any sand, earth, rock, tree, shrubs, plants, flowers, grass, timber or other material from the park, without prior written permission of the Recreation Director;
- C. Introduce, carry or discharge any fireworks and firearms, including but not limited to air rifles, slingshots, bow and arrows, pellet guns, and BB guns;
- D. Hunt, trap, molest, frighten, harm or feed any animal in a park except that which may be a threat to life or limb, without prior written permission of the Recreation Director;
- E. Throw, cast, lay, drop, dump, deposit, bring, or leave in any part of the park any garbage, sewage, refuse, waste, chemicals, poison, ashes, leaves, branches or grass clippings. Such waste materials produced while participating in a permitted activity at the park should be placed in available receptacles. Where receptacles are not available, the material shall be carried away from the park by the persons responsible for it and properly disposed of elsewhere;
- F. Operate any vehicle, including motorcycles, motorbikes, snowmobiles, minibikes, and all-terrain vehicles, in any park; except in places specifically designated therefor;
- G. Swim or wade in any natural body of water in any park;
- H. Camp or erect a tent or other shelter, without prior written permission from the Recreation Director;
- I. Bring, carry or consume any alcoholic beverages at any time in any park without prior approval by the Village Board of Trustees. Any persons entering a park or found within a park to be under the influence of alcohol or other mood-altering substance may be immediately removed by a police officer;
- J. Build a fire, except in a designated fireplace constructed for such purpose, without prior written permission of the Recreation Director;

- K. Enter upon any ice in any park that is not designated as a supervised skating area;
- L. Engage in any conduct or behavior which causes breach of the public peace;
- M. Loiter or remain within any park or any part thereof in or out of a vehicle after the designated closing time for the park, without prior written permission of the Recreation Director;
- N. Permit any animal owned, kept or harbored by him to soil, deface, or commit any nuisance in a park, excepting Seeing-Eye dogs. Any fecal matter produced by any animal in any park must be promptly disposed of by the animal's owner in a wooded area away from any active park area;
- O. Park or leave a motor vehicle overnight in any park area;
- P. Operate a model airplane, rocket or other similar flying object, other than one propelled by human muscle power, in any park;
- Q. Ride a horse or pony in any park without the prior written permission of the Recreation Director;
- R. Have or be permitted exclusive use of a park or specific facility (i.e., athletic field, pavilion, etc.) without prior written permission of the Recreation Director;
- S. Erect any temporary recreation, play or other equipment in any park, without prior written permission of the Recreation Director;
- T. Offer or conduct any public sales or exchanges, or advertisements for the same, in any park, without prior written permission of the Recreation Director;
- U. Conduct any demonstration, parade or assembly of any kind or use any sound-amplification devices or loudspeaking systems in such areas, without prior written approval by the Recreation Director and Village Manager;
- V. Park a vehicle in any area other than that designated for such purpose;
- W. Operate a vehicle on other than a designated public road or parking area;
- X. Engage in sports activities in locations other than those designated for such purpose by the Recreation Director;
- Y. Beg, hawk, peddle, or solicit within the park, except as authorized by the Village Board of Trustees;
- Z. Engage in or conduct the sports of golf or archery or the practice thereof;
- AA. Operate a scooter, skateboard or in-line skates or engage in skateboarding or in-line

skating without required protective apparatus such as helmets and knee, elbow and hand guards;

- BB. Use or utter obscene, profane or abusive language or engage in lewd conduct or offensive behavior;
- CC. Interfere with any police officer or employee of the Village in the performance of his or her duties;
- DD. Take any fish from or send or throw any animal or thing into a pond or any of the waters of the parks, except with the permission of the Recreation Director, and excepting that fishing may be permitted in season in Mill Street Park under restrictions established herein or hereafter established by the Village Manager.

§ 168-10. Traffic and use regulations.

- A. All persons shall comply with all applicable provision of the Vehicle and Traffic Law of the State of New York and the Vehicle and Traffic Law of the Village, Chapter 235 of the Code of the Village of Horseheads;
- B. No person shall fail to observe or obey any traffic, parking, speed, directional or other signs posted for proper control of and to safeguard life and property;
- C. No vehicle shall use, traverse or park on anything other than a paved or graveled surface designated for such purpose. No vehicle shall be permitted on any park lawn or grassed area without permission of the Village Manager or Recreation Director;
- D. The Department of Public Works is authorized to erect suitable signs in all park areas restricting the use of same, including traffic and parking regulations;
- E. Areas identified as emergency vehicle access areas will not be blocked at any time.
- F. At no time will entrances to municipal driveways, garages, and storage areas be blocked or used for parking.

§ 168-11. Compliance with orders.

No person shall fail or refuse to comply with any reasonable order relating to the regulation of activities hereunder or the enforcement of the provisions of this chapter lawfully given by the Village Manager, Recreation Department personnel or any law enforcement officer, fire inspector or other public official of any policing agency, having jurisdiction.

§ 168-12. Standards for issuance of permits.

Permits issued hereunder may be granted when it is found that:

- A. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park or the private use of private property in close proximity of the park;
- B. The proposed activity or use will not unreasonably interfere with or detract from the promotion of public, health, safety and recreation;
- C. The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- D. The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Village;
- E. The facilities desired have not been reserved for other use at the day and hour requested in the application.

§ 168-13. Revocation of permit.

The Village Manager or Recreation Director shall have the authority to revoke any permit upon a finding of violation of any rule, regulation, local law, or other good cause shown.

§ 168-14. Enforcement.

Police officers of the Village of Horseheads and of any other police agency, the Village Manager, the Recreation Director, and the Code Enforcement Officer shall be and hereby are empowered to enforce all of the provisions of this chapter.

- A. Any police officer may, without a warrant, arrest any offender whom such officer may detect in the violation of any of the provisions of this chapter and may take the person so arrested forthwith before a Magistrate having competent jurisdiction;
- B. Any police officer, the Village Manager, Recreation Director or Code Enforcement Officer shall have the authority to eject or cause to be removed from a park any person acting in violation of this chapter or specific park rules or when actions of a person are jeopardizing or will likely jeopardize the safety of the park property or persons in the park;
- C. Any police officer shall have the power to seize and confiscate any property, contraband,

thing or device in a park which is used in violation of this chapter;

- D. Any police officer, DPW Superintendent, Village Manager and Recreation Director shall have a right at all times to enter the premises of any building, structure or enclosure in any park, including such grounds, buildings, structures or enclosures in any Village park which may be leased or set aside for private or exclusive use of any individual or group of individuals, for the purpose of arresting violators of this chapter and may use all necessary means to attain that end.

§ 168-15. Penalties for offenses.

Violation of this chapter shall be punishable by fine or imprisonment, or both, as prescribed by the General Penalty Chapter of the Village Code (Local Law No. 12 of 1977).^{EN(1)} Each separate violation shall constitute a separate additional offense.

§ 168-16. Revisions.

The Village Manager is assigned responsibility for revising this law as necessary to accommodate statutory changes and to respond to changing circumstances in park and recreation area operations.

Endnotes

1 (Popup - Popup)

Editor's Note: See Ch. 1, Art. II, General Penalty.