

## Chapter 148

### PARKS AND RECREATION

#### GENERAL REFERENCES

Alcoholic beverages — See Ch. 54.

Noise — See Ch. 139.

Animals — See Ch. 57.

Vandalism of Town property — See Ch. 189.

Explosives — See Ch. 100.

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#### **§ 148-1. Legislative authority; purpose.**

The following chapter is adopted pursuant to the authority vested in this Board by the laws of the State of New York to preserve and protect the health, safety and welfare of the residents of the Town of Poughkeepsie and to protect and preserve the quality of the parks and recreational areas of the Town of Poughkeepsie.

#### **§ 148-2. Definitions.**

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

BOARD — The Town of Poughkeepsie Town Board.

PARK AND/OR RECREATION AREA — Includes the term "park," as that term is ordinarily defined, and unless specifically limited shall be deemed to include all parks, parkways, spurs, open spaces, roads and boulevards, and also entrances and approaches thereto, docks and piers, and bridges in or leading to or connecting any park or parks or parts thereof and such other properties utilized by the Town of Poughkeepsie Recreation Department, whether the same are now or hereafter owned or acquired by the Town of Poughkeepsie in fee or otherwise.

PARK ATHLETIC FIELDS — Includes areas in Town of Poughkeepsie parks developed and maintained specifically for the purpose of athletic competition. **[Added 2-21-2018 by L.L. No. 2-2018]**

TOWN OF POUGHKEEPSIE EMPLOYEES — Any person designated by the Town of Poughkeepsie Town Board or its agents as Town of Poughkeepsie employees.

#### **§ 148-3. Construal of provisions; scope.**

A. Construction. In the interpretation of this chapter, its provisions shall be construed as follows:

- (1) Any requirement or prohibition of any act shall respectively extend to and include the causing or procuring, directly or indirectly, of such act.

(2) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the Town in the line of duty or by any person in the execution of the terms of any agreement with the Town.

B. This chapter shall be effective within and upon all Town parks and recreation areas.

**§ 148-4. Recreation park usage guidelines; prohibited uses; hours of operation. [Amended 3-27-1991; 9-15-1993; 3-27-1996 by L.L. No. 4-1996; 9-24-1997 by L.L. No. 30-1997; 9-22-1999 by L.L. No. 20-1999; 5-17-2000 by L.L. No. 7-2000; 8-21-2002 by L.L. No. 11-2002]**

A. A park use permit is required for any group of 20 or more, and the applicant must show proof of liability insurance acceptable to the Recreation Director or his designee. A permit issued under this section shall entitle the holder thereof to the exclusive use of the area covered by the permit, subject to the terms and conditions of use set forth on the permit. **[Amended 5-20-2009 by L.L. No. 20-2009]**

B. Groups, organizations, and individuals using the parks and/or facilities will comply with the laws of the State of New York and Town of Poughkeepsie, and with this chapter.

C. All activities shall be properly controlled and supervised. Whenever persons participating in the planned activity are under 18 years of age, adequate adult chaperones must be provided. Any group using a facility on multiple occasions must provide the Town with a schedule, showing specific times and dates of usage.

D. No loud or excessive noises will take place that will disturb other users of the park or park neighbors.

E. The Director of Parks and Recreation, other authorized personnel or the Town of Poughkeepsie Police may revoke any permit previously granted, at any time, if it is determined that the application for permit contained any misrepresentation or false statement, or that any condition set forth in policies governing the permit requested is not being complied with, or that the safety of the participants in the activities of the applicant or persons or visitors to the parks is endangered by the continuation of such activity.

F. No person shall throw or discard in a park any litter or any object or matter not naturally found in the boundaries of the park and the permit holder agrees to deposit all trash and litter (resulting from the event) in trash receptacles.

G. The applicant agrees to assume liability for any damage done to any district property.

- H. The Town of Poughkeepsie will not be liable for injury or damages resulting from or arising out of the use of the Town's facility or premises and the permit holder agrees to indemnify the Town and hold it harmless against any and all such claims, damages, losses and expenses. If requested by the Town, the permit holder shall carry insurance against such claims and furnish the Town with a certificate of insurance evidencing same.
- I. No person shall carry firearms or knives of any description or other dangerous instrument within a park.
- J. No person shall bring into or have in a park any explosive or explosive substance.
- K. No person shall kindle, build, maintain or use a fire other than in a grill in a designated area. Any fire shall be continuously under the care and direction of a competent person over 16 years of age from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette or other burning object in a park except after extinguishing the same and then only in a receptacle provided therefor by the Town of Poughkeepsie.
- L. No person shall solicit alms or contributions for any purposes unless authorized by special permit by the Town Board; provided, however, that concession stands operated by not-for-profit organizations in connection with various sporting activities sponsored by said not-for-profit corporations and conducted at designated recreation areas shall be permitted pursuant to the terms and conditions of permits issued by the Town of Poughkeepsie Recreation Department.
- M. No person shall be within a Town park between sunset and sunrise, with the exception of groups specifically issued a park use permit by the Town of Poughkeepsie Recreation Department. **[Amended 5-19-2010 by L.L. No. 13-2010]**
- N. No person shall consume any alcoholic beverages in a park or have in his or her possession an open container of an alcoholic beverage unless authorized by special permit by the Town Board.
- O. No motor vehicle of any type or description, including, but not limited to minibikes, trail bikes and snowmobiles, shall be permitted in a park except on designated roads and then only for the purpose of parking in a designated parking area or departing from the same.
- P. No person shall remove any equipment or park apparatus from the boundaries of any park or from its original location within the park.
- Q. No person, for the duration of any athletic event sponsored by the Recreation Department of the Town of Poughkeepsie, shall remain in the vicinity of the event except in designated areas.

- R. No person shall injure, deface, disturb or befoul any part of the park or any building, sign, equipment or other property found therein; nor shall any tree, flower, fern, shrub, rock or other plant or mineral be removed, injured or destroyed; nor shall any person view, approach or enter into or upon any waterfall, gorge, cliff or other natural or scenic feature by any means other than established trails, roads, overlooks and entries provided for such public use, view or entry.
- S. No person shall cause or permit any animal owned by him or her or in his or her custody or under his or her control onto park athletic fields. In other park areas, a dog restrained by a leash not exceeding six feet in length is allowed. Feces left by a dog under the custody and control of the owner or his or her designee shall be picked up immediately and disposed of in a proper receptacle. This subsection may be enforced by the Town Animal Control Officer. **[Amended 2-21-2018 by L.L. No. 2-2018]**
- T. No person shall engage in any activity in any park except in an area designated for the same by the Recreation Department of the Town of Poughkeepsie. Wholly prohibited activities include, but are not limited to, golfing, hunting and trapping in any portion of any park; bike riding, dog walking, rollerblading and skateboarding on tennis courts or park athletic fields. **[Amended 2-21-2018 by L.L. No. 2-2018]**

**§ 148-5. Penalties for offenses. [Amended 3-27-1996 by L.L. No. 4-1996; 6-3-2009 by L.L. No. 22-2009]**

- A. For each and every violation of the provisions of this chapter, the person violating the same shall be deemed guilty of a violation and shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 15 days, or to both such fine and imprisonment, for each separate violation.
- B. In addition to any other remedies set forth herein authorizing the Town to enforce the provisions of this chapter, establishing penalties, and setting forth additional remedies, the person charged with the responsibility to enforce the provisions of this chapter may impose a civil fine or agree to a civil fine not to exceed \$1,000 per day for each day of the violation. If said civil fine is imposed, then the alleged violator may appeal to the Town Board.

**§ 148-6. Enforcement.**

The provisions of this chapter shall be enforced by the Town Police.