

Town of Batavia, NY
Tuesday, January 24, 2017

Chapter 169. Parks

[HISTORY: Adopted by the Town Board of the Town of Batavia 8-26-1981 by L.L. No. 2-1981.
Amendments noted where applicable.]

§ 169-1. Purpose.

The purpose of this chapter is to preserve the public peace and good order on lands operated as public parks by the Town of Batavia and to contribute to the safety and enjoyment of park users by establishing rules and regulations governing the use of parks maintained by the Town of Batavia.

§ 169-2. Title.

This chapter shall be known as the "Town of Batavia Park Rules and Regulations Law."

§ 169-3. Word usage and definitions.

- A. Words used in the present tense shall include the future, words in the masculine gender shall include the feminine and neuter, the singular number shall include the plural, and the plural the singular.
- B. For the purpose of this chapter, the terms used herein are defined as follows, unless the context specifically indicates otherwise:

ALCOHOLIC BEVERAGE

Alcohol, spirits, liquor, wine, beer, cider, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.

[Added 10-18-2006 by L.L. No. 3-2006]

INFLATABLE STRUCTURES

Any games or equipment of any kind or nature that are inflated by forced air.

[Added 6-17-2015 by L.L. No. 3-2015]

PARK

The land, including all buildings, waters and other property located thereon and constituting a part thereof, which is designated as a park by the Batavia Town Board and which is maintained, operated and controlled by the Town of Batavia for public park purposes.

PERSON

Any individual, firm, partnership, company, corporation, association, society, group or municipality.

VEHICLE

Every device in, upon or by which a person or property is or may be transported or drawn, whether or not by motorized power.

§ 169-4. Applicability.

This chapter shall apply to all parks under the control, supervision and jurisdiction of the Town of Batavia.

§ 169-5. Dates and hours of operation.

- A. All parks shall open and close for the season as designated by resolution of the Town Board.
- B. No person or vehicle shall enter or remain in any park between the hours of 10:00 p.m. and sunrise or when closed for the season.
- C. In case of an emergency, any portion of a park may be closed to the public, to vehicles or to designated persons.

§ 169-6. Use of park pavilions and reserved areas.

- A. No person may reserve for use any park pavilion or other reserved areas without first obtaining a permit for such use.
- B. An application for a permit may be obtained from and must be filed with the Batavia Town Clerk.
- C. Each application for such permit shall be accompanied by a deposit of \$25. Said deposit shall be for the purpose of ensuring that the pavilion and/or reserved area is undamaged and free of debris upon completion of use. Following use, said pavilion and/or reserved area shall be inspected by the town. If the same is undamaged and free of debris, said deposit shall be returned. If said area is either damaged or not free of debris, said deposit shall be forfeited to the town to cover the cost of repair or cleaning. Nothing herein shall prevent the town from instituting legal proceedings against any person for the recovery of damages caused by the use of any park or park pavilion.
- D. Application for a permit shall be made at least 72 hours in advance of the time of the reservation requested. In the event more applications are received than space is available, such applications shall be considered in the chronological order received.

§ 169-7. Park regulations.

The following regulations shall be observed at all times within any park:

- A. Conduct.
 - (1) No person shall play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice or other device for money, chips, credit or any other representative of value, nor shall any person maintain or exhibit any gaming table or other instrument of gambling.
 - (2) No person, except authorized peace officers or other law enforcement officers, shall have, carry or transport any firearm, air gun, switchblade, hunting knife, slingshot, dagger, metal knuckles, bow, arrow, or other dangerous weapon.

- B. Fires. No person shall build an open fire, except in park or portable grills. Fires shall be extinguished upon leaving the park.
- C. Hunting and molesting wildlife. No person shall hunt or trap game within any park boundaries. No person shall kill, injure or unnecessarily disturb or molest any wildlife found in a park.
- D. Preservation of property and natural features. No person shall injure, deface, disturb or dirty any part of a park or any buildings, signs, equipment or other property found therein, nor shall any tree, shrub, rock or other mineral be intentionally removed, injured or destroyed.
- E. Littering, rubbish, garbage, sewage and noxious material.
 - (1) No person shall leave behind, dump or similarly dispose of materials of any kind in any park. Refuse is not to be dropped, thrown or scattered on park property.
[Amended 6-17-2015 by L.L. No. 3-2015]
 - (2) No person shall, either within or outside of a park, discharge into, throw, cast, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through a park any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of said river, brook or stream within any park, interfere with the natural resources of any park or endanger the health of visitors to any park.
 - (3) No person shall have in his possession or control or shall carry in a basket or other container owned by him any glass beverage container, regardless of the contents of such container.
 - (4) Anyone using park facilities in the Town of Batavia shall be required to remove when leaving the park any trash, garbage, litter, or any items of any kind or nature that are brought into the park.
[Added 6-17-2015 by L.L. No. 3-2015]
- F. Alcoholic beverages and glass bottles. The consumption and/or possession of alcoholic beverages, as well as the possession or use of glass bottles containing any beverage, shall be prohibited at all times from any and all areas of parks located within and maintained by the Town of Batavia, including pavilions, parking lots and rights-of-way.
[Amended 10-18-2006 by L.L. No. 3-2006]
- G. Dogs, cats and other household pets. No person shall bring into or keep in any park any dog, cat, household pet or other animal destructive to birds and other wildlife, except that dogs or cats are permitted if held in control by a leash while in a park.
- H. Inflatable structures are prohibited.
[Added 6-17-2015 by L.L. No. 3-2015]

§ 169-8. Traffic rules.

- A. No person shall use or operate any motor vehicle within a park except upon roadways specifically designated for the operation of motor vehicles.
- B. No vehicle shall be operated on any park road or drive at a speed exceeding 10 miles per hour.
- C. No person shall park any vehicle on any park road or drive between the hours of 10:00 p.m. and 8:00 a.m.
- D. No all-night camping or parking is allowed in any park.
- E.

No person shall park or cause to be parked any vehicle at any point where a sign prohibiting parking has been erected pursuant to direction of the Town Board.

§ 169-9. Enforcement.

This chapter shall be enforced by the Town of Batavia through its constables, by the Genesee County Sheriff's Department and by all other police agencies having jurisdiction within the Town of Batavia.

§ 169-10. Penalties for offenses.

Any person found in violation of this chapter shall be guilty of an offense and, upon conviction, shall be subject to a fine of not more than \$250 or to imprisonment for a period of not more than 15 days, or both.