

MONROE COUNTY PARKS LAW

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Chapter 323, PARKS

[HISTORY: Adopted by the Legislature of the County of Monroe 5-5-81 as L.L. No. 4-1981.
Amendments noted where applicable.]

§ 323-1. Scope.

The provisions set forth herein shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Department of Parks of the County of Monroe.

§ 323-2. Definitions.

The following terms shall have the meanings indicated in this section:

COUNTY -- The County of Monroe.

COUNTY EXECUTIVE -- The chief elected or appointed executive officer and administrative head of the county government of the County of Monroe.

COUNTY LEGISLATURE or LEGISLATURE -- The elective legislative body of the County of Monroe.

DIRECTOR OF PARKS or DIRECTOR -- The Director of Parks of the County of Monroe or his or her duly authorized agent or representative.

LAW ENFORCEMENT OFFICER -- Any police officer, peace officer, sheriff's deputy, New York State trooper or any other law enforcement official of the County of Monroe, State of New York, federal government, City of Rochester, any town or village within the County of Monroe or any other applicable jurisdiction, having jurisdiction or authority to enforce this chapter.

PARK -- The grounds, buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the County of Monroe for public park purposes.

PERSON -- Any individual, firm, partnership, corporation or association of persons, and the singular number shall include the plural.

VEHICLE -- Every device in, upon or by which a person or property is or may be transported or drawn upon a highway.

§ 323-3. Hours of operation.

A. No person shall be permitted to remain, stop or park within the confines of any park between the hours of 11:00 p.m. and 6:00 a.m. prevailing local time in the County of Monroe, except in an emergency or with a special permit of the Director of Parks. In case of an emergency or when, in the judgment of the Director, the public interest demands it, any portion of a park may be closed to the public or to designated persons until permission is given to reopen.

B. Nonobservance of this section shall constitute a violation.

§ 323-4. Park lodges.

A. Park lodges shall be used subject to the following rules:

- (1) Permits shall be required for the use of all park lodges.
- (2) Permits to use park lodges shall be issued at the Park Office, 171 Reservoir Avenue, Rochester, New York 14620.
- (3) Applicants for permits must be twenty-one (21) years of age or over. All permits must be signed by the applicant prior to use of the lodge. The signer of the permit shall be responsible for all damages to the lodge and its contents and agrees, as a condition for the granting of the permit, to indemnify the County of Monroe for all such damages.
- (4) As a condition for granting a permit, the Director of Parks may require proof of insurance or a security deposit in accordance with rules and regulations promulgated by the Director pursuant to § 323-33.
- (5) The key to the designated lodge shall be issued when the permit is presented within the designated park. Said key shall be issued only to an adult twenty-one (21) years of age or over.
- (6) The adult to whom such key is issued shall be on the premises at all times during the period of use.
- (7) The use of cooking or heating devices fueled by propane or some other similar highly volatile liquid or gaseous fuel is prohibited in park lodges.
- (8) Park lodges shall close at 10:45 p.m.

B. Where a permit has been issued allowing the overnight use of a park lodge, the above rules shall be applicable with the exception of Subsection A(8) relating to time of closing.

C. A tentative reservation will be held for no more than fourteen (14) days. If payment for the permit is not received during such period, the reservation will be cancelled. Reservations may be cancelled by permit holders and fees refunded up to one (1) week [seven (7) days] before the reserved date. Thereafter, refunds will be made upon cancellation only because of death or serious illness in permit holders' families or because of some other extraordinary cause not within the control of the permit holders. Refunds also will be made if the permit holders are prevented from using the lodge on the reserved date because of extremely adverse weather conditions, major damage to or destruction of the lodge or some other extraordinary cause not within the control of the permit holders.

D. Except as set forth in Subsection E below, all permits must be paid for and picked up or received from the Park Office at least seventy-two (72) hours prior to use of the lodge.

- E. Park lodges may be reserved less than seventy-two (72) hours in advance on a first-come-first-served basis by making payment to and obtaining a permit from the park supervisor of the park in which the lodge is located.
- F. The Director is authorized to promulgate further rules and regulations pertaining to this section pursuant to § 323-33 below.
- G. Nonobservance of the rules in this section shall constitute grounds for denial or cancellation of any permit applied for or issued pursuant to this section and denial of applications for future permits as set forth in § 323-32 below.

§ 323-5. Highland Park Bowl.

- A. Highland Park Bowl shall be used in accordance with rules and regulations promulgated by the Director of Parks pursuant to § 323-33 below.
- B. Nonobservance of the rules and regulations pertaining to the use of Highland Park Bowl shall be subject to such penalties as may be set forth in said rules and regulations.

§ 323-6. Camping.

- A. Permits shall be required for all camping in county parks.
- B. When various camping locations are made available within a park, rules and regulations particular to each location shall be promulgated by the Director pursuant to § 323-33 below.
- C. Nonobservance of such camping rules and regulations shall constitute a violation.

§ 323-7. Games.

- A. No person shall engage in potentially dangerous games involving thrown or propelled objects, such as footballs, baseballs, horseshoes, golf balls or similar objects, except in areas designated for such usage; and then only subject to such rules and regulations as may be promulgated by the Director of Parks pursuant to § 323-33 below. All games of any description must be conducted in a safe and orderly manner and no rough or boisterous practices will be allowed. No one shall play games for which a permit or fee is required without first obtaining such permit and paying such fee.
- B. Nonobservation of this section shall constitute a violation.

§ 323-8. Swimming, swimming areas and beaches.

- A. No person shall bathe, wade or swim within any park except at such pools or beaches therein as may be designated for that purpose by the Director of Parks nor without having suitable swimming attire.
- B. Persons shall be permitted to change clothing on park property only in facilities set aside for this purpose.
- C. No person shall carry onto, possess, scatter or throw on any bathing beach or pool area bottles or containers of any kind or broken glass.

- D. The use of life rafts, inner tubes and other objects intended to support persons is prohibited in any of the designated swimming areas.
- E. Boats, surfboards, water skis and similar aquatic equipment are prohibited within the designated swimming areas.
- F. No diapered infants shall be permitted to wade or bathe in park waters.
- G. Dogs, cats, other household pets and horses are prohibited in all swimming areas and beaches.
- H. The Director is authorized to promulgate further rules and regulations pertaining to this section pursuant to § 323-33 below.
- I. Nonobservance of this section shall constitute a violation.

§ 323-9. Boating.

- A. Boating in or adjacent to park property shall be permitted only in areas designated for such use and then only in strict conformance with all applicable federal, state and municipal laws and ordinances, as amended from time to time. No person shall operate, row or paddle a boat or canoe in or upon park waters unless able to handle the same with safety to himself and other occupants thereof or in such manner as not to annoy or endanger the occupants of other boats or canoes. No person shall stand up in or rock a rowboat or canoe, make a raft of canoes or let for hire or use any rented canoe that does not carry at least one (1) life preserver for each occupant of such canoe.
- B. No person except those in the employ of the Parks Department shall, without written permission from the Director, place or propel upon the waters in any park any float, boat or other watercraft nor land from any boat at a place not designated by the Director for that purpose.
- C. The Director is authorized to promulgate further rules and regulations pertaining to this section pursuant to § 323-33 below.
- D. Nonobservance of this section shall constitute a violation.

§ 323-10. Golf courses.

- A. Permit required. No person shall play on or use the golf courses in county parks without having procured a permit therefor from the Director of Parks. Applications for permits shall be made at the Park Office. Said permit shall be carried on the person of the player and shall be exhibited upon demand by any authorized park official.
- B. Rules. The following rules must be observed by all persons using the golf courses:
 - (1) Starters, greenskeepers, their assistants and golf professionals are officials of the course.
 - (2) Permits are not transferable and shall be used only by the person to whom issued.
 - (3) Only persons playing golf shall be permitted on the course.
 - (4) No practicing shall be permitted on the golf courses.

- (5) Children under twelve (12) years of age shall be permitted to play on weekdays and after 12:00 noon on Saturdays, Sundays and holidays. In all instances children under twelve (12) years of age must be accompanied by a parent or guardian.
- (6) Any official is authorized to exclude from the course any player who is not sufficiently familiar with the game to play without inconveniencing or endangering the other players.
- (7) Play may be prohibited on greens and tees within a reasonable time after a heavy rain at the discretion of the official in charge.
- (8) No more than four (4) players shall play together.
- (9) At all times when the course is crowded, only "fours" will be allowed to start.
- (10) Each player must have at least three (3) clubs and a bag before starting play.
- (11) Two (2) players are not permitted to play with a single set of clubs.
- (12) Shoes must be worn with heels not over one (1) inch high and not less than two (2) inches wide. Highheeled shoes will not be permitted on the course.
- (13) The regular teeing grounds shall be used.
- (14) All players shall start at first tee in order of arrival, and no player or party of players shall be allowed to break in on the regular order of play by commencing at any tee other than the one already mentioned, unless so directed by the official in charge.
- (15) Slow and inexperienced players shall allow faster players to pass them when there is a clear hole ahead.
- (16) No player may play his or her ball until all the players in the group ahead are at least two hundred (200) yards away.
- (17) Turf cut or displaced by a stroke shall be replaced at once, and a player shall carefully fill up all holes made by him or her in a bunker.
- (18) Players shall see that their caddies do not injure the holes by standing close to them when the ground is soft.
- (19) Bags shall not be carried on the putting greens.
- (20) Caddy carts shall not be allowed on tees.
- (21) All property found on the course must be turned in to the starter.
- (22) Selling golf balls or buying them from anyone on the course is prohibited.
- (23) Water pipes, hoses and sprinklers on the course are not to be tampered with for any reason whatsoever.

(24) Horses, dogs or bicycles are not permitted to be on the course.

(25) The Director is authorized to promulgate further rules and regulations pertaining to this section pursuant to § 323-33 below.

C. Playing on or using the golf courses in county parks without having procured a permit therefor shall constitute a violation. Nonobservance of rules contained in Subsection B(3), (22), (23) or (24) above shall constitute a violation. Nonobservance of any other provision of this section shall constitute grounds for denial or cancellation of any permit applied for or issued pursuant to this section and denial of applications for future permits as set forth in § 323-32 below.

§ 323-11. Downhill skiing.

Downhill skiing within county parks shall be permitted only in areas designated for that purpose and in accordance with rules and regulations promulgated by the Director pursuant to § 323-33 below.

§ 323-12. Tobogganing and sledding.

Tobogganing and sledding within county parks shall be permitted only in areas designated for that purpose and in accordance with rules and regulations promulgated by the Director pursuant to § 323-33 below.

§ 323-13. Horseback riding.

A. Horseback riding shall be permitted only on designated roadways or bridle paths and only on condition that horses are ridden with care and under such control that they can be easily or quickly turned or stopped. No person shall permit any horse to stray unattended or graze within the parks. In no event shall horses be permitted on golf courses, swimming areas and beaches or in picnic areas. No person shall ride horseback in any park after dark or before daybreak. No person shall smoke while mounted on horseback within the parks.

B. The Director is authorized to promulgate further rules and regulations pertaining to this section pursuant to § 323-33 below.

C. Nonobservance of this section shall constitute a violation.

§ 323-14. Additional activities.

Other activities in county parks not specifically regulated hereunder shall be subject to rules and regulations promulgated by the Director pursuant to § 323-33 below. Nonobservance of such rules and regulations shall be subject to such penalties as may be set forth therein.

§ 323-15. Bicycles.

A. Riders of bicycles shall comply with all laws and rules for the regulation of other vehicles and in addition thereto shall be subject to the following rules:

- (1) No person shall ride a bicycle upon the lawns, walks, foot trails or bridle trails of county parks or parkways unless designated for such vehicles. In no event shall bicycles be permitted on golf courses.
- (2) Riders shall proceed in the extreme right-hand lane of the drives at all times, in single file only.
- (3) No rider shall take both hands off the handles or steering mechanism or ride recklessly in any other manner.
- (4) A bicycle shall not be towed by a rope or otherwise nor shall any rider hold on to any moving vehicle for the purpose of being drawn along.
- (5) No bicycle shall be pushed upon any park road where an adjoining footwalk is available.
- (6) Infants, children or extra passengers shall not be carried on bicycles in any manner whatsoever unless such vehicle is equipped with a separate seat for that purpose.
- (7) Children under the age of twelve (12) years riding small bicycles [wheels less than twenty (20) inches in diameter] may use the footwalks.
- (8) Wherever possible, bicycles shall be parked in places provided for such purpose.
- (9) The Director is authorized to promulgate further rules and regulations pertaining to this section pursuant to § 323-33 below.

B. Nonobservance of this section shall constitute a violation.

§ 323-16. Snowmobiles; off-road and limited-use vehicles. [Amended 10-12-1994 by L.L. No. 7-1994, approved 10-31-1994]

- A. A "snowmobile" shall be defined as any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one (1) or more skis, belts or cleats.
- B. No person shall operate any snowmobile within a park except in accordance with this subsection. Snowmobiling shall be permitted during the period from December 1 to April 1, only in Churchville Park and only in areas designated for that purpose by the Director of Parks and in accordance with rules and regulations, if any, promulgated by the Director of Parks pursuant to § 323-33 below. An annual report summarizing the above activities shall be submitted by the

Director of Parks to the Clerk of the Legislature by July 1 for the preceding 12 calendar months.
[Amended 11-14-1996 by L.L. No. 10-1996, approved 12-11-1996]

- C. No person shall operate any motor-powered off-road or limited-use vehicle in any part of a park, except that off-road or limited-use vehicles properly registered in accordance with the New York State Vehicle and Traffic Law may be operated on park roads and parked in park parking lots in accordance with the provisions of § 323-17. Off-road or limited-use vehicles shall include, but are not limited to, four-wheel-drive vehicles; vehicles equipped for operation in or on sand, mud, snow, gravel or wetland; dune buggies; motorcycles or minibikes equipped for off-road usage; dirt bikes; or any similar type of vehicle or conveyance.
- D. Nonobservance of section. [Amended 11-12-1996 by L.L. No. 9-1996, approved 12-11-1996]
- (1) The first failure to obey the provisions of this section shall constitute a violation. Upon probable cause that a violation has occurred, the law enforcement officer with jurisdiction may, at the time the violation is committed, seize, tow and impound the vehicle. Upon the impounding of the vehicle, the law enforcement agency with jurisdiction shall notify the owner thereof, within five days or less, of the seizure and impounding of the vehicle and the cost of redemption. The owner of the vehicle may, within 90 days thereafter, redeem the vehicle by payment, in full, of the expenses of seizure, towing and storage. The second and all subsequent failure(s) to obey the provisions of this section shall constitute Class B misdemeanors. In either case, upon conviction of a violation of this section, a court may impose upon a defendant any or all of the penalties the Penal Law or § 323-36 authorizes.
 - (2) Upon a defendant's conviction of a Class B misdemeanor hereunder, a court may also impose the forfeiture of the vehicle involved. Prior to issuing such an order of forfeiture, the court must find:
 - (a) The instant conviction is the defendant's second or subsequent offense, under this section; and
 - (b) That the defendant is the owner of the vehicle involved or, if the defendant is not the owner, the specific vehicle itself has, on at least one prior occasion, been used in violation of this section.
 - (3) The court shall transmit the order of forfeiture to the office of the County Attorney, who may, upon receipt of said order, promptly commence forfeiture proceedings against the vehicle in the name of the county.
 - (4) Forfeiture proceedings are in rem civil actions. They are grounded on the misdemeanor conviction(s) described in Subsection D(2). They must be commenced within one year of the receipt of the court's order of forfeiture. The proper court for such actions is the Supreme Court, Monroe County. All the applicable provisions of the Civil Practice Law and Rules, and particularly Article 13A thereof, shall govern the procedures in such forfeiture action(s) and, insofar as such procedural provisions do apply, they are incorporated herein by reference.
 - (5) Proceeds from the auction, sale or other disposition of seized/forfeited vehicles shall be distributed as provided in Local Law No. 4 of 1987, except that the claiming authority designated herein shall retain 15% of the gross proceeds realized to defray costs and expenses incurred in the preparation and litigation of forfeiture actions.

- (6) The seizure/forfeiture authority granted herein is permissive, not mandatory, and should be exercised in the interests of justice. The Director of Parks shall post public notices of the risk of seizure/forfeiture of such vehicles for violation of this section at appropriate locations within the County Parks systems.

§ 323-17. Use of motor vehicles.

- A. No person shall drive any automobile, motorcycle or other motorized vehicle upon any part of the county parks or parkways except for the proper drives and parking areas or permit the same to stand upon the drive or any part thereof so as to congest traffic or obstruct the drive. Paths established as bridle paths, foot paths or bicycle paths shall not be used for vehicular traffic.
- B. Vehicles for hire not to stand in parks; exception. No person shall cause any taxi, bus, limousine or other vehicle for hire to attend upon any part of the parks or parkways for the purpose of soliciting or taking passengers or persons other than those carried to the parks or parkways by said vehicle.
- C. Use of parks by said vehicles prohibited. No persons shall cause any bus with or without passengers nor any cart, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil or other articles or solely in use for the carriage of goods, merchandise, manure or other articles to enter or to be driven in any part of the park or parkway. This subsection shall not apply to vehicles engaged in the construction, maintenance or operations of the parks or parkways, to vehicles making deliveries to the parks or parkways nor to buses under the permit of the Parks Department.
- D. Duty of vehicle operators to comply with Vehicle and Traffic Law. It shall be the duty of every person operating an automobile, motorcycle or other motorized vehicle within the parks or parkways to comply with the New York State Vehicle and Traffic Law; the applicable traffic ordinances of the City of Rochester and the towns and villages in Monroe County; and with all orders, directions and regulations issued by traffic officers or officially displayed on any post, standard, sign or device installed for the regulation of traffic.
- E. Speed of vehicles. No vehicle shall be operated on any road or drive in any park or parkway at a speed exceeding twenty-five (25) miles per hour, unless otherwise posted. The Parks Department shall cause signs to be erected along such roads or drives indicating such speed limits.
- F. No passing within certain areas. No vehicle shall pass another vehicle proceeding in the same direction if the center of the road is marked with a solid double line.
- G. One-way traffic. In certain areas there may be one-way traffic. It will be so posted and must be followed.
- H. Stopping at intersection of park drives or roadways. When the Parks Department has caused certain intersections of park drives or roadways to be marked with stop signs, no person shall operate any vehicle except authorized emergency vehicles over or across such intersection without first bringing such vehicle to a complete stop at or near the stop sign.
- I. Parking prohibited in specific areas during specific hours. No person shall park any vehicle or permit any vehicle to remain standing on any highway or roadway or in any parking area within the boundaries of a county park in excess of the length of time and between the hours as hereinafter specified. No parking shall be allowed on any of the park roads during the hours of 11:00 p.m. to 6:00 a.m. No parking shall be allowed on the major roads or in other park areas which will be

designated by signs during the hours the parks are open. No parking shall be allowed in the parking areas during the times prohibited or otherwise regulated by signs posted in the parking areas. It shall be unlawful for any person to park, stop or leave standing any vehicle in any parking area in any park except during the time he or she remains in the park.

- J. Definition of term "parking." The term "parking" shall be defined as the standing of any vehicle, whether occupied or not, unless standing in obedience to traffic regulations or signals or while actively engaged in loading or unloading.
- K. Posting of signs. The Parks Department shall erect suitable signs on roadways and in parking areas, which signs shall indicate when parking is authorized or not authorized.
- L. Reckless driving. No person shall operate a vehicle along or over any road or drive within a park in a reckless manner or without due regard for the safety and the rights of pedestrians, drivers and occupants of all other vehicles so as to endanger the life, limb or property of any person while in the lawful use of said park drive or roads.
- M. Drag racing. No person shall participate in a drag race upon any park drive or park property. "Drag racing" shall be defined as the operation of two (2) or more vehicles from a point, side by side, at accelerating speeds in a competitive attempt to outdistance each other or the operation of one (1) or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two (2) or more vehicles, side by side, in excess of permitted speeds on park drives or rapidly accelerating from a common starting point to a speed in excess of such permitted speeds shall be prima facie evidence of drag racing.
- N. Operation of motor vehicles while under the influence of alcohol or controlled substance. No person who is under the influence of alcohol or a controlled substance, as defined in § 323-29, shall operate any vehicle in a county park.
- O. Driving vehicle in unsafe condition. No person shall drive, move, cause or knowingly permit to be driven or moved within a county park any vehicle or combination of vehicles which is in unsafe condition so as to endanger any person.
- P. Spotlights. No person shall use or shine spotlights or unnecessarily or continuously shine automobile headlights on or into park lands except under direction of a law enforcement officer or park employee or except where necessary for the preservation of life or property.
- Q. Additional rules and regulations. The Director is authorized to promulgate further rules and regulations pertaining to this section pursuant to § 323-33 below.
- R. Nonobservance of Subsection L shall constitute a misdemeanor. Nonobservance of any other subsection of this section shall constitute a violation.

§ 323-18. Hunting, fishing and molesting wildlife.

- A. No person shall take or attempt to take any fish from or send or throw any animal or thing into a pond or any of the waters of a park except with permission of the Director of Parks and excepting that fishing may be permitted in season in certain park waters designated by the Director. No person

shall kill, injure or unnecessarily disturb any fish, waterfowl, bird or animal. No person within the confines of a park shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of a park or rob or molest any bird nest or take the eggs of any bird.

- B. Notwithstanding the above prohibition against trapping, the County Executive is hereby authorized to grant limited permits for the trapping of wild animals in county parks if the Director of Parks, after consultation with the County Director of Health and appropriate officials of the State Department of Environmental Conservation, certifies to the County Executive that the health, safety and welfare of residents of the County of Monroe are or may be adversely affected unless limited trapping of wild animals is permitted in one (1) or more county parks. The number and duration of such permits shall be only such as is necessary, in the opinion of the County Executive, to correct any circumstances that have caused or contributed to a threat to the public health, safety and welfare. The County Executive shall promulgate rules and regulations governing the issuance, supervision and termination of such permits. All permits issued pursuant to this subsection shall be in accordance with the rules and regulations promulgated by the County Executive and shall be consistent with all applicable provisions of the New York State Environmental Conservation Law and the regulations pertinent thereto.
- C. Nonobservance of this section shall constitute a violation.

§ 323-19. Molesting and feeding zoo animals.

- A. No person shall kill, injure, molest, tease, frighten or attempt to kill, injure, molest, tease or frighten any animal within Seneca Zoological Park or any other zoological park or display established or controlled by the Parks Department.
- B. No person, except for zoological park staff, shall enter or attempt to enter any animal display area.
- C. No person shall throw, propel, place or in any manner cause any object to enter any animal display area.
- D. No person, except for zoological park staff, shall feed or attempt to feed any animal in any display area except where controlled feeding of animals is permitted in accordance with rules and regulations promulgated by the Director pursuant to § 323-33 below.
- E. No parent, guardian or custodian of any minor child shall permit such minor to violate the provisions of this section.
- F. Nonobservance of this section shall constitute a violation.

§ 323-20. Dogs, cats and other household pets.

- A. No person shall bring into, permit, have or keep in a park any dog, cat or other household pet or any other animal which may be injurious or destructive to birds, fish, animals or other wildlife, plant life or other natural features within a park or may be dangerous, injurious or offensive to other users of a park; except that dogs and cats shall be permitted within a park if controlled by leash. Horses may be permitted in a park only as set forth in § 323-13 above.
- B. Notwithstanding the above, dogs, cats, other household pets and horses are prohibited in all swimming

areas and beaches; and dogs and horses are not permitted to be on golf courses or in picnic areas.

C. Nonobservance of this section shall constitute a violation.

§ 323-21. Acts requiring permission; commercial activities.

A. No person shall commit any of the following acts within county parks without written permission of the Director of Parks or some other person duly authorized to act for him:

- (1) Post or display any sign, banner or advertisement of any kind within a park.
- (2) Picnic or cook in any area not designated by the Director for that purpose; make or kindle any fire except in places provided therefor, and then subject to such rules and regulations as may be promulgated pursuant to § 323-33 below.
- (3) Sleep, camp, lodge or reside in any park buildings except in such places as designated for said purposes by the Director.
- (4) Engage in trapping, fishing or hunting except as permitted in § 323-18 above.
- (5) Ascend or land with any aircraft, including gliders, balloons or parachutes, or engage in stunt flying or parachute landing.
- (6) Construct, repair or relocate utility fixtures, such as sewers, hydrants, posts, lines and conduits, or open trenches or make excavations or engage in any construction in or on park lands.
- (7) Carry any shovel, axe, saw or spade within parks; violate the regulations of the Director relating to any building or place; damage any notice posted by order of the Director; cut parkway curbs for private drives; locate, grade or construct paths, driveways and roadways across or along any parkway or park road; deposit materials in or upon any park or park roads.

B. Commercial activities prohibited; exception. No person shall solicit or engage in any business, trade, commercial transaction or other activity within a park involving the sale of merchandise or services or for which any fee, payment, donation or other consideration is required or requested except for duly authorized concession agreements or other agreements for park purposes which shall have been approved or authorized by the County Legislature.

§ 323-22. Preservation of property and natural features.

A. No person shall injure, damage, destroy, deface, disturb, remove or defoul any part of a park nor any building, structure, sign, equipment or other property therein.

B. No person shall write, paint, mark, carve or otherwise deface any part of park, including any tree, bench, building, structure, sign, equipment or other property therein.

C. No person shall remove, injure or destroy any tree, flower, shrub, rock, mineral or other natural feature within a park.

D. Nonobservance of this section shall constitute a violation.

§ 323-23. Littering.

- A. No person shall bring into, drop, deposit, dump or leave behind any rubbish, garbage, ashes, paper, cardboard, metal cans or other metallic substances, bottles, glassware or any other refuse, waste material or other unwanted material of any kind in any county park; except that any such materials resulting from picnics, camping or other permitted activities shall be deposited in receptacles, pits or other containers provided for the purpose.
- B. No person shall abandon any motor vehicle or other equipment or property of any kind in any county park.
- C. No person shall, either within or outside of a county park, discharge into, throw, cast, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through such 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 a park or interfere with the conservation of the natural resources of said park or endanger the health, safety or well-being of visitors in such park.
- D. Nonobservance of this section shall constitute a violation.

§ 323-24. Disorderly conduct.

- A. No person with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof shall:
 - (1) Engage in fighting or violent, tumultuous or threatening behavior while in a park.
 - (2) Use abusive or obscene language or make an obscene gesture while in a park.
 - (3) Without lawful authority, disturb any lawful assembly or meeting of persons in a park.
 - (4) Obstruct vehicles or pedestrian traffic in a park.
 - (5) Congregate with other persons in a public place and refuse to comply with a lawful order of a law enforcement officer, the Director of Parks or parks personnel to disperse or leave the park.
 - (6) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.
- B. Nonobservance of § 323-24 shall constitute a violation.

§ 323-25. Indecent conduct and exposure.

- A. No person shall commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior; appear in a state of nudity; or make any indecent exposure of his or her person.
- B. Nonobservance of this section shall constitute a violation.

§ 323-26. Noise.

- A. No person shall make, continue, cause or permit to be made or continued any unreasonable noise in a park.
- B. No person shall shout, yell, call or whistle in a park so as to cause unreasonable noise.
- C. No person shall operate or use any radio, musical instrument, television, phonograph or other machine or device for the production, reproduction or amplification of sound in such a manner so as to cause unreasonable noise in a park.
- D. No person shall operate or use or cause to be operated or used any sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any event, performance, show or sale or display of merchandise in connection with any commercial operation.
- E. No motor vehicle, other than a police or emergency vehicle, which makes or creates unreasonable noise, shall operate in a park.
- F. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- G. No person shall cause the sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle except as a danger warning.
- H. "Unreasonable noise" shall be defined as any unusual loud sound which either annoys, disturbs, injures or endangers the health, safety, welfare, peace, quiet, comfort or repose of persons or which causes injury to plant or animal life. Standards to be considered in determining whether unreasonable noise exists in a given situation include but are not limited to the following:
 - (1) The volume of the noise.
 - (2) The intensity of the noise.
 - (3) Whether the nature of the noise is usual or unusual.
 - (4) Whether the origin of the noise is natural or unnatural.
 - (5) The volume and intensity of the background noise, if any.
 - (6) The time of the day or night the noise occurs.
 - (7) The duration of the noise.
 - (8) Whether the noise is recurrent, intermittent or constant.
 - (9) Whether the noise is produced by a commercial or noncommercial activity.
- I. Nonobservance of this section shall constitute a violation.

§ 323-27. Loitering.

- A. No person shall loiter or remain in any park for the purpose of begging.
- B. No person shall loiter or remain in any park for the purpose of gambling with cards, dice or other gambling devices.
- C. No person shall loiter or remain in any park for the purpose of soliciting or engaging in any business, trade or commercial transaction involving the sale of merchandise or services, except as set forth in

§ 323-21B above.

- D. No person shall loiter in or near toilet buildings.
- E. Nonobservance of this section shall constitute a violation.

§ 323-28. Weapons.

- A. No person except a law enforcement officer shall carry any firearm, switchblade, gravity knife, slingshot or other dangerous weapon concealed on or about his or her person while in a park.
- B. No person except a law enforcement officer shall carry, fire or discharge any rifle, shotgun, machinegun, rocket or fireworks of any description, bow or arrow in a park.
- C. These prohibitions do not apply to instrumentalities reasonably necessary for trapping utilized by persons authorized to trap in a park pursuant to § 323-18B above.
- D. Nonobservance of this section shall constitute a misdemeanor.

§ 323-29. Controlled substances.

No person shall use, carry, transport or sell within a park any marijuana, narcotic drug, hallucinogen or controlled substance as defined in § 220.00, or drug paraphernalia as defined in § 220.50 of the New York State Penal Law. Violations of this section will be prosecuted in accordance with the New York State Penal Law. Violators will be subject to the penalties prescribed therein.

§ 323-30. Alcoholic beverages. [Amended 4-28-87 by L.L. No. 2-1987, approved 5-21-87]

- A. Legislative findings and conclusions. The Monroe County Legislature finds that the consumption of alcoholic beverages in certain areas of the parks within the County of Monroe contributes to the creation of a nuisance, including but not limited to raucous and other disorderly behavior which poses a hazard to citizens using those areas of the parks. Similarly, possession of open and unsealed containers of alcoholic beverages and consumption of alcoholic beverages within the indicated areas of the parks contributes to littering and resultant unsanitary conditions which pose health hazards and otherwise blights the parks to the detriment of citizens who use the park. In addition, the consumption of alcoholic beverages by park users who operate vehicles to and from the parks contributes to the incidence of driving while under the influence of alcohol which is itself an offense and which poses a hazard to all citizens using the public highways. The specific legislative purpose of this section is to maximize the safe and enjoyable use of the park by all members of the public.
- B. No person shall consume any alcoholic beverage in or within fifty (50) feet of any roadway, parking lot, waterway, beach area, playground, path or trail.
- C. No person shall possess an opened container of an alcoholic beverage in or within any of the areas specified in Subsection B of this section, with intent to consume an alcoholic beverage. The Legislature finds that the open condition of a container containing alcoholic beverages within the areas specified in Subsection B of this section is strong evidence of an intent to consume by the

person possessing the opened container. The Legislature further finds that there is a strong correlation between possession of open containers of alcoholic beverages within the areas described in Subsection B of this section and the problems described in Subsection A of this section.

- D. No person shall possess or transport or bring beer into a park in a draught dispenser without a permit from the Director of Parks, with intent to consume therein.
- E. No person shall possess, transport or bring into a park more than six (6) twelve-ounce containers of beer without a permit from the Director, with intent to consume therein.
- F. No person shall possess, transport or bring into a park more than thirty-two (32) ounces of liquor, other than beer, without a permit from the Director, with intent to consume therein.
- G. No person shall become or be in an intoxicated condition while in the parks, and while in an intoxicated condition disturb the peace, comfort and decency of the parks.
- H. No person shall possess, place in plain view of others or drink an alcoholic beverage in a location specifically designated by the Director as an area where alcoholic beverages are prohibited, or transport or bring an alcoholic beverage into such area. The Director may designate areas other than those already designated herein as nondrinking areas.
- I. In any proceeding under this section, a container shall be presumed to contain an alcoholic beverage when a label affixed thereto indicates with words "beer," "whiskey," "rum," "gin," "liquor," "sherry" or "vodka" or other commonly known types of alcohol or which label designates an alcoholic proof content.
- J. The Director of Parks is hereby authorized to issue permits, as set forth in § 323-32 below, for the transportation and consumption of alcoholic beverages in county parks, and to promulgate rules and regulations, pursuant to § 323-33 below, regarding the consumption of alcoholic beverages in county parks.
- K. The posting of signs in areas designated as nondrinking areas by the Director of Parks shall not be required.
- L. Nonobservance of this section shall constitute a violation.

§ 323-31. Parental responsibility.

- A. No parents, guardians or custodians of any minor shall permit or allow him or her to do any act which would constitute a violation of this chapter.
- B. Nonobservance of this section shall constitute a violation.

§ 323-32. Permits.

- A. The Director of Parks is authorized to grant and issue permits for the activities described in §§ 323-3 through 323-7, 323-9, 323-10, 323-17, 323-18, 323-21 and 323-30 of this chapter; permits authorized or required by rules and regulations promulgated by the Director pursuant to § 323-33 below; and such permits or other written permission as may be necessary to effectuate or implement the provisions of this chapter.

- B. Permits for the use or occupancy for park purposes of park property or facilities not authorized by Subsection A above and which may involve an extended term or an indefinite term subject to termination shall be issued by the Director of Parks only upon the approval of the County Legislature.
- C. Agreements (also known as "lease-back agreements") for the occupancy and use of park property by former owners who have conveyed such property to the County of Monroe, authorized by § 15.11 of the New York State Parks, Recreation and Historic Preservation Law, shall be executed by the County Executive on behalf of the County of Monroe, only upon the approval of the County Legislature.
- D. As a condition for granting a permit, the Director of Parks may require proof of insurance or a security deposit, in accordance with rules and regulations promulgated by the Director pursuant to § 323-33 below.
- E. All permits issued by the Director of Parks or by the County Executive pursuant to § 323-18B shall be in writing and shall be signed or authenticated by the Director or the County Executive or his or her duly authorized agent, as the case may be. All such permits shall be subject to the terms and conditions contained therein; all applicable provisions of this chapter; all applicable rules and regulations promulgated pursuant to this chapter; and all other applicable laws of the United States of America, the State of New York, the County of Monroe and any other municipality having jurisdiction.
- F. Any violation of the terms and conditions of a permit issued hereunder, of this chapter or any rules or regulations promulgated pursuant thereto, or any other applicable laws shall constitute grounds for the immediate revocation of such permit by the Director of Parks or the County Executive for permits issued pursuant to § 323-18B above or his or her authorized representative, which revocation shall be final and without appeal. No permit for the same purpose shall be issued to any person or persons whose permit has been revoked hereunder for a period of one (1) year following the date of such revocation.

§ 323-33. Promulgation and distribution of additional rules and regulations.

- A. The Director of Parks is authorized to promulgate rules and regulations concerning the activities described in §§ 323-4 through 323-17, 323-19, 323-21, 323-30 and 323-32 of this chapter; such further rules and regulations as may be necessary to effectuate or implement the provisions of this chapter; and such additional rules and regulations as may be authorized or directed by the County Legislature. [Amended 10-12-1994 by L.L. No. 7-1994, approved 10-31-1994]
- B. All rules and regulations promulgated by the Director hereunder shall be approved by the County Legislature.
- C. Reasonable efforts shall be made by the Director to reproduce, post, make available, distribute and publicize all rules and regulations hereunder. All such rules and regulations shall be part of the Monroe County Administrative Code. Where practicable, such rules and regulations shall be included as appendices to this chapter.

§ 323-34. Compliance with other provisions required.

- A. No person shall fail or refuse to comply with any reasonable order relating to the regulation of activities hereunder or the enforcement of provisions of this chapter lawfully given by the Director of Parks, his or her duly authorized agents or representatives, parks personnel or any law enforcement officer or other official of any policing agency having jurisdiction.
- B. No person shall willfully resist, obstruct or abuse the Director, his or her duly authorized agents or representatives, parks personnel or any law enforcement officer or other official of any policing agency having jurisdiction in the execution of their offices and duties.
- C. Nonobservance of this section shall constitute a violation.

§ 323-35. Powers of law enforcement officers.

- A. Any law enforcement officer may, without warrant, arrest any person who has violated any of the provisions of this chapter or any rules or regulations promulgated hereunder and take the person so arrested forthwith before a magistrate having competent jurisdiction.
- B. Any law enforcement officer shall have the right at all times to enter the premises of any building, structure or enclosure in any park, including such grounds, buildings, structures or enclosures occupied or used pursuant to a permit hereunder (except for so-called "lease-back agreements" authorized pursuant to § 323-32C above), for the purpose of arresting violators hereof and may use all necessary means to attain that end.
- C. Law enforcement officers are authorized to request the production of a driver's license or other identification in enforcing this chapter.

§ 323-36. Penalties for offenses.

- A. Violations. Any person convicted of a violation, as set forth in this chapter, shall be subject to a fine and/or imprisonment as follows:
 - (1) First offense: a fine of not less than fifty dollars (\$50.) nor more than two hundred fifty dollars (\$250.) and/or imprisonment not to exceed fifteen (15) days.
 - (2) Second offense: a fine of not less than two hundred fifty dollars (\$250.) nor more than five hundred dollars (\$500.) and/or imprisonment not to exceed fifteen (15) days.
 - (3) Third or subsequent offense: a fine of not less than five hundred dollars (\$500.) nor more than seven hundred fifty dollars (\$750.) and/or imprisonment not to exceed thirty (30) days.
- B. Misdemeanors. Any person convicted of a misdemeanor, as set forth in this chapter, shall be subject to a fine of not less than five hundred dollars (\$500.) nor more than one thousand dollars (\$1,000.) and/or imprisonment not to exceed thirty (30) days or as otherwise may be prescribed in the New York State Penal Law.
- C. Restitution, reparation, services to Parks Department. Any person convicted of a violation or a misdemeanor, as set forth in this chapter, shall be subject to the provisions of § 65.10 of the New York State Penal Law and § 758-a of the New York State Family Court ActEN relative to the making of restitution, reparation for loss or damages and the performing of services for a public

agency or for the public good, which in such case shall include appropriate services for the Parks Department of the County of Monroe.

- D. Parents of legal guardians. Parents or legal guardians of infants over ten (10) and less than eighteen (18) years of age shall be liable for damages or destruction caused in county parks by such infants, up to the sum of one thousand dollars (\$1,000.), pursuant to the provisions of § 3-112 of the New York State General Obligations Law.
- E. Damages to park property. In addition to any penalties prescribed herein, any person causing damage to park property, real or personal, shall be liable to the County of Monroe for such damage in a civil action.

§ 323-37. Reproduction, posting, distribution and publication of provisions.

The Director of Parks shall make reasonable efforts, within appropriations made available therefor, to reproduce, post, make available, distribute and publicize this law.