

## Local Law No. 2 of 2021

- Title:** This Law shall be known as and may be cited as “Town of Byron Park Law”
- Authority:** This Law is adopted pursuant to the authority granted to the Town pursuant to the New York State Municipal Home Rule Law Sections 10(i), 10(ii), (a)(6), (a)12 and (a)14 and the Constitution of the State of New York Article IX, Sections 1(a) and 2(c).
- Intent:** It is the intent of this Local Law to regulate the use of the parks in the Town of Byron in such a manner as to preserve and protect the land and waters thereof and to regulate the use of the parks for the recreation and enjoyment of all the citizens of Byron and their guests.

### I. DEFINITIONS

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| Authorized Emergency Vehicles | Those vehicles set forth in Section 101 of the NYS Vehicle and Traffic Law hereafter (V&TL).   |
| Bicycle Path                  | The areas of roadways or other strips of land as set forth in Section 102-b of the V&TL.   |
| Bridle Path                   | A strip of land designated and maintained for the riding of horses or the driving of horse drawn vehicles.   |
| Crossing                      | An area of land used and or designated to travel across a road, path, trail from one side thereof to the other.  |
| Curb                          | As defined in Section 111 of the V&TL.   |
| Driver - Operator             | As defined in Section 113 of the V&TL.   |
| Motor Vehicle                 | As defined in Section 125 of the V&TL.   |
| Park Committee                | The Committee formed by the Town Board for the purpose of advising the Board on matters regarding the Town Parks and to carry out the other duties assigned to it by the Town Board by Local Law or otherwise. |
| Park Committee Member         | A person appointed to the Park Committee by the Town Board.  |
| Parking Place                 | Any part of any drive, lot or space designed or designated as a place for leaving unattended motor vehicles or other means of transportation.  |

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|------------------------|--|
| Path                   | A narrow area of land designed and designated for ingress or egress from one area to another by other than motor vehicles.   |
| Permit                 | A written permission for the use of a park issued by the Town Clerk pursuant to this law.  |
| Person                 | Any living human being, company, corporation, association, firm, partnership or other entity.  |
| Pets/Animals           | Any living cat, dog, horse, bird, reptile, cattle, and any other creature, other than human beings.  |
| Right of Way           | A legal right to pass over land not owned by the person possessing the right.  |
| Rubbish                | Refuse, garbage, litter, waste and any material no longer useful and to be discarded.  |
| Safety Zone            | As defined by Section 141 of the V&TL.   |
| Service Road           | A road, lane, driveway only for the use of authorized vehicles and not for use by the general public.  |
| Standing               | When used in relation to vehicles shall mean stopping for an extended period of time.  |
| Stopping               | Coming to a complete halt.   |
| Supervisor             | Town of Byron Supervisor.  |
| Town Park              | Shall mean each and every area designated and dedicated to or by the Town Board as a park and devoted to the recreation of the residents of the Town of Byron and their guests.                  |
| Traffic Control Devise | As defined in Section 153 of the V&TL.   |
| Vehicle                | A machine or device that transports people and or cargo and includes but is not limited to wagons, bicycles, motorcycles, automobiles, trucks, busses, trains, trams, trailers, boats and ATV's. |

## II. TERRITORIAL SCOPE

This Law shall be effective throughout the Town of Byron and in all Parks, Trails, Recreation Areas, Open Spaces, Lakes, Ponds owned, leased and/or operated and maintained by the Town of Byron.

### III. PERMITS

- a. Permits are required for all pavilion rentals on a first come – first serve basis from the Town Clerk's Office.
- b. Fees for pavilion rental shall be set from time to time by Resolution of the Town Board.

### IV. REGULATIONS

- a. Horses
  - i. No person shall ride, drive, lead or keep a horse or other animal within any Town Park except in areas specifically designated as a bridle path.
  - ii. No horse or any other animal shall be tied, tethered, or hitched to any object other than to a post or rail specifically designated for that purpose.
  - iii. The West Shore Trail Park is hereby designated as a bridle path.
- b. Dogs
  - i. Dogs shall be kept on a leash not more than six (6) feet in length.
  - ii. Dog owners shall pick up and remove any and all fecal matter.
- c. Cats
  - i. Cats must be leashed on leashes no more than six (6) feet in length.
  - ii. Owners shall pick up and remove any and all fecal matter.
- d. Rubbish
  - i. No person shall leave any rubbish in any area of any Town Park.
- e. Glass
  - i. All glass containers are prohibited in all Town Parks.
- f. Water Ways
  - i. No person shall cause or allow any foreign substance or object to enter any pond, creek, stream or other water body in any Town Park.
- g. Vegetation
  - i. No person shall disturb, pick, dig, remove or otherwise damage any vegetation in any Town Park.
  - ii. Unless specifically permitted by the Byron Park Committee no person shall plant any vegetation in any Town Park.
- h. Minerals
  - i. Unless specifically permitted by the Park Committee, no person shall remove any dirt, rocks, gravel, stone or other minerals, or any natural substance from any Town Park, except the Town Highway Department may do so as required for maintenance.
- i. Animals
  - i. No person shall feed any animal or waterfowl, or fish in any Town Park.

- j. Fires
  - i. No person shall build, light or maintain a fire in any Town Park except in fireplaces, grills or other structures specifically designed for such purpose.
  - ii. All fires must be the thoroughly extinguished before the person lighting such fire leaves the park.
  - iii. Grills or stoves used by the caterers shall be permitted if specifically listed on the permit application and ignited only by the caterer in his/her facility.
  - iv. Any and all fireworks and any other explosives are specifically prohibited in all Town Parks.
  - v. Any tobacco smoking materials used in a Town Park shall be extinguished and deposited in a proper and safe manner in receptacles designated for that purpose.
- k. Hunting/Trapping
  - i. Firearms of any and every type are prohibited in all Town Parks.
  - ii. Trapping of any animal, bird or reptile is prohibited in all Town Parks.
- l. Fishing
  - i. Any person fishing in any Town Park must possess a valid New York State Fishing License
  - ii. All persons fishing in any Town Park shall be permitted to do so only so long as he or she does so in strict obedience to "Fishing Rules" promulgated by the Byron Park Committee.
- m. Alcohol
  - i. All alcohol beverages are prohibited except beer in cans.
- n. Restricted Areas
  - i. The Town Board shall adopt by Resolution, from time to time, designating certain areas of Town Parks which are not for public use and any use in any such area is prohibited
  - ii. All areas in which all activities are prohibited shall be clearly marked as such and signs designating the area as restricted shall be posted at regular intervals around said area.
- o. General Restrictions
  - i. Carnival rides, enclosed forced air jumping rooms and petting zoos are prohibited.
  - ii. Baseball, basketball, football, soccer, golf and lacrosse may be played only in areas specifically designed and designated for such activities.
  - iii. Swimming is prohibited in all Town Park ponds, streams and waterways except in areas specifically designated and designated for such use.
  - iv. Ice Skating and hockey are prohibited on all Town Park ponds except at such times and places as specifically permitted by the Park Committee.
  - v. Solicitation of money, goods or services is prohibited in all Town Parks except pursuant to Section "o" below.
  - vi. The driving of off-road vehicles, ATV's, and similar vehicles are prohibited in all Town Parks except the West Shore Trail Park and then only in accordance with the Rules and Regulations provided in this Law at Section (q)i,ii,iii below.

- vii. The Superintendent of Highways is hereby designated and authorized to close any Town Park or portion thereof when, in his or her opinion, the area is dangerous to the public or an emergency exists.
- p. Non-Profit Organizations
  - i. Non Profit Organizations, service clubs and organizations which qualify under section 501(c) (3) of the Internal Revenue Code shall be permitted to conduct activities to raise funds for the organization's purpose in Town Parks at such times and places as do not conflict with other organizations.
    - 1. The service of any food or drink shall be done in accordance with the rules of the Genesee County Health Department.
  - ii. Beer is permitted only in cans.
  - iii. All materials and equipment brought into the park shall be removed and the area restored to the condition which existed before the activity by the organization.
  - iv. Games of Chance are permitted only by organizations duly licensed pursuant to the town of Byron Games of Chance Law.
- q. Vehicles
  - i. The New York State Vehicle and Traffic Law shall apply to all vehicles and in all areas of all Town Parks where vehicles are permitted.
  - ii. The speed limit for all vehicles is ten (10) miles per hour.
  - iii. Off road vehicles, ATV's and similar vehicles are permitted only in areas designated for that purpose.
  - iv. No commercial or other vehicle in excess of five (5) tons shall be permitted in any area of a Town Park, unless the owner has applied for a permit pursuant to Section III of this Law and has specifically listed any such vehicle on his or her application and the Town Highway Superintendent has been informed and has consented to the use of the Vehicle in the Park.
  - v. The cleaning, washing, waxing or repairing any vehicle is prohibited in all Town Parks.
  - vi. No person shall obstruct the passing of people or vehicles on any road or trail path or lane in any Town Park.
  - vii. No vehicle shall be operated on any foot path.
  - viii. The Westshore Trail Park may be used by vehicles to access the parking lot at Trestle Park between Batavia-Byron Road and the Parking Lot.
  - ix. Towing of vehicles is not permitted in any Town Park except in an emergency.
  - x. Authorized emergency vehicles are exempt from any regulation in this law.
  - xi. Snowmobiles may be operated on the Westshore Trail Park between December 1 and March 31 and in any other area which is designated by the Park Committee and which is clearly marked for such purpose subject to all other provisions of this Law.

- r. Parking
    - i. Parking is permitted only in areas designed and designated for that purpose.
    - ii. No person shall use any parking place for any purpose other than parking vehicles.
  - s. Disorderly Persons
    - i. No person shall conduct themselves in any manner that would cause another person to become frightened or afraid.
    - ii. No person shall cause or permit any device which amplifies sound to be operated in such a manner as to cause discomfort or annoyance to another person.
    - iii. No person shall obstruct the passage of another person from going from one area to another.
    - iv. No person shall be charged with a violation of this Section “s” unless and until they have been requested to cease any of the behaviors set forth in subdivisions “i, ii and iii” above and have refused to cease the behavior.
- V. Hours of Operation
  - a. Parks shall be open from dawn to dusk unless specific exceptions are made by the Park Committee.
  - b. No person or vehicle shall remain in any Town Park before or after hours set forth in subsection “a” above.
- VI. Penalties
  - a. Pursuant to the Municipal Home Rule Law all violations of this Local Law shall constitute Misdemeanors except:
    - i. A first violation shall constitute an offense and be punishable by a fine not to exceed Two Hundred Dollars (\$200.00), community service not to exceed twenty (20) hours.
    - ii. A second violation shall constitute a Class B Misdemeanor and be punishable as provided in the New York Penal Law.
    - iii. Third and subsequent violations shall constitute Class A Misdemeanor and be punishable as provided in the New York Penal Law.
- VII. Promulgation
  - a. This Local Law shall be published on the Town Website.
  - b. All persons receiving a Permit to use any Town park pursuant to Section III above shall receive a copy of this Law.
- VIII. Effective Date
  - a. This Law shall take effect after adoption by the Town Board and filing with the Secretary of State.

# **AMENDMENT TO TOWN OF BYRON**

## **PARKS LAW**

### **LOCAL LAW NO. 2 of 2021**

#### **Section I Title**

A Local Law to amend.

Town of Byron, Local No. 2 of 2021, known as Town of Byron Park Law which Amendment shall be known as and may be cited as “Amendment No. I to Town of Byron Parks Law”.

#### **Section II Purpose**

The purpose of this Local Law is to amend the Town of Byron Parks Law Section IV Regulations Subsection (q)ii

#### **Section III Amendment**

Former section IV(q)ii is amended to read:

From March 15 to November 30 in each year the speed limit for all vehicles shall be 10 miles per hour and from December 1 to March 14 the speed limit for snowmobiles shall be 35 miles per hour between Swamp Road by the Trailer Park to Byron Road.

#### **Section IV**

This Local Law shall take effect after adoption upon filing with the Secretary of State.