

**LOCAL LAW FILING**  
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NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12242

(Use this form to file a local law with the Secretary of State.)

**Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.**

SHAWANGUNK  
Town Of \_\_\_\_\_

**Local Law No. 2 of the year 2004**

**A local law entitled "Use of PARKS AND PUBLIC RECREATIONAL FACILITIES"**  
*(Insert Title)*

Be it enacted by the **TOWN BOARD** of the  
Town of **SHAWANGUNK**

**SECTION 1 - STATEMENT OF FINDINGS AND PURPOSE**

The Town of Shawangunk recognizes that parks and public recreational facilities contribute significantly to the quality of life in the Town/ During the past several years, the Town has increased substantially the amount of lands owned by the Town and utilized or planned to be utilized for active and/or passive recreational purposes. The Town Board finds, however, that this local law is required to ensure that the use of the Town's parks and public recreational facilities is accomplished in such a manner that will promote the highest level of sustainable use for the largest number of citizens in a safe and enjoyable environment. The Town Board further finds that certain past, present and/or future uses of these facilities are uses and/or activities that are incompatible with these findings and purposes. This local law is intended to regulate or prohibit such uses and/or activities so as to remote the public health, safety and welfare of the Town and of its citizens and landowners.

This local law shall be codified as Chapter 122 of the Code of the Town of Shawangunk.

## **SECTION II- STATEMENT OF AUTHORITY**

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments and the relevant provisions of the New York State Town Law and the General Municipal Law to provide for the health, safety and welfare of the citizens of the Town. **S**

## **SECTION III - DEFINITIONS**

For the purposes of this local law, the following terms shall have the meanings indicated in this Section:

**PARKS AND PUBLIC RECREATIONAL FACILITIES:** The land, grounds, buildings, improvements and accessories located within the Town that have been or may hereafter be owned and/or improved and/or operated and/or maintained by the Town of Shawangunk as public park and/or public recreational facilities pursuant to official resolution or order of the Town Board. Any other lands, or interest in lands, buildings or improvements owned or operated by the Town shall not be considered to be parks and/or recreational facilities unless so designated by official resolution or order of the Town Board. All such resolutions and/or orders shall be duly adopted at a duly noticed public meeting of the Town Board and shall be recorded with the Office of the Town Clerk.

**PERSON:** Any individual, firm, partnership, corporation, company, organization, entity or association of persons. The singular shall include the plural and the masculine shall include the feminine.

**AD HOC ADVISORY COMMITTEE:** An advisory committee appointed by the Town Board consisting of members of the community who shall serve at the pleasure of the Town Board for the sole purpose of advising the Town Board regarding parks and recreation issues including, without limitation, the acquisition, improvement, use and maintenance of public parks and recreational facilities.

**TOWN:** The Town of Shawangunk.

**TOWN BOARD:** The Town Board of the Town\_of Shawangunk.

**SECTION IV - PROHIBITED ACTIVITIES**

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The following activities are prohibited in, on or over public parks and recreational facilities in the Town:

1) The use of motorized vehicles of any type outside of clearly designated vehicular access ways

and/or outside of designated parking areas. Excepted from this restriction are duly authorized construction and/or maintenance vehicles, emergency service vehicles, law enforcement vehicles or other vehicles owned or authorized by the Town, all of which must be in furtherance of a governmental purpose.

Notwithstanding the above, charter buses, unless in connection with an event elsewhere authorized in this local law, and recreational campers are prohibited anywhere within the parks and recreational facilities

without prior approval of the Town Board. Lands of the former Wallkill Valley Railroad, now sometimes referred to as the "Rail Trail", shall not be considered to be a designated vehicle access way and the use of motorized vehicles, unless excepted herein, shall be prohibited. Prohibited motorized vehicles shall include, but shall not be limited to, passenger cars, vans, trucks, motorcycles, mopeds, all-terrain vehicles (ATVs), snowmobiles, mini-bikes, go-carts or any other means of transportation that utilizes an engine or motor for movement.

Notwithstanding the above, motorized devices such, as wheelchairs, utilized to transport persons with physical disabilities shall not be prohibited anywhere within a park or recreational facility.

2) Operating a motor vehicle in excess of five (5) miles per hour.

3) Occupying or being present in or on any park or recreational facility between dusk and dawn unless otherwise approved by the Town Board. Additionally, the Town Board may declare any portion or all of any park or recreational facility closed to the public for any other period of time, either temporarily or for regularly stated intervals. Occupancy or presence during the hours between dusk and dawn or

during other declared periods of closure shall constitute a violation of this local law and also shall constitute the criminal violation of trespass as per the New York State Penal Law.

4) Swimming or wading in surface water bodies is prohibited except for swimming pools or other areas that may be specifically designated for such use in the future.

5) The use of skateboards.

6) Unleashed animals or pets or animals or pets on leashes in excess often (10) feet in length and/or the failure to promptly r\*»move and properly dispose of their wnste.

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7) The building or use of fires of any type except in designated fireplaces or self-supporting grills or barbecue stoves in areas designated for such use. Additionally, all such permitted fires shall be continuously under the care of a competent person eighteen (18) years of age or older until completely extinguished. No such permitted fire shall be located within ten (10) feet of any tree or in or near other woody vegetation. Notwithstanding, nothing in this section shall permit any type of fire that otherwise temporarily may be prohibited by any other rule, regulation, order or law in response to draught or other incendiary conditions.

8) The use of firearms and/or explosives and/or weaponry of any kind for any purpose, other than by duly authorized law enforcement personnel, including, without limitation, guns, paintball guns, arrows, and sling-shots. Fireworks shall be prohibited unless specifically authorized by other law, rule, regulation ~or order of the Town of Shawangunk. """""" "~~~~- •— ~ ...~\_~\_ ,,,,,,, ,,, ,.~.^,^\_!lv\_~^\_~.---

9) The possession or use of alcohol or illegal drugs or being present or occupying the parks and facilities while under the influence of same.

10) Children not under the supervision of an adult unless participating in organized sports activities, summer recreational programs or other authorized gatherings.

x 11) Vending and/or soliciting and/or advertising for a commercial purpose without prior  
\_\_\_\_\_ authorization from the Town Board

. 12) Overnight parking of vehicles anywhere within parks and public recreational facilities.

13) Damaging, defacing or destroying any part of the park or any facilities, buildings, signs, structures, equipment, utilities or other property or improvements.

14) Damaging, digging, removing, injuring, defacing or destroying any tree, shrub, plant or growing thing or any rock, mineral, artifact or other material within the boundaries of the park or recreational facility.

15) The presence of horses, ponies, mules, donkeys or other large animals without prior approval of the Town Board.

16) Littering in any manner or in any area within the parks and public recreational facilities.

17) Mass gatherings, such as carnivals, rallies, concerts or public addresses without prior approval of the Town Board.

18) Use of profane or abusive language or otherwise disturbing the peace with the use of loud music, loud noises or other activities which interfere with other persons' use and enjoyment of the parks and facilities.

#### **SECTION V - RESERVATIONS FOR CERTAIN FACILITIES**

The Town Board is authorized to establish, and from time-to-time amend, policies and procedures for the reservation of certain sections of parks or facilities for certain uses by identified persons and to prescribe the application forms, terms and conditions and fees, if any, for such use including, without limitation, the right to require a deposit of cash or other security to ensure the clean-up and restoration of such reserved area.

#### **SECTION VI - EXCEPTIONS**

The Town Board shall have the authority to grant exceptions to any of the provisions of this local law for good cause and provided the requested exception does not otherwise constitute a violation of any other law, rule, regulation, order or ordinance of this or any other jurisdiction. Any person seeking an

exception to any of the provisions of this local law shall submit such request to the Town Board either orally or, at the discretion of the Town Board, in writing. The Town Board may elect to refer the request to any ad hoc advisory committee created by the Town Board for advice and/or comments. The Town Board shall make a decision on the request for an exception within a reasonable time after its receipt of the request

#### SECTION VII- TRESPASS/DISORDERLY CONDUCT

Any person who enters or remains in or on any portion of any park or public recreational facility in violation of the provisions of this local law also shall have committed the violation of Trespass as that term is defined in the Penal Law for the State of New York. Any person who commits various acts prohibited by this local law also may be charged with the violation of Disorderly Conduct as that offense is defined in the Penal Law for the State of New York.

#### SECTION VIII - APPEARANCE TICKET AUTHORIZATION

In addition to any other method of enforcement authorized by law, an appearance ticket may be issued pursuant to Article 150 of the Criminal Procedure Law of the State of New York for any violation alleged hereunder.

#### SECTION IX - CRIMINAL PENALTIES

Persons found guilty of any violation of this local law shall be subject to a fine not exceeding Two Hundred Fifty (\$250.00) Dollars or to imprisonment for not more than fifteen (15) days or to both such fine and imprisonment for each violation hereunder. A conviction under any provisions of this local law shall be deemed to be a violation. A conviction for Trespass or Disorderly Conduct under the provisions of the New York State Penal Law shall subject the offender to the associated penalties set forth in the New York State Penal Law.

#### SECTION X - CIVIL REMEDIES

The Town Board, in its sole discretion, may institute an action or proceeding in any court of competent jurisdiction to compel compliance with or to restrain by injunction, either temporarily or

permanently, any violation of this local law, including any anticipated violation of this local law.

**SECTION XI - SEVERABILITY**

If any of this section or subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part or provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed.

The determination by any court of competent jurisdiction that any provisions of the within local law is unenforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way affect the enforceability or validity of any other provisions contained herein.

**SECTION XII - REPEALOR**

This local law repeals Town of Shawangunk Local Law #5 of 1992 in its entirety.

**SECTION XIII - EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the New York State Department of State.

~^—BE IT ENACTED THIS 1st DAY OF APRIL, 2004 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK.

JOHN VALK, JR., SUPERVISOR  
INGRID MALLOY, COUNCILWOMAN  
. JOHND. GARRISON, COUNCILMAN  
ADRIAN M. DEWITT, COUNCILMAN  
s-^ ROBERT T. MILLER, COUNCILMAN

*Margaret Y. Tremper*

MARGARET Y. TREMPER, TOWN CLERK  
TOWN OF SHAWANGUNK ATTEST: TOWN  
SEAL: