

LOCAL LAW NO. 2 OF 2013

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF MONROE TO IMPLEMENT CHANGES RELATING TO CHAPTER 150 ENTITLED “PARKS”

The follow is an excerpt from that law as it pertains to the operation of Smith’s Clove Park, as of this date, September 9, 2013.

I have made notations after several of the laws to clarify the Parks position or to add additional information.

The Monroe Joint Park Commission has the authority to adopt additional rules as they pertain to Smith’s Clove Park, the MJPC also has the authority to adopt and enforce these rules/policies for the betterment of the patrons and Park system.

Policies and procedures are not limited to this list. If you have a concern as to a particular activity, feel free to call the Park Office for further clarification.

Be it enacted by the Village of Monroe in the County of Orange, as follows:

SECTION 1. Chapter 150 of the Code of the Village of Monroe, entitled “Parks” is hereby amended as follows (Note: additional language is denoted in italics):

GENERAL REFERENCES

- Alcoholic beverages — See Ch. 67.
- Animals — See Ch. 70.
- Open burning — See Ch. 85.
- Firearms and fireworks — See Ch. 104.
- Littering — See Ch. 135.
- Peace and good order — See Ch. 152.
- Peddling and soliciting — See Ch. 155.
- Skates and skateboards — See Ch. 165.

ARTICLE I – Curfew in Certain Parks

Section 150-1. Ford Dally Airplane Park.

Section 150-2. Smith's Clove Park.

No person shall enter upon or remain within the area known as “Smith’s Clove Park” between the hours of 11:00p.m. and 7:00a.m. or at any other time that Smith’s Clove Park is closed by the Park Commission, Park Security or any member of the Monroe Police Department.

The foregoing shall not apply when the Park Commission has granted special permission nor when the Park Commission has established different opening and/closing times for specific designated areas.

Note: Dog Park and Franklin Ave Playground close at dusk

C. Each violation of this section shall be punishable by a fine as set forth in Chapter 1, Article II, General Penalty § 1-14.

ARTICLE II - Crane Park (§ 150-3 — § 150-5)

Section 150-3. Location.

ARTICLE IV - Smith's Clove Park (§ 150-7 — § 150-32)

Section 150-7. Location.

Smith's Clove Park is a park heretofore donated and conveyed from Roscoe W. Smith and Ina A. Smith, his wife, to the Village of Monroe by deed dated March 27, 1965, and recorded in Liber 1707 at page 406, and contains a general land area of 85.5 acres and being located generally on South Main Street (now known as "Spring Street") and Franklin Avenue and lands bordered by Forest Ave, Forest Road and Schunnemuck Road in both the Town and Village of Monroe.

Note: the land between Forest and Schunnemuck and 8 acres beyond the basketball courts were a separate acquisition.

Section 150-8. General provisions.

A. The Board of Trustees of the Village of Monroe has heretofore created a commission known as the "Monroe Joint Park Recreation Commission." Members of the Commission are appointed by the Village Trustees of the Village of Monroe consistent with §§ 243 and 244 of the General Municipal Law of the State of New York. The Commission shall have complete power and authority to administer the rules and regulations of the park and to modify or amend said regulations from time to time consistent with §§ 243 and 244 of the General Municipal Law of the State of New York. Said Commission shall have complete and final authority over the use of the park and its facilities, including every activity conducted within its geographical limits. Such authority shall include, but not be limited to, the issuance of permits for all organized activities and review and approval of certificates of insurance.

Note: Pursuant to the authority of Section 244-d of the General Municipal Law on June 21, 1966 the Village and the Town of Monroe established a Joint Recreation Commission with the same powers as stated above.

B. If any part or provision of this article or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances, and the Village of Monroe hereby declares that it would have passed this article or the remainder thereof had such invalid application or invalid provision been apparent.

C. All ordinances, local laws and parts thereof inconsistent with this article are hereby repealed.

D. This article shall take effect immediately upon filing in the office of the Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

Note: these articles have been filed and are in effect currently at the time of this writing

Section 150-9. Definitions.

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

FACILITIES

Any and all buildings, structures or improvements now existing or hereinafter constructed within Smith's Clove Park, including, but not limited to, playing fields, tennis courts, basketball courts, racquetball courts, picnic areas, playgrounds, bleachers, pavilions, concession stands and parking lots.

MUNICIPAL UNIT

The Village of Monroe, Village of Harriman, Village of Kiryas Joel and Town of Monroe.

PERSON

Any person, firm, partnership, corporation, association or legal entity or its legal representative, acting individually, jointly or in a representative capacity.

RESIDENT

Any person who resides within a municipal unit, which unit annually contributes taxes, directly or indirectly to the operation of the park, derived directly from taxes levied on the residence in which they reside.

VILLAGE

A duly incorporated municipal entity, such as the Village of Monroe, Village of Harriman and Village of Kiryas Joel.

Section 150-10. Enforcement.

The Police Department of the Village of Monroe shall see to the enforcement of all laws and regulations and rules related to Smith's Clove Park.

Section 150-11. Prohibitions.

[Amended 2-6-1996 by L.L. No. 2-1996]

A. It shall be unlawful for any person to violate any rule or regulation governing the conduct of Smith's Clove Park which has been approved by the Park Commission.

Note: This section gives to the Park Commission the authority, through resolution passed by a majority, to develop and /or modify addition rules and regulations

B. Any person convicted for an activity declared illegal by the laws of the State of New York or the village, when such activity is engaged in within the confines of Smith's Clove Park, shall be deemed a violation of the provisions of this article, subjecting such person to the provisions of § 150-12, Penalties for offenses, Subsections B and C.

C. Any person convicted for an activity declared illegal by the laws of the State of New York or the village, when such activity is engaged in within the confines of Smith's Clove Park, shall be deemed a violation of the provisions of this article, subjecting such person to review by the Park Commission to determine whether their Park photo ID should be revoked for a length of time to be determined by the severity of their actions or if a penalty period should be invoked prohibiting receiving a ID card in the future.

Section 150-12. Penalties for offenses.

[Amended 2-6-1996 by L.L. No. 2-1996. *Editor's Note:* Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).]

Every person violating any provisions of this article shall forfeit and pay as a minimum penalty for such violation the following sums:

A. For the first offense: \$50.

B. For the second offense within a period of six months: \$150.

C. For a third offense a minimum fine of \$150 and a maximum penalty of suspension and/or revocation of the permit.

Section 150-13. Hours of operation

A. The regular hours of Smith's Clove Park are hereby fixed at 7:00a.m. until 11:00p.m. in any one day.

B. It shall be unlawful for any person or persons, other than village personnel or Park Commission personnel conducting village and/or Park Commission business, to occupy or be present in Smith's Clove Park during any hours in which the park is not open to the public, unless written permission has been previously obtained from the Park Commission.

C. Any section or part of Smith's Clove Park may be declared closed to the Public by the Park Commission at any time and for any interval of time, either temporarily or at regular stated intervals.

Note: Dog Park and Franklin Ave Playground close at dusk

Section 150-14. Identification System; minors to be accompanied by adult.

A. Children under the age of 14 must be accompanied by an adult unless such child or children are duly and regularly enrolled and actively participating in regularly organized sports activities, programs, park activities or summer recreation program commonly known as "YAC."

B. The Park Commission may issue a photo identification card to qualified residents as defined in this article, which card shall identify the recipient and authorized the use of the park facilities. This authority shall extend and permit the Park Commission to issue a guest policy which would authorize the use of the park facilities by a guest, provided that the guest is accompanied by a resident who also holds a valid card. The Park Commission may from time to time revise the guest policy. The issuing authority, i.e. the Park Commission, may; in addition, issue temporary use passes to participants of events or programs that have been duly authorized by the Park Commission. Such passes must be available for display to park security personnel, park personnel or the Village Police, as and requested. The Park Commission may adopt, amend and/or revise any part of the ID policy by Park Board resolution at any time.

Note: The Commission has developed a written policy regarding the issuance, use and renewal of a Smith's Clove Park ID. The policy is available at the Park Office along with being available on the Smith's Clove Park web page.

Section 150-15. Preservation of property, resources and wildlife.

A. No person shall injure, deface, disturb, befoul or in any manner destroy or cause to be destroyed any part of the park or any facility building, sign, structure, equipment, utility or other property found therein.

B. No person shall dig for, remove, injure, mark or destroy any tree, shrub, plant or growing thing or any rock, mineral, artifact or other material within the boundaries of the park.

Section 150-16. Refuse disposal.

No person shall deposit or abandon in or on park property, driveway or parking lot any garbage, sewage, refuse, ashes, trash, waste, grass clippings branches or other obnoxious material.

Note: As part of the permit process for leagues, picnic, organized activities/groups using the Park, the Commission requires a cleanup deposit. If any group or members of a group activity in the Park causes excessive garbage or damage, the league or group will forfeit their deposit and denied use of the Park indefinitely or until such time as the deposit has been replaced.

Section 150-17. Fires.

A. No person shall kindle, build, maintain or in any way use a fire, except in fireplaces provided or in self-supporting barbecue grills or stoves in places designated as picnic areas or by special permit issued by the Park Commission.

Note: To clarify, this section pertains to any cooking, re-heating or retaining heat for any cooked items.

B. Any fire shall be continuously under the care and direction of a competent person 18 years of age or older from the time it is kindled until it is extinguished, and no fire shall be built within 10 feet of any tree or building or beneath the branches of any tree or in any underbrush.

Section 150-18. Alcoholic beverages and illegal drugs.

Alcoholic beverages and illegal drugs are prohibited within the park.

Note: The Village has an "open container" law which also pertains to all areas within Smith's Clove Park. At this time, Commission policy is not to allow any exemption written or spoken to this rule to anyone/group, for any length of time or any location within Smith's Clove Park

Section 150-19. Animals.

A. No domestic animal may be allowed to run at large in the park except in the area known as the "Off Leash Dog Park". All domestic animals in the park shall be restrained at all times on adequate leashes not greater than 6 feet at length.

B. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance in the park.

C. Horses, ponies, mules, donkeys or any other similar animal may not be brought into the park premises in the absence of express written authority duly executed by a member of the Park Commission.

D. No person shall allow any dog in his custody or control to discharge any fecal matter in any park unless he promptly removes and disposes of same. This provision shall not apply to a guide dog accompanying a person with a disability.

Note: The “Off Leash Dog Park” is located on the Park land across Forest Avenue and accessed by Park Avenue. Prior to using the Dog Park, you must register your dog with the Park at the Park Office. An application for registration is available at the Park Office and on the Smith’s Clove Park web page. You must already have a valid Park ID and your dog must have a NYS Dog license and proof of up to date shots to be eligible.

Section 150-20. Firearms and other weapons.

No person shall have in his possession or control any rifle, shotgun, pistol or other firearm, slingshot, pellet gun, air rifle, fireworks, explosives, knife, bludgeon or other dangerous weapons within the boundaries of the park, provided that this rule shall not apply to any law enforcement officer who has been duly appointed by the government of the United States, the State of New York, County of Orange, Village of Monroe, Town of Monroe, or any other duly constituted governmental entity.

Section 150-21. Motor vehicles.

A. The maximum speed limit for all vehicles shall be 10 miles an hour, except where otherwise posted. Motor vehicles will be driven only on designated roads or designated parking areas.

Note: The Park Commission has had installed several bumps in the roadway in Smith’s Clove Park to reinforce the need for motorist to proceed at a slow and safe speed within the Park

B. No person shall operate or have in his possession within the boundaries of the park any off-the-road motor-driven vehicles, including, by way of example but not by way of limitation, any mini-bike, motorcycle, dune-mobile, snowmobile, converted snowmobile, all-terrain vehicle, amphibious vehicle or similar motorized device.

C. A person shall not park any motor vehicle in Smith's Clove Park except in areas designated by the Park Commission for parking, and only during the hours of operation of such park.

Note: Areas designated for parking have been blacktopped and marked with lines to indicate those areas. The traffic flow, pedestrian walkways and parking spots were designed by a licensed engineer according to code and best practices and implemented

to promote a safe environment for motorists and pedestrians using the Park. Village Police patrol the park and will enforce the parking rules.

D. No person shall use any area of a park, including designated parking areas, for the purpose of performing non-emergency automotive work, including, but not limited to, vehicle maintenance, repairs, or cleaning.

E. The Park Commission, Village Police or Park Security may limit vehicle access to the Park during hours of operation when the number of vehicle exceeds the number of lawful parking spaces within Smith's Clove Park.

F. Parking spaces in designated lots may be marked to indicate the proper direction and spacing of parked vehicles. All persons parking in said spaces shall conform to such spacing and markings.

G. No person shall park a motor vehicle in an area designated for handicapped persons unless that person is so handicapped as provided by § 404-a of Vehicle and Traffic Law of the State of New York.

H. Any vehicle parked or standing on Smith's Clove Park parking lot in violation of this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic. The Police of the Village of Monroe or any member of the New York State Police may cause any such vehicle to be removed and owners shall be responsible for the reasonable costs of removal and storage.

I. Parking on the grass, landscaped islands, or any area not marked for parking in part or whole is prohibited unless authorized by the park commission, security or police for emergency only.

Section 150-22. Additional restricted activities.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

No person shall, by way of example but not by way of limitation, engage in athletic sports, games or contests; fly kites; skateboard; operate toy planes or rockets, whether radio-controlled or hand-operated; roller skate/blade, bicycle; ride; ice skate; or sled, or other activities, in such a manner as may tend to anger or annoy other persons.

Section 150-23. Large group events.

A. No field day, carnival, concert, address, rally, domestic presentation or the like at which more than 15 persons are in attendance (hereafter called "large group events") shall be held or conducted in Smith's Clove Park unless a permit for such event has first been granted by the Park Commission.

Note: As a means of policy, the Park Commission has expanded on this section to include the gathering of 5 persons or more already in the Park who plan a secondary group activity involving eating/picnicking, that said event must take place only in the area designating for picnics.

B. Each applicant for a large group event permit agrees that the applicant and all persons involved in the presentation of the event will observe the terms and conditions of the permit when issued and will comply with requests of the Park Commission and police concerning traffic, arrangements, alcoholic beverages, noise, crowd-control measures and the use of park facilities.

C. Permit fees shall be set and modified from time to time by resolution of the Park Commission. At the option of the Park Commission, nonresidents may be permitted temporary use of the park facilities, consistent with § 150-13E of this article. In the event that such election is exercised, then the Park Commission may impose charges and/or fees greater than those imposed upon residents or other organized groups. No permit will be issued until said fee is paid in full.

Section 150-24. Vending and soliciting.

A person shall not use village-owned property or streets within Smith's Clove Park for business or professional purposes involving the same of any goods or the rendering of any service for a fee or for the purpose of soliciting alms or contributions unless authorized to do so by the Park Commission. Profit-making events are strictly forbidden.

Note: The Park Commission recognizes the need for food and beverages to be available to the patrons of the Park and to be delivered in a safe, clean and healthy manner. To this end, the Commission, through a bid and screening process designate a concessioner to operate the snack bar at Smith's Clove Park. Through contract, said concessioner is awarded, the sole purveyor of food at Smith's Clove Park. The Commission can also regulate the quality of items sold, time of operation, limits what can be sold and pricing. The Park Commission would like to discourage organized activities which undermine the viability of a snack bar as per our perception.

Section 150-25. Advertising.

A person shall not post, distribute, cast or leave about any bills, placards, tickets, handbills, circulars, advertisements in any form or other matter for advertising purposes directly in or in the immediate vicinity of Smith's Clove Park unless duly authorized by the Park Commission.

Note: In regards to Advertising and the sale of advertising space the Park Commission refers to the Recreation and Risk Handbook distributes by New York Municipal Insurance Reciprocal. Under the heading "Advertising", it reads, "With regards to municipal parks, the Office of the State Comptroller has opined that advertising of a commercial nature is prohibited as not being a park purpose. Additionally, the

production of commercial revenue is not a park purpose.” 25 OP. St. Compt. 69-493, p. 242 (1969).

Section 150-26. Responsibility for loss, damage or theft.

Neither the Village of Monroe nor the Park Commission will be responsible for loss, damage or theft of personal property brought into Smith's Clove Park.

Section 150-27. Use of appearance tickets.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

A. In addition to any other method of enforcement, an appearance ticket may be issued pursuant to the Criminal Procedure Law for any violation hereof, and an answer to such appearance ticket may be made by registered or certified mail, return receipt requested, within five days of the violations as provided in lieu of personal appearance on the return date at the time and court specified in said appearance ticket.

B. All persons issued such appearance tickets shall submit themselves to the jurisdiction of the Justice Court of the Village of Monroe and disposition shall be made by that Court as required by law. Upon receipt such answer shall be entered and a new return date established. Such person shall be notified by a return mail of the date and place of such return date, and the security shall be returned upon appearance thereat. If a person shall fail to appear at return date when such as provided for pursuant to this section, the security posted to secure such appearance shall be forfeited, and a summons or a warrant of arrest may be issued pursuant to the Criminal Procedure Law.

C. The form for answer by plea of guilty or not guilty shall include a statement setting forth in substance the provisions of this section of this article and the schedule of penalties that can be imposed if a plea of guilty is entered. The form shall be approved as to form and content by the Park Commission or the Board of Trustees of the Village of Monroe.

Section 150-28. Use of park facilities.

Except otherwise provided herein, the park facilities may be used only by residents of the Village of Monroe and the residents of the Town of Monroe who live outside the incorporated limits of the Villages of Harriman and the Village of Kiryas Joel.

Section 150-29. Failure to Comply with Directions of Village Police, Park Security, Park employee or Park Signs

A. No person shall fail, neglect or refuse to comply with the lawful direction or command of any Police Officer, Park security, Park employee or Park sign indicated by gesture or otherwise.

B. No person shall fail to comply with or obey any instruction, direction, regulation, warning, or prohibition, written or printed, displayed or appearing on any park sign, except such sign may be disregarded upon order by a Police Officer or designated Department employee.

Section 150-30. Disorderly Behavior

It shall be a violation of these rules to engage in disorderly behavior in a park. A person in any park shall be guilty of disorderly behavior who:

- A. Enters Smith's Clove Park by vehicle on any road indicated as a exit or enters a roadway marked one way only/and or do not enter;
- B. Enters or attempts to enter any facility, area or building sealed, locked or otherwise restricted from public access;
- C. Climbs upon any wall, fence, shelter, tree, shrub, fountain or other vegetation, or any structure not specifically intended for climbing purposes;
- D. Interferes with, encumbers, obstructs or renders dangerous any part of a park or park road; obstructs vehicular or pedestrian traffic;
- E. Engages in fighting or assaults any person;
- F. Engages in a course of conduct or commits acts that unreasonably alarm or seriously annoy another person;
- G. Engages in any form of sexual activity; or
- H. Engages in a course of conduct or commits acts that endanger the safety of others.

Section 150-31. Granting of exceptions.

(Editor's Note: This section formally listed as Section 150-26 of Village of Monroe Code)

The Park Commission may grant an exception to any of the provisions of this article upon receipt of a written request setting forth the relief desired and the basis for the relief, upon a determination by the Park Commission that to grant an exception would be in the best interests of the village. The Park Commission may establish adequate conditions which will eliminate or reduce any expenses or adverse effects.

Section 150-32. Trespass.

Any person who knowingly enters or remains unlawfully in or upon any village park or recreation area maintained by the Park Commission shall be guilty of trespass.

SECTION 2: Severability Clause

If any 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 provision herein other than the part as 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 as 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 provision contained herein.

SECTION 3: Effective Date

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