

**TOWN OF CAMBRIA
TOWN PARK RULES AND REGULATIONS
ADOPTED AUGUST 9, 2012**

ARTICLE I

Purpose and Intent.

As used in this Article, reference to land described as the "Town Park" shall mean the real property acquired by the Town of Cambria by deed recorded December 30, 1999, recorded in the Niagara County Clerk's office in Liber 2987, Pages 341, 342 and 343 and being further described by Tax Map No. 106.00-1-30.12

In enacting this article, the Town of Cambria Town Board supports the following statutory purposes for creating and maintaining park areas which includes, among others: public health, pleasure, recreation, athletics and amusement. Park purposes shall include any incidental uses attendant to maintaining and operating the park including, but not limited to, maintenance garages, limited commercial uses such as a snack bar and any other similar use which shall be approved by the Town Board.

The Town of Cambria encourages the use and enjoyment of the Town Park by the public to promote and enhance the well being of each individual. The use of the Town Park by the public may also, if not controlled, endanger the safety of others and may deny them opportunity of enjoying the park. Therefore, to enhance and promote the safety and enjoyment of each individual, the following rules and regulations are established to govern the conduct of the public.

SECTION 100.01 HOURS OF OPERATION

The Town Park shall be open from dawn to dusk, unless otherwise posted.

SECTION 100.02 PERMITS, CONDITIONS, FEES

- A. Permits for the use of any designated picnic, athletic area or facility may be granted by the Town Park Director or by such other person designated by the Town Board. Permits and applications shall be available at the Town Clerk's office and reservations may be made up to six months in advance for the current year. All fees are non-refundable.
- B. Any person, firm or corporation issued a permit assumes all liability and responsibility for any activity conducted under the authority of the permit or any actions resulting from activities authorized by the permit. The permit may not be transferred.
- C. The request for the permit must be accompanied by the permit fees, if any, and by any other documents which may be required as a condition of the permit, such as a certificate of insurance and a copy of not-for-profit (501) c status, if applicable.
- D. In any case where the permit holder or employee shall have been found to have violated a condition of the permit, the permittee or person attending who has violated shall be held liable for any damages or loss suffered by the Town.
- E. No person shall interfere with any person or party occupying a picnic area under the authority of the permit.
- F. The Town Board shall set a schedule of fees, attached hereto as Schedule A, which may be amended by resolution, from time to time, upon recommendation of the Recreation Committee and Park Director. If the request for a permit has been denied, the Town will notify the applicant of its reasons for the denial. Permit fees will be returned to the applicant. A permit may be denied for any of the following reasons:
 - (1) Another activity or use has been previously scheduled for the same time.
 - (2) The proposed activity or use cannot be accommodated with safety for all park patrons or may result in damage to the park, athletic field or facility or otherwise endanger Town property or the public order.
 - (3) Conditions of the permit have not been met by the applicant or there has been past abuse or violation of this article.
 - (4) The proposed activity or use would require the Town to expend additional funds to provide for supervisory, maintenance or law enforcement personnel, equipment or services.
 - (5) In the judgment of the Park Director, the use is not in the best interests of the Town or its residents.

SECTION 100.03 RESTRICTED ACTIVITIES

- A. Advertising.** No person shall post, paint, affix, distribute, hand out, deliver, place or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement, display and flag, banner, transparency, target, sign, placard or any other matter for advertising purposes on any structure, tree or rock at any place within the Town Park.
- B. Solicitation of alms or contributions.** No person shall solicit or request contributions for any purpose without direct permission from the Park Director.
- C. Sales of merchandise.** No person shall sell, or offer for sale, any merchandise except under a written agreement with the Park Director, and then, only at the place and time designated and upon terms approved by the Town Board.
- D. Meetings, exhibitions and parades.** No person, without a written permit by the Park Director or Town Supervisor, shall erect any structure, tent, stand or platform; or perform any ceremony, conduct any form of entertainment, performance or motion picture for commercial or non-commercial purpose(s) without a permit.
- E. Parking.** No parking will be permitted except in designated areas; loading and unloading shall be accomplished in designated areas only.
- F. Noise.**

 - a. No person shall play any radio, compact disc, tape player, any musical instrument, television, computer or other electronic device of any nature at any time at such a volume as to unreasonably disturb another person or to interfere with any other person or party.
 - b. No person shall cause or permit any loud or disturbing talking, shouting, singing, music or other noise to be made of such intensity as to annoy or disturb another person or party or adjoining residents.
- G. Glass Containers.** Use of glass containers is prohibited.
- H. Littering.**

 - a. No person shall deposit, dump, throw or place any refuse, earth, rubbish, dust or similar material in or upon any part of the park except in such receptacles as are provided. Pet owners shall be responsible for removing and properly disposing of fecal matter from park property. Pet “clean-up” stations are provided to encourage control of pet litter.
 - b. No person shall, in any manner, place any sewage, garbage, trash, litter, debris, object or waste materials in any pond, waterway or creek within the Park or adjoining the park.
- I. Natural Features/Wildlife.**

 - a. No person shall permit any animal owned by him or her, in his or her custody, or under his or her control or ownership to run at large in the Town Park. Dogs, when restrained by a leash, are allowed.
 - b. No person shall ride, drive, lead or keep a horse within the Town Park. The Park Director may issue a waiver for horse-driven carriages for special event(s). The waiver will terminate at the conclusion of the event.
 - c. No person shall kill, wound, trap, hunt, take, shoot, harass, remove or have in his or her possession any animal, bird, bird’s nest or squirrel’s nest, or remove the eggs or young of any such bird or animal within the Town Park.
 - d. No person shall remove or cut firewood, regardless of whether the tree or wood is dead, fallen, diseased, or otherwise, from the Town Park.

- e. The Nature Trail is located in an environmentally sensitive and protected area. Particular care must be exercised when exploring the Nature Trail to respect all plant and animal life.

- J. Camping.** No person shall camp in the park; however, the Park Director, upon approval by the Town Board, may waive this restriction for special events, upon conditions set forth in the permit. The waiver will terminate upon conclusion of the event.

- K. Location of Picnics.** No person shall hold a picnic in the park except in designated areas.

- L. Consumption of alcoholic beverages.** No person shall consume any alcoholic beverage or possess any open container of any alcoholic beverage in any vehicle parked on any roadway or parking lot or within 200 feet of any playground, ball diamond or in any other area of the park or building except in designated picnic areas or as set forth in a permit.

- M. Building of fires.** No person shall kindle, build or maintain or use any fire except at such times and places provided for such purpose. Fires shall be continuously under the care and direction of a competent person over the age of 18 years from the time kindled until they are extinguished.

- N. Explosives and fireworks.** No person shall bring into or possess in the Town Park any explosives or fireworks, including any substance having properties that may decompose suddenly or generate sufficient heat, gas or pressure to produce a rapid flaming combustion. Exception: Fireworks display authorized and approved by the Town Board.

- O. Weapons.**
 - a. No person shall use any firearm of any kind or description within the confines of the Town Park.
 - b. No person shall possess or carry, unless authorized by New York State and federal gun laws, any instrument or weapon in which blank cartridges or ammunition may be used. No person shall take into the parks or have in his or her possession any rifle, shotgun, air gun, spring gun, paint gun, muzzle-loading gun or other instrument or weapon in which the propelling force is a spring air or CO2 capsule.
 - c. No person shall use bows and arrows or crossbows of any kind or description within the confines of the park.

- P. Commercial Uses**
 - a. No person shall engage in any commercial enterprise, including but not limited to, the offering of services, soliciting, selling or peddling liquids or edibles for human consumption or distribute circulars or hawk, peddle or vend any goods, ware or merchandise within the Town Park, except as provided by special permission of the Park Director.
 - b. No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object within the Town Park any bill, advertisement or inscription. Nor shall any person distribute, cast throw or place any handbill, pamphlet, circular, advertisement or notice of any kind within the Town Park except by special permission of the Park Director.

SECTION 100.04 RECREATIONAL ACTIVITIES

- A. Swimming, diving, wading.** No person shall swim, bathe, wade or dive in a park pond, lake or creek or walk upon the frozen surface thereof.

- B. Toy or model rockets, aircraft or boats.** No person shall use a toy or model rocket, aircraft, boat or floating device within the confines of the park or upon any pond, lake or waterway therein.

- C. Park trees, shrubs and structures.** No person shall climb any tree or pick any flowers or fruit or break, cut down, trample upon, remove or, in any manner, injure or deface any tree, shrub or any building fence or structure or any other property within the park.

- D. Skating, sleighing and coasting.** No person shall use any roller skates, roller blades, skateboards or sled or use a sled on any surface, coast with vehicles on wheels or runners, except at such places within the park designated by the Park Director.
- E. All-terrain vehicles.** All-terrain vehicles or any motorized vehicles or similar type vehicles designated for operation primarily on off-highway trails and competitions are prohibited.
- F. Snowmobiles and skidoos.** Snowmobiles and skidoos or any such mechanized motor-driven sled or vehicles on runners are prohibited.
- G. Aviation.** No person, except in an emergency, shall bring, land or cause to descend within or upon the Park any airplane, flying machine, balloon, parachute, or other apparatus for aviation. The Town Park Director may waive this restriction for a special event. The waiver will lapse at the conclusion of the event.
- H. Golf.** The hitting of golf balls within the confines of the park is prohibited.
- I. Buildings/Property**
- No person shall willfully mark, soil, deface, or injure in any way, or displace, remove or tamper with any park building, structure, restroom/washroom facility, table, bench, fireplace or other cooking facility, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof or equipment thereon, park sign, notice or placard whether temporary or permanent, monument, stake, post or other boundary marker or other structure or equipment, facility or park property or appurtenance whatsoever, either real or personal.
- J. Gambling.** Gambling, lotteries and games of chance are prohibited.
- K. Conduct of games.** All games of any description must be conducted in a safe and orderly manner and no dangerous practices shall be allowed. No person shall play games for which the Town Board has required a permit or fixed a fee without first obtaining such permit or paying a fee.
- L. Metal detectors.** The use or operation of a metal detector or other mechanical device to locate buried or concealed metal shall be allowed only in designated areas.
- M. Bicycling.** No person shall operate a bicycle within the limits of the park unless (s)he shall wear a protective helmet, as required by New York State law.
- N. Inflatable objects.** Only permit holders are allowed to erect an inflatable object, which includes but is not limited to bounce houses and water slides, for a specific activity. The applicant must apply and receive a permit for the activity. The permit will expire at the conclusion of the event. Specific
- O.** Minimum insurance requirements shall apply as approved by the Town Board and a certificate of insurance naming the Town of Cambria as an additional insured shall be submitted by the permit holder prior to approval and issuance of any such permit.
- P. Fishing.** All those individuals above the age of 16 must have a valid fishing license. Compliance with rules and regulations as promulgated by New York State Department of Environmental Conservation shall apply. Cleaning of fish in the pond/lake or surrounding areas as well as disposal of bait in the water is prohibited. Fishermen are to limit themselves to fishing from the shore, in designated areas.
- Q. Tents.** Those individuals requesting to construct a tent or any structure, whether temporary or permanent, as part of an activity within the confines of the park must first obtain a permit from the Town Clerk's office and approved by the Town Park Director or Town Supervisor. The permit will expire at the conclusion of the activity. Tents shall not exceed 12 feet by 17 feet and are restricted to areas within 100 feet of gazebos or shelters and 200 feet from residential property and soccer and baseball fields.
- R. Traffic.** No commercial vehicle(s) trailers or vendors will be allowed in the park or park approach except to make deliveries in the park or as otherwise authorized by the Park Director or upon terms set forth by the Town Board. No person shall use the park drives for the purpose of instructing another to drive or operate any vehicle, or for learning to drive or operate any vehicle. No person shall cause or permit a vehicle in tow of another vehicle to enter the park, except in case of a breakdown. In that case, a disabled vehicle may be towed to the exit.

Speed limit within the Town Park shall not exceed 15 mph unless otherwise posted.

SECTION 100.05 VIOLATIONS

- A.** In the event that a firm, person or corporation is found by the Town Recreation Committee, Park Director or Town Supervisor to have violated this article or the directive or permits issued by the past Director or Committee, then the right of any such individual, firm or corporation to use the Town Park or any facility therein shall terminate.

- B.** Any conduct which violates these rules and regulations may be prosecuted as a violation of the Public Order and Public Sensibilities provisions of the New York State Penal Law or as a violation of any other applicable provision of the New York State Penal Law.