

Chapter 109

PARKS

[HISTORY: Adopted by the Town Board of the Town of Liberty 6-4-2007 by L.L. No. 8-2007.¹ Amendments noted where applicable.]

§ 109-1. Purpose.

This chapter is enacted to provide for the protection, care and control of public parks, playgrounds and recreation areas and facilities in the Town of Liberty and to regulate the conduct of persons using such facilities.

§ 109-2. Definitions.

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

PARK — Includes all public parks, playgrounds, recreation areas and other facilities within the Town and under ownership of the Town or under the control and supervision of the Town.

SPECIAL EVENT — Any activity or event conducted, sponsored or organized by a group other than the Town Parks and Recreation Department.

§ 109-3. Use of parks.

- A. The parks are for the enjoyment of Town of Liberty residents and guests for any proper purpose, subject to the restrictions set forth in this chapter.
- B. The use of parks by any person or persons shall be subject to the prior right of use by the Town Parks and Recreation Department while engaged in actual conduct of its recreational programs.

§ 109-4. Permits for special events.

Permits shall be required for special events as follows:

- A. The person or persons seeking issuance of such a permit shall file an application, in writing, signed by the applicant, with the Town Parks and Recreation Department stating:
 - (1) The name and address of the applicant.
 - (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 - (3) The day and the hours for which the permit is desired.

¹. Editor's Note: This local law was originally adopted as Ch. 29 but was renumbered in order to maintain the organization of the Code.

- (4) The park and portion thereof for which such permit is desired.
 - (5) A reliable estimate of the anticipated attendance.
 - (6) The type of activity for which such permit is desired.
 - (7) The anticipated age group of the expected participants.
 - (8) The names and addresses of the adult persons who would supervise and be responsible for the proposed activity.
 - (9) Such other information as may be reasonably required.
 - (10) That the applicant is aware of §§ 109-4 and 109-6 of this chapter and the rules of conduct in § 109-11 and has or will advise all members of the applicant's group of the provisions of said §§ 109-4 and 109-6 and advise the group of the rules of conduct.
- B. Issuance of a permit shall be made by the Town Parks and Recreation Department based on the following criteria and may contain special conditions as appropriate:
- (1) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - (2) The nature and character of the proposed activity or use of the park is not reasonably anticipated to incite violence, crime or disorderly conduct.
 - (3) The proposed activity or use of the park will not entail extraordinary or burdensome expense of police operation by police agencies.
 - (4) The park area or facility desired has not been reserved for other use at the date and hour desired in the application and it does not conflict with any other activity of the Town Parks and Recreation Department.
- C. The permit granted shall entitle the holder to use only that portion of the park or facility indicated therein.
- D. The person, persons, organization or group using the park or facility shall be responsible for supervision, making certain that the gathering is orderly, and, further, shall be in charge of its own parking and shall be responsible for cleaning up and placing any garbage in appropriate containers prior to leaving the park or facility.
- E. Fees for use of the park or facility shall be charged in accordance with a fee schedule to be fixed from time to time by resolution of the Town Board upon recommendation by the Town Parks and Recreation Board.
- F. A security deposit shall be required in accordance with a fee schedule to be fixed from time to time by resolution of the Town Board upon recommendation by the Town Parks and Recreation Board. Such deposit shall be returned only upon application received within 30 days following the conclusion of the event for which the permit was issued and further provided that the Town Parks and Recreation Department is satisfied that the park or facility has been restored to proper condition. If no application for a refund is timely made, or if any portion of the security deposit remains after payment of the cost of restoring the park or facility to proper condition, the deposit shall be deemed abandoned and shall be

retained by the Town and applied toward parks and recreation purposes. In the event the security deposit is insufficient to restore the park or facility to proper condition, the individual or individuals who signed the application and/or the organization on behalf of which such individual or individuals acted may be held legally responsible for the deficiency.

- G. Each applicant for a permit shall deliver to the Town Parks and Recreation Department a certificate of insurance evidencing that a policy of general liability insurance shall be in effect for the permitted event providing coverage of not less than \$1,000,000 combined single limit per occurrence and aggregate, and that the Town of Liberty, its Parks and Recreation Board and its Parks and Recreation Department are named as additional insureds.

§ 109-5. Appeals.

Any person aggrieved by the issuance or nonissuance of a permit may appeal the decision of the Town Parks and Recreation Department to the Town Parks and Recreation Board within 10 days from issuance of the permit or rejection of the application.

§ 109-6. Liability.

The person or persons to whom any permit is issued hereunder shall be fully liable for any and all loss, damage or injury sustained by any person whatever by reason of the willful misconduct or negligence of the person, persons or one of the group to whom such permit shall have been issued and/or any invitee thereof.

§ 109-7. Observance of regulations.

All persons obtaining a permit shall, in all respects, be required to observe the conditions of this chapter and any regulations promulgated pursuant hereto, as well as any special conditions contained in the permit.

§ 109-8. Operating procedures.

- A. Park hours. Except for emergencies or another special reason, the various parks in the Town shall be open to the public on a seasonal basis during designated hours. The opening and closing hours for each individual park shall be posted therein and in the Town Hall for public information and shall be determined, from time to time, by resolution of the Town Parks and Recreation Board. If no opening or closing hours are established and posted as herein provided, parks shall open at 8:00 a.m. and close at sunset, except those parks which are publicly lighted, which shall open at 8:00 a.m. and close 15 minutes after the lights are turned off.
- B. Maintenance of parks shall be provided by the Town Parks and Recreation Department.
- C. Any part or the whole of any park may be closed to the public at any time and for such interval of time as may be reasonably necessary in the public interest. Such closing shall be accomplished by the posting of signs containing the word "Closed" and such other information as may be reasonably required to inform the public.

§ 109-9. Compliance required.

- A. The rules of conduct set forth in § 109-11 of this chapter shall regulate the conduct of persons, as individuals or members of a group or groups of persons. and govern their use of parks, playgrounds or recreational areas of the Town.
- B. The Town Board may, by resolution, adopt special provisions of a temporary nature inconsistent with the rules of conduct as set forth in § 109-11 of this chapter or in addition thereto.

§ 109-10. Penalties for offenses.

- A. Any person who shall violate any provision of this chapter shall be guilty of a violation and, upon conviction thereof, be punished by a fine not to exceed \$250 for each offense or by imprisonment for a term not to exceed 15 days, or both.
- B. In addition to the penalties set forth in Subsection A above, in the event of a violation of any provision of this chapter or of any condition set forth in any permit issued pursuant hereto, the permit may be revoked, the person or persons to whom it was issued and their invitees may be directed to leave the park or facility and such person or persons may be barred from future use of the park or facility for such period of time as may be determined by the Town Parks and Recreation Board.

§ 109-11. Rules of conduct.

- A. No person or group of persons shall, while upon any Town park, playground or recreational facility:
 - (1) Be in or use the same for any purpose during the hours that such facility is closed or when such facility or a part thereof is posted "Closed."
 - (2) Bring in a dog that is not on a leash. Dogs must be under direct supervision of the owner. Owners are responsible for care and cleanup of their dogs.
 - (3) Swim in lakes, ponds or streams.
 - (4) Carry or possess firearms of any description, air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden. This subsection shall not apply to law enforcement officers.
 - (5) Build or use a fire except in those areas designated for that purpose.
 - (6) Erect a camp, tent or structure of any kind.
 - (7) Create unnecessary noise, or excessive noise in any manner.
 - (8) Damage or deface any area, building, sign, equipment or other property found within the park. Nor shall any tree, flower or shrubbery be removed or destroyed.
 - (9) Bring in or dump upon, deposit or leave any bottles, broken glass, trash, garbage or

other refuse, except in connection with the proper use of the property and placed in proper receptacles where provided for such matter, and, where receptacles are not provided, such matter shall be carried away by the person responsible for its presence and properly disposed of elsewhere.

- (10) Conduct business, sell or solicit in any manner, unless permission is granted by the Town of Liberty Parks and Recreation Director and a permit is obtained from the Town of Liberty Town Clerk.
 - (11) Conduct themselves in a disorderly or indecent manner or commit any indecent act or use profane, indecent or obscene language or gestures, fighting or assaulting another person, or interfere with or disturb any other person using or enjoying such facility.
 - (12) Drive, operate, use or bring into any park any automobile, motorcycle, minibike, ATV, snowmobile or any other motor vehicle, except that properly licensed vehicles may be brought to designated parking areas, if any, using designated roads for that purpose unless special written permission is received from the Parks and Recreation Department.
 - (13) Bring or ride a horse within the parks or facilities.
 - (14) Enter with a group comprised of 25 or more without a valid group permit. A permit must be obtained from the Parks and Recreation Department for permitted use of any park area or facility for groups larger than 25.
 - (15) Bring in glass bottles.
 - (16) Use hibachis and personal grills on picnic tables. The same shall be placed on park grills.
 - (17) Have in possession or cause to be exploded or discharged any firecrackers, fireworks or similar thing.
 - (18) Post or otherwise place any sign, placard or advertisement whatever, unless authorized by the proper authority.
 - (19) Persons failing to comply with the reasonable demands or directions of any authorized personnel attending the parks or facilities shall forfeit all privileges with regard to use of all facilities. No fees shall be refunded in the event of any such forfeiture.
 - (20) Use the park or facility in a manner inconsistent with any permit issued for such use.
- B. The foregoing rules of conduct are subject to change from time to time by resolution of the Town Board.