

(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.

~~County~~  
~~City~~ of Batavia, Genesee County, New York  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 2017.

A local law known as Amending the Town of Batavia Park Rules and Regulations Law.  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of **Batavia, Genesee County, New York** as follows:  
~~Town~~  
~~Village~~

ARTICLE I: **ENACTMENT AND AUTHORIZATION**

The Town Board and the Town of Batavia does hereby ordain and enact this local law Amending the Town of Batavia Park Rules and Regulations Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law.

ARTICLE II: **FORMER LAW REPEALED**

Chapter 169 of the Code of the Town of Batavia is hereby repealed and replaced with a new law contained in Article III of this local law.

ARTICLE III: **TOWN OF BATAVIA PARK RULES AND REGULATIONS LAW**

§ 169-1 Title.

This chapter shall be known as the "Town of Batavia Park Rules and Regulations Law."

§ 169-2 Purpose.

The purpose of this chapter is to preserve the public peace and good order on lands operated as public parks by the Town of Batavia and to contribute to the safety and enjoyment of park users by establishing rules and regulations governing the use of parks maintained by the Town of Batavia.

§ 169-3 Word usage and definitions.

A. Words used in the present tense shall include the future, words in the masculine gender shall include the feminine and neuter, the singular number shall include the plural, and the plural the singular.

B. For the purpose of this chapter, the terms used herein are defined as follows, unless the context specifically indicates otherwise:

**PARK**

The land, including all buildings, waters and other property located thereon and constituting a part thereof, which is designated as a park by the Batavia Town Board and which is maintained, operated and controlled by the Town of Batavia for public park purposes.

**PERSON**

Any individual, firm, partnership, company, corporation, association, society, group or municipality.

**VEHICLE**

Every device in, upon or by which a person or property is or may be transported or drawn, whether or not by motorized power.

§ 169-4 Applicability.

This chapter shall apply to all parks under the control, supervision and jurisdiction of the Town of Batavia.

§ 169-5 Dates and hours of operation.

A. All parks shall open and close for the season as designated by resolution of the Town Board.

B. No person or vehicle shall enter or remain in any park between the hours of 10:00 p.m. and sunrise or when closed for the season, except as otherwise provided by the Town Board, by resolution.

C. In case of an emergency, any portion of a park may be closed to the public, to vehicles or to designated persons.

§ 169-6 Use of park pavilions and reserved areas.

A. No person may reserve for use any park pavilion or other reserved areas without first obtaining a permit for such use.

B. An application for a permit may be obtained from and must be filed with the Batavia Town Clerk.

C. Each application for such permit shall be accompanied by a deposit to be set from time to time by the Town Board, by resolution. Said deposit shall be for the purpose of ensuring that the pavilion and/or reserved area is undamaged and free of debris upon completion of use. Following use, said pavilion and/or reserved area shall be inspected by

the town. If the same is undamaged and free of debris, said deposit shall be returned. If said area is either damaged or not free of debris, said deposit shall be forfeited to the town to cover the cost of repair or cleaning. Nothing herein shall prevent the town from instituting legal proceedings against any person for the recovery of damages caused by the use of any park or park pavilion.

D. Application for a permit shall be made at least 72 hours in advance of the time of the reservation requested. In the event more applications are received than space is available, such applications shall be considered in the chronological order received.

E. The Town Board may require applicants utilizing a park for a business or organizational purpose to provide any appropriate certificates of insurance as the Town Board deems necessary in its sole discretion.

F. The Town Board may require all applicants to execute indemnity agreements in connection with applications for use of park facilities.

#### § 169-7 Park rules and regulations.

The Town Board shall from time to time, by resolution, promulgate such further rules regulations for the use of town park facilities as it deems necessary and appropriate to preserve park improvements and the public's access thereto, and to protect the public health, safety and general welfare.

#### § 169-8 Enforcement.

This chapter and the Park Rules and Regulations adopted from time to time by the Town Board shall be enforced by the Town of Batavia through its constables, by the Genesee County Sheriff's Department and by all other police agencies having jurisdiction within the Town of Batavia.

#### § 169-9 Penalties for offenses.

Any person found in violation of this chapter or the duly adopted Park Rules and Regulations shall be guilty of an offense and, upon conviction, shall be subject to a fine of not more than \$250 or to imprisonment for a period of not more than 15 days, or both.

#### ARTICLE IV: EFFECTIVE DATE

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

#### ARTICLE V: SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.