

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING REGARDING
PROPOSED AMENDMENTS AND REVISIONS TO CHAPTER 153 OF THE TOWN CODE
RELATIVE TO PARKS AND OPEN SPACES

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on October 18, 2020 at 7:07 p.m. in the Wood Memorial Meeting Room in the Town Office Building, located at One Town Hall Plaza, Town of Clifton Park, County of Saratoga, State of New York to consider revisions and amendments to the Town's code relative to the Lands acquired for Park and Open Space Purposes

The proposed legislation would acknowledge the addition of the 155± Acre Garnsey Park within the town code for enforcement purposes, as well as a 97± Parcel of Lands acquired in 2018 from Saratoga PLAN adjacent to the Park. The proposal also extends the Town's prohibitions on Hunting and the discharge of firearms on all Town Owned Lands, including Open Space Lands acquired in conjunction with Subdivision and other Land use approvals issued by the Town's Planning Board.

Copies of the proposed local law are posted at <https://cliftonpark.org/government/legal-notices.html> , and are available for review in the Town Clerk's office during normal business hours.

Teresa Brobston Town Clerk

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 153

Parks

[HISTORY: Adopted by the Town Board of the Town of Clifton Park 6-18-2007 by L.L. No. 6-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Buildings and Grounds — See Ch. 5A.

Environmental Conservation Commission — See Ch. 13.

Department of Parks, Recreation and Community Affairs — See Ch. 34.

Alcoholic beverages — See Ch. 59.

Mass public assemblies — See Ch. 64.

Burning — See Ch. 80.

Dogs — See Ch. 92.

Firearms — See Ch. 108.

Noise — See Ch. 149.

Nature preserves — See Ch. 152.

Zoning — See Ch. 208.

Article I

Parks, Park Areas and [Park Districts] Open Spaces

§ 153-1 Findings and determinations.

It is hereby the finding and determination of the Town Board that use of parks and park areas within the Town of Clifton Park beyond established times or in violation of the following prohibitions constitutes and creates disturbance for homeowners and others residing within the vicinity of town parks and park areas.

§ 153-2 Park hours.

All parks and park areas within the Town of Clifton Park, and all areas on the Clifton Common, shall be open for public use from the hours of 5:30 a.m. until 10:00 p.m. or as otherwise posted. This limitation shall apply to all exterior areas and shall not be applicable to activities inside any buildings within any of the aforesaid areas.

§ 153-3 Collins Park.

All dogs at Collins Park shall be on a leash and kept under leash control.

§ 153-4 Prohibited acts.

It shall be unlawful and constitute an offense for any person to:

- A. Utilize or make use of any park within the Town except during the hours set forth at § 153-2 hereinabove.

- B. Use or utilize any park within the Town for any act or use which is prohibited by this article.
- C. Vandalize, spray paint, break, or damage, any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any park or park area within the Town.
- D. Operate any motor vehicle of any sort on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, or any other motor-driven craft.
- E. Use or ignite fireworks of any kind, including sparkling devices as defined in Subparagraph (vi) of Subdivision (a) of Paragraph 1 of § 270.00 of the New York State Penal Law, as referenced in § 156-h of the New York State Executive Law. **[Added 8-17-2015 by L.L. No. 9-2015]**
- F. **Hunt, target shoot, or cause the discharge of any firearm, or bows of any type, for any reason within in any park, park area, Open Space or lands owned, or managed, by the Town of Clifton Park.**

§ 153-5 Parking limited to park use.
[Amended 9-8-2020 by L.L. No. 6-2020]

It shall be unlawful and constitute a violation under this article for any person to park any motor vehicle in a town park or public park within a park district at a time when the operator of the motor vehicle is not utilizing the park or park facilities for their lawful purpose(s).

Article II Clifton Common

§ 153-6 Determination.

The Town of Clifton Park hereby determines that substantial moneys have been invested by the Town in the Clifton Commons, and substantial time and effort on the part of volunteers and volunteer organizations have been and continue to be provided to develop, maintain and continue the Clifton Common as a special recreational and park area for town residents. Certain activities if permitted on the Clifton Common would create risks to personal safety or property or problems with respect to the maintenance of the Clifton Common and involve uses never intended for this area of the town.

§ 153-7 Activities specifically prohibited on Clifton Common.

(a) Golfing on the Clifton Common is hereby prohibited.

(b) **Hunting, target shooting, or the discharge of any firearm, or bows of any type, for any reason are prohibited.**

§ 153-8 Dogs.

All dogs upon the Clifton Common must be kept upon a leash and under leash control.

§ 153-9 Penalties for offenses.

[Amended 9-8-2020 by L.L. No. 6-2020]

- A. Any person found to have violated any of the provisions of **[§ 153-3 and § 153-8 of]** this chapter shall be guilty of a violation and shall be subject to civil penalties according to the provisions of Chapter 92,

§ 92-13, of this Code.

- B. Any person found to have violated any of the remaining provisions of this Chapter 153 upon the Clifton Common shall be guilty of a violation and shall be subject to a civil penalty [of up to \$250] not to exceed \$500.00, and up to \$1,000 for every subsequent offense committed within 18 months, in addition to restitution for any damage to Park property.

Article III Clifton Park Action Park

§ 153-10 **Determinations.**

The Town Board recognizes the popularity of skating and skateboarding as a means of active recreation for area residents and has established the Clifton Park Action Park as a members-only skate park for skateboarding and inline skating.

§ 153-11 **Authority to establish membership fees.**

The Director of Parks and Recreation shall establish annual membership fees for residents and for nonresidents and enter into agreements with area municipalities for reasonable membership fees for area residents as may be desirable for the maintenance and operation of the park, subject to approval by the Town Board.

§ 153-12 **Rules and regulations; infractions; appeals.**

- A. Rules and regulations for the Clifton Park Action Park shall be established by the Director of Parks and Recreation, subject to approval by the Town Board, and shall be posted at the park, are attached hereto and are available on the Town's website.
- B. Infractions or violations of Action Park rules and regulations established by the Director of Parks and Recreation as approved by the Board may result in a suspension or revocation of membership privileges, in addition to any other penalty as may be set forth in this article. Such suspension, revocation or limitation shall be in the discretion of the Assistant Director of Parks and Recreation ("Assistant Director") or his/her designee, subject to review upon appeal by the Director of Parks and Recreation. Appeal from such determination shall be in writing to the Director of the Department of Parks and Recreation within 30 days of the effective date of such determination and shall be heard at the Town Board meeting next following receipt of the appeal. The Director shall affirm, reverse, or modify the determination of the Assistant Director within one week of such hearing. Nothing herein shall prevent the Town Board or the Director from granting relief acceptable to the appellant prior to, or in the absence of, such written appeal or hearing.

§ 153-13 **Prohibited acts.**

- A. It shall be unlawful and shall constitute a trespass for any person to skate, use, or otherwise be within the park when the Action Park is closed.
- B. It shall be unlawful and shall constitute a trespass for any person to skate, use, or otherwise be within the park without a current membership ID card or to assist another to be within the park without such membership.
- C. Dogs are prohibited within the Action Park.

§ 153-14 Penalties for offenses.
[Amended 9-8-2020 by L.L. No. 6-2020]

Any person found guilty of § **153-13** of this article shall be guilty of a violation and shall be subject to the following:

- A. For a first offense: a civil penalty not to exceed [\$250], \$500;
- B. For every subsequent offense committed within a period of 18 months: a civil penalty not to exceed \$1,000.

Article IV
Swimming Pools

§ 153-15 Clifton Park Town pools.

The Town Board recognizes the popularity of swimming and pool leisure activities as a means of active recreation for area residents. The Town of Clifton Park purchased and manages the community pools and clubhouses located on Barney Road and Locust Lane, the pool clubhouse on Burning Bush Boulevard and, in conjunction with the Longkill Park District, Country Knolls Pool located on Burning Bush Boulevard. The three Town pools have been designated as "members only."

§ 153-16 Authority to establish membership fees.

The Director of Parks and Recreation shall establish annual membership fees for residents and for nonresidents, subject to approval by the Town Board.

§ 153-17 Rules and regulations.

Rules and regulations for the three town pools and clubhouses shall be established by the Director of Parks and Recreation, subject to approval by the Town Board, and shall be posted at each pool, are attached hereto and are available on the Town's website.

§ 153-18 Suspension or revocation of membership privileges; appeals.

- A. Infractions or violations of the three town pools and clubhouses' rules and regulations established by the Director of Parks and Recreation as approved by the Board may result in a suspension or revocation of membership privileges.
- B. Such suspension, revocation or limitation shall be in the discretion of the Assistant Director of Parks and Recreation ("Assistant Director") or his/her designee, subject to review, upon appeal, by the Director of Parks and Recreation. Appeal from such determination shall be in writing to the Director of the Department of Parks and Recreation within 30 days of the effective date of such determination and shall be heard at the Town Board meeting next following receipt of the appeal. The Director shall affirm, reverse, or modify the determination of the Assistant Director within one week of such hearing. Nothing herein shall prevent the Town Board or the Director from granting relief acceptable to the appellant prior to, or in the absence of, such written appeal or hearing.

§ 153-19 Prohibited acts.

- A. It shall be unlawful and shall constitute a trespass for any person to use or otherwise be within pool and clubhouse designated areas when the pools and clubhouses are closed.
- B. It shall be unlawful and shall constitute a trespass for any person to use or otherwise to be within the pool or clubhouse area without a current membership unless he or she can be identified as a paid guest

of a current member.

C. Dogs are prohibited within pool and clubhouse designated areas.

§ 153-20 Penalties for offenses.

[Amended 9-8-2020 by L.L. No. 6-2020]

Any person found guilty of § **153-19** of this article shall be guilty of an offense and shall be subject to the following:

- A. For a first offense: a civil penalty not to exceed \$250;
- B. For a second offense committed within a period of 18 months: a civil penalty not to exceed \$500;
- C. For a third and any subsequent offense committed within a period of 18 months: a civil penalty not to exceed \$750;
- D. For a fourth and any subsequent offense committed within a period of 18 months: a civil penalty not to exceed \$1,000.

Article V Town Trails

§ 153-21 Motorized vehicles restricted.

Motorized vehicles or crafts of any type are prohibited and shall not be parked or operated on trails within the Town. This shall include, but not be limited to, motor vehicles, all-terrain motorized vehicles, snowmobiles, motorized trail bikes, motorcycles or any other motor-driven vehicle or craft. This provision shall not apply to emergency vehicles or vehicles operated by police, environmental officers, Town officials or others designated by them on official business, or motorized wheelchairs or other motorized vehicles designed to enable an individual with a disability.

§ 153-22 Penalties for offenses.

[Amended 9-8-2020 by L.L. No. 6-2020]

Any person found to have violated any provision of this Article **V** shall be guilty of a violation and shall be subject to a civil penalty not to exceed \$500.

§ 153-23 Town security officers.

[Amended 9-8-2020 by L.L. No. 6-2020]

The Town Security Officers are hereby authorized to provide for compliance with this Chapter **153** and are hereby authorized to issue citations, tickets, and complaints and to participate in the prosecution of any offenses charged under this chapter.

§ 153-24 Written plea agreements.

[Added 9-8-2020 by L.L. No. 6-2020]

Appearance tickets issued under this chapter may be resolved by written plea agreement lodged with the court, subject to judicial approval, for individuals represented and unrepresented by counsel. Electronic signatures, scanned or photocopied signatures on plea agreement forms shall be presumptively reliable.

Article VI

Garnsey Park

§153-25 Prohibited Acts

- (a) Hunting, target shooting, plinking, or the discharge of any firearm, or bows of any type, for any reason are prohibited.
- (b) Any person found to have violated any of the remaining provisions of this Chapter 153 Article VI shall be guilty of a violation and shall be subject to a civil penalty [of up to \$250] not to exceed \$500.00, and up to \$1,000 for every subsequent offense committed within 18 months, in addition to restitution for any damage to Park property.

Article VII

Town-owned Open Spaces

§153-26 Prohibited Acts

- (a) Hunting, target shooting, plinking, or the discharge of any firearm or bow of any type, for any reason are prohibited.
Any person found to have violated any of the remaining provisions of this Chapter 153 Article VII shall be guilty of a violation and shall be subject to a civil penalty [of up to \$250] not to exceed \$500.00, and up to \$1,000 for every subsequent offense committed within 18 months, in addition to restitution for any damage to Town-owned property.