

## Chapter 115

### **PARKS**

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**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-26-2012 by L.L. No. 7-2012. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

- Public assemblies - See Ch. 51**
- Dogs and other animals - See Ch. 76**
- Littering - See Ch. 103**
- Loitering - See Ch. 107**
- Noise - See Ch. 109**
- Trespassing - See ch. 145**
- Vehicles and traffic - See Ch. 150.**

### **§ 115-1. Purpose.**

The purpose of this chapter shall be to preserve the public peace and good order on Town lands operated as parks by the Town of Patterson, to provide for their protection and management, and to ensure the safe use and enjoyment of the users of such park land by establishing standards for their use, and by prohibiting certain other activities inimical to customary park recreation use.

### **§115-2. Applicability**

A. This Chapter, and the rules and regulations contained herein shall apply to all lands and the facilities thereon owned by the Veterans Memorial Park District of the Town of Patterson

B. This Chapter shall also apply to all other lands and the facilities owned by the Town of Patterson and designated or operated as park lands, dedicated open space or recreation lands, and any vacant lands owned by the Town of Patterson, except for those lands owned, or operated by the Putnam Lake Park District.

### **§ 115-3. Park Advisory Board.**

A. The Town Board may create a Veterans Memorial Park Advisory Board consisting of seven members, and from the members appointed, shall designate the chairperson thereof. In the absence of a chairperson, the Veterans Memorial Park Advisory Board may designate a member to fulfill the duties of the chairperson, until such time as one is appointed by the Town Board. The Town Board may provide for the compensation for one or more of the Veterans Memorial Park Advisory Board members.

B. Members of the Veterans Memorial Park Advisory Board shall be residents of the Veterans Memorial Park District.

C. Terms of members. The terms of members of the Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the board. Each member whose term has expired shall serve until his or her successor is duly appointed.

D Terms of members now in office. Members now holding office for terms which do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the board.

E. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint a new member for the unexpired term.

F. Removal of members. The Town Board shall have the power to remove any member of the Veterans Memorial Park Advisory Board for cause.

(1) Reasons for termination for cause of a member of the Park Advisory Board shall include:

- (a) Actions of a member of the Board determined to be contrary to the Advisory Board's mission.
- (b) Unresolved conflict of interests.
- (c) Missing 3 (three) consecutive meetings, or any chronic absenteeism within a calendar year.
- (d) Disruptive, combative and/or disorderly behavior.
- (e) Habitual neglect of duties.
- (f) Incompetence
- (g) Intoxication

G. Voting requirements. Every motion or resolution of a Park Advisory Board shall require for its adoption the affirmative vote of a majority of all the members of the Board.

H. Appropriation for Veterans Memorial Park Advisory Board. The Town Board is hereby authorized and empowered to make such appropriation as it may see fit for Veterans Memorial Park Advisory Board expenses. Such charges and expenses less fees, if any collected, shall be a charge upon the taxable property of the Park District, and shall be assessed, levied and collected therefrom in the same manner as other town charges.

I. The purpose of the Park Advisory Board shall be to provide for the daily administration of the Veterans Memorial Park, to plan activities at said park, and to make recommendations to the Town Board on financial matters related to the Park and the rules and regulations to be followed by users of Veterans Memorial Park.

J. The duties of the Chairperson shall be:

- (1) All meetings of the Park Advisory Board shall be held at the call of the chairperson or at such other times as such Park Advisory Board may determine.
- (2) The Chairperson shall preside at all meetings of the Park Advisory Board.
- (3) The Chairperson shall oversee the daily operation of the Park District assets, improvements and programs.
- (4) The Chairperson shall perform such other duties as may be assigned by the Town Board.

K. Upon recommendation of the Veterans Memorial Park Advisory Board, the Town Board may appoint such additional committees to assist the Veterans Memorial Park Advisory Board in the performance of their duties.

#### **§ 115-4. Definitions.**

For the purpose of this chapter, the terms used herein are defined as follows:

**BEACH** - Any area of the lake shore expressly designated for the purpose of provided access for swimming, including the water area and lands underwater adjacent to said area and the docks and structures therein.

**BUSINESS** - An enterprise or activity engaged in for the purpose of incurring a profit.

**NONPROFIT SERVICE ORGANIZATION** - An organization exempt from the payment of income tax under § 501 (a) of the Internal Revenue Code of 1954.

**OWNER** - Any person owning or having the use, possession or control of a vehicle, animal or other property by lease or otherwise.

**PARK** - Vacant land, or open space lands, or such other lands dedicated to be used for active or passive recreation purposes, which are owned or controlled by the Town of Patterson, and including any buildings thereon, waters therein or any other property necessary for the operation thereof, which are now or hereinafter will be maintained. As used in this Chapter the term parks shall not include lands owned by the Putnam Lake Park District, and lands and recreation facilities operated by the Patterson Recreation Department, unless those lands are specifically named.

**PERMIT** - Any written authorization issued by the Town Clerk of the Town of Patterson or other authorized individual for a specified privilege within the aforesaid Park District.

**PERSON** - Any individual, firm, partnership, corporation or association of persons; and the singular number shall include the plural.

**PERSONAL FLOATATION DEVICE (PFD) or LIFE PRESERVER**- A wearable flotation device, classified and approved by the United States Coast Guard which is in such a condition that it is fit for its intended purpose, bears a legibly marked United States Coast Guard approval number and is of an appropriate size for the person who intends to use it.

**VEHICLE** - Every device in, upon or by which a person or property is or may be transported.

#### **§ 116-5. Interpretation and scope.**

The interpretation of these rules and regulations and provisions shall be consistent with the following rules of construction in order to give full effect to the terms and provisions hereof:

- A. Any term in the singular shall include the plural, and vice versa.
- B. Any term in the masculine gender shall include the feminine gender, and vice versa, and the

masculine and feminine genders shall include the neuter gender, and vice versa.

C. Any requirement or provision involving any act shall include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or the permission or allowance of any minor in the custody of any adult, doing any act prohibited herein.

D. These provisions shall not make unlawful any act necessarily performed by any officer or employee in the line of duty or work.

E. Any act performed hereunder which might be otherwise unlawful, shall be lawful if performed under or pursuant to a permit, provided it is not otherwise prohibited by any local law or ordinance.

F. As used herein, the terms property owner, or lessor shall also include the members of their immediate families and their guests, unless otherwise noted.

#### **§115-6. Administration.**

A. The Town Board of the Town of Patterson shall be directly responsible for administration of this Chapter for all lands designated as park lands or vacant lands, excepting that the Town Board may designate the Veterans Memorial Park Advisory Board or Caretaker to act on behalf of the Town Board in the application of the rules and regulations contained herein for Veterans Memorial Park, or adopted by the Town Board pursuant to this Chapter. The Town Board may also authorize one or more individuals to act on behalf of the Town Board for any other park lands or open space owned by the Town of Patterson.

B. The Town Board may adopt by resolution such additional rules and regulations for the use and operation of parks, and any buildings or pavilion thereon. Nonobservance of such rules and regulations shall constitute a violation of this Chapter.

#### **§ 115-7. Park Use**

A. For all property owned by, and operated for the Veterans Memorial Park District, use shall be limited to the residents of the Veterans Memorial Park District or their guests. The Town Board may require individuals using Veterans Memorial Park to present appropriate identification, and require vehicles parked at Park District facilities to display such identification as determined necessary by the Town Board. Groups of fifteen or more persons must also comply with §115-9.

(1) All persons entitled to use the beaches of the Veterans Memorial Park may be required to obtain Park District identification, issued by the Town of Patterson, or shall be accompanied by a person who shall have obtained the appropriate identification. Residents shall produce their Park District identification when called upon to do so by any authorized representative of the Town Board or any person assigned to such duty by the Town Board or its agents.

(2) Any vehicle parked at Park District facilities shall be required to display such identification sticker for the Park District, as determined necessary by the Town Board.

B. For all other property owned by the Town of Patterson and designated and operated as a park, use shall be limited to residents of the Town of Patterson, or their guests, excepting that non-residents, may apply for a permit, issued by the Town Clerk, to use one or more of the parks. Any permit issued shall be limited in duration to one day and shall state the park, or parks that will be utilized, the date that the park will be utilized and the number of persons that will utilize the park. Groups of twenty (20) or more persons must also comply with §115-9. Any non-profit organizations, a commercial or business enterprise's use of parks shall also comply with §115-9.

C. Park buildings may only be used by groups upon obtaining a permit as provided herein.

D. All permits for park use must be picked up at the Patterson Town Hall at least forty-eight (48) hours prior to use. Any non-compliance of a condition of the permit shall be considered a violation of this Chapter.

#### **§ 115-8. Hours of operation; exception.**

A. The Town Board shall establish, upon recommendation of the Park Advisory Board, the hours of operation of Veterans Memorial Park.

B. For all park lands, except Veterans Memorial Park, no person shall be permitted to remain, stop or park within the confines of any Park between sunset and 7:00 a.m. of the following day, except in the case of an emergency, or as authorized by the Town Board, or by permit issued by the Patterson Town Clerk.

C. In case of an emergency or when, in the judgment of the Veterans Memorial Park Advisory Board or Town Board, the public interest demands it, any portion of a park, including Veterans Memorial Park may be closed to the public or to designated persons until permission is given to reopen.

#### **§ 115-9. Permits.**

A. A permit must be obtained from the Patterson Town Clerk for the following uses and activities of the parks owned and maintained by the Town of Patterson:

(1) For Veterans Memorial Park, the use of any of the park, or buildings or pavilions thereon, or any playing field by groups of 20 or more persons, where said use will be for one day.

(2) Camping by one or more persons within Veterans Memorial Park where allowed as may be determined by the Park Advisory Board.

(a) All campfires shall be in an enclosed container or pit approved by the Park Advisory Board.

(b) No campfires shall be permitted during times when New York State has declared that hazardous conditions (red flag) exist.

(3) Serving or preparing of food and drinks, excluding alcoholic beverages, on facilities other than the charcoal grills provided by the park.

(4) For all other parks by Town residents and their guests, the use of any of the park, or buildings or pavilions thereon, by groups of 20 or more persons, where said use will be for one day.

(5) For non-residents who wish to use any park, except for Veteran's Memorial Park, where such use is for one day.

B. Any organizations, clubs, athletic leagues or any other groups, of 75 or more members, wishing to use an athletic fields at Veterans Memorial Park on two or more days shall first obtain a permit to do so from the Town Clerk, upon recommendation of the Park Advisory Board. The permittee will be required to pay a fee as set from time to time by resolution of the Town Board for such permit. The dates and times of such usage for the play areas at Veterans Memorial Park shall be designated by the Veterans Memorial Park Advisory Board.

C. A permit must be obtained by any non-profit organizations, or commercial or business enterprise that wishes to use a park. Non-profit organizations seeking a permit to use the parks for environmental education purposes shall be exempt from any fees required under this section. Commercial or business enterprises shall not be exempt from any fee as may be set from time to time by resolution of the Town Board unless they sufficiently demonstrate that their use of the park is in furtherance of a charitable activity and beneficial to the residents of the Town of Patterson.

D. All permit applicants must be twenty-one (21) years of age or older. All permits must be signed prior to use of a park facility or prior to the activities for which a permit is obtained. The signer of a permit shall be responsible for all damages to park facilities or the contents thereof and shall agree to indemnify the Town of Patterson for such damages.

E. All permits and auto stickers shall be issued by the Town Clerk and shall be subject to park rules and regulations. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law, ordinance or rule or regulation governing parks. Any violation of any term or condition thereof or any law or ordinance or rule or regulation governing parks or otherwise shall constitute grounds for revocation of said permit by the Town Clerk, whose action therein shall be final. No permit for the same purpose shall be issued to the person whose permit has been revoked, during the year in which such revocation has been made.

F. Where an applicant's previous use of one or more of the parks or previous use of Veterans Memorial Park, lands owned by the Putnam Lake Park District, or lands and facilities operated by

the Patterson Recreation Department, has resulted in damage to a park or facility, or the issuance of a violation, or has disturbed the peace and good order at a park, the Town Clerk may deny the issuance of a permit, or require the posting of a cash bond in an amount determined by the Town Board. Appeal of such a denial by the Town Clerk shall be to the Town Board of the Town of Patterson.

**§ 115-10. General restrictions.**

Nonobservance of the following regulations shall constitute a violation:

A. No person shall commit any of the following acts on or within any park regulated by this Chapter, except as may be authorized by the Town Board, or the Veterans Memorial Park Advisory Board:

- (1) Picnic or cook in any area not designated for that purpose or make or kindle any fire, except in places provided therefor and subject to such regulations as may be prescribed.
- (2) Ascend or land any model airplanes, rockets, fireworks, or aircraft, including gliders or parachutes, except in an emergency situation.
- (3) Move or carry any park tables or equipment found within a park for park use to a different area of the park.
- (4) Beg, hawk, peddle or solicit alms, subscriptions or contributions within any park.
- (5) Act as a solicitor of funds, or as a crier or advertiser through the media of voice, public address system or other mechanical device, on beaches or other parklands or in the vicinity of same, except for peddlers and solicitors who have been issued a license pursuant to Chapter 121 of the Patterson Town Code.
- (6) Play or bet in or against any game which is played, conducted, dealt or carried on with cards, dice or other devices for money, chips, credit or any other representation of value, nor shall any person be allowed to maintain or exhibit any gaming table or other instrument of gambling or gaming.
- (7) Violate any rule or regulation adopted by the Town Board relating to any building or place; or damage any notice posted by order of the Town Board or Park Advisory Board.

B. All persons under the age of twelve (12) must be accompanied by a person over the age of eighteen (18) years.

C. Swimming.

- (1) Swimming hours shall be as posted at the park.

- (2) No swimming shall be permitted unless two or more lifeguards are on duty.

**§ 115-11. Preservation of park, buildings and natural features.**

A. Except as may be authorized by the Town Board, or the Veterans Memorial Park Advisory Board, no person shall:

- (1) Injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property found therein.
- (2) On any park lands, carry, move, remove, destroy, sever from the ground or otherwise damage, any flower, shrub, tree, or other growing thing, or any portion thereof, including, but not limited to, any branch, stem, fruit or leaf thereof.
- (3) Write, paint or carve on any tree, bench or park structure.
- (4) Possess on any park or park land any tool or instrument such as a hatchet, axe, saw or chainsaw for the cutting of any living thing, or any spade, shovel, rake, hoe or any of the so-called garden or agricultural implements or tools for the removal of any tree, shrub or plant.
- (5) Attach any rope, cable or other contrivance to any tree, shrub or other plant.
- (6) Set fire or assist another to set fire to any timber, tree, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend into parklands.
- (7) Destroy, damage or otherwise harm any plant or animal habitat, including, but not limited to nests or burrows.
- (8) Hunt or trap wildlife, except where such activities have been specifically authorized by resolution of the Town Board.
- (9) Fishing at the Veterans Memorial Park
- (10) Create any hole, trench or excavation, or place any fill, soil, stone, debris or trash on any park land.
- (11) Construct, repair or relocate utility fixtures, such as sewers, hydrants, posts, lines and conduits, or engage in any construction in or on parklands.
- (12) Deposit or discharge any chemical substance which might be harmful to the parklands, waters, or environment.

**§ 115-12. General Rules of Conduct.**

The following general rules of conduct shall be complied with by any person on any park property, and any individual failing to comply with said rules shall be guilty of a violation of this Chapter. No person shall:

- A. Disturb the peace and good order in any park by fighting, quarreling or wrangling with a loud voice or shouts, threatening violence to a person or property of others or engaging in riotous clamor or tumult.
- B. Congregate with others and refuse to comply with a lawful order of the police or of a Town Official or employee to disperse or leave the park.
- C. Loiter in, or near toilet buildings or parking areas.
- D. Using threatening, obscene, profane or abusive language while in the park.
- E. Disobey an order of a police officer, Town Official, playground director, parking attendant, lifeguard or other person designated by the Town Board to give orders, or disobeying the notices, prohibitions, instructions or directions on any park sign.
- F. Throw stones or other missiles with the intent to cause harm to persons or property.
- G. Interfere with, encumber, obstruct or render dangerous any drive, path, walk, dock, beach, boardwalk or public place.
- H. Climb or lie upon any wall, fence, building, statue, monument or other structure, or any tree.
- I. Enter or leave any restricted park area except at established entrance ways or exits or at established times; or using or gaining admittance to, or attempting to use or gain admittance to, any building or facility located in any park.
- J. Feed any waterfowl on the Veterans Memorial Park pond.
- K. Appear in a park in a state of nudity or commit, perform or engage in any act of public lewdness, or of public exposure as defined by Penal Law § 245.01, or act in a lascivious, obscene or indecent manner.
- L. Doing or aiding, abetting or assisting in any act injurious to any person, animal or property within any park or on any park street not specifically prohibited herein.

**§ 115-13. Rubbish and refuse; pollution.**

- A. Any individual bringing any items or material into a park shall be responsible for disposing of said items or materials as hereafter stated, or removing said items or materials from the park. No person shall leave behind or dump any material of any kind in the park, except the refuse, ashes, garbage and other material of a picnic, camp or other permitted activity, and such material shall be

deposited in receptacles or pits provided for such purposes. Refuse is not to be dropped, thrown or scattered on park property, but must be disposed of in the designated park trash receptacles, except for cans, bottles or other glassware or materials identified as recyclable, which shall be placed in the park recycling receptacles.

B. Pollution of waters. No person shall throw, cast, lay, drop or discharge into or leave in the waters on, or adjacent to any Park, or any tributary or outflow thereof, whether or not used for bathing, or any other waters within the Park District or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

C. Drains and sewers. No person shall discharge, directly or indirectly, into any stream, lake, wetland, or other body of water, or to any stormwater conveyance leading to a stream, lake, wetland or other body of water, any sewage, pollutant, gas or vapor, or any substance which may form a deposit tending to choke same, or any volatile liquid which will emit an inflammable vapor at a temperature below 160° F., or any steam or hot water above 100° F. For the purpose of this section a stormwater conveyance shall include any gutter, swale, ditch, pipe, receiving basin, catch basin or drain inlet, which is designed to principally convey that portion of precipitation which does not infiltrate into the ground.

D. Protection of beaches. No person shall bring onto, throw, cast, lay or deposit any bottle or piece of crockery, or any glass or glassware or any part thereof, or metallic or other substance with sharp edges or projections, on any beach.

E. No person shall dump or otherwise leave trash, garbage, unwanted debris, sticks, branches, grass clippings, leaves or any type of yard waste on parklands, unless authorized by the Town Board.

#### **§ 115-14. Firearms and weapons.**

No person shall on any lands of a park, have or carry or possess, whether or not concealed upon his person or in any vehicle owned by him or under his control, any rifle, pistol or revolver, or any instrument or weapon commonly known as a "starter pistol" or in which or upon which loaded or blank cartridges may be used, or any BB gun, pellet gun, or similar device using air as a propellant, or any loaded or blank cartridges or ammunition therefor, or any longbow, cross bow, compound bow or any other weapon. No person shall discharge any rifle, shotgun or fowling piece, or any air gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, or any longbow, cross bow, compound bow or any other weapon on, or onto parklands. This Section shall not apply to a law enforcement officer or peace officer in the performance of their official duties.

#### **§ 115-15. Dogs, cats and other household pets.**

A. No dogs, cats or other types of pets shall be allowed at Veterans Memorial Park, excepting

for a guide, service or hearing dog who is on the beach accompanied by a person with a disability and is performing the function of a guide, service or hearing dog.

B. Dogs, cats, and other types of household pets may be permitted on parklands not identified in Subsections A, above under the following conditions.

(1) All animals shall be on a leash and the owners of, or persons in control of such pets shall be responsible for maintaining full control of their pets.

(2) No animal shall cause any harm to any plant, bird or other wildlife in the park.

(3) The owners of, or persons in control of such pets shall be responsible to promptly remove from the park and dispose of, in a sanitary manner, any feces left by said pet.

C. Farm animals may be permitted at functions for which a permit pursuant to §115-9 has been issued, providing that the type and quantity of animals have been listed on the permit.

D. The persons in control of such pets at the time a violation occurs, whether or not the owner of said pet, shall otherwise be responsible for such pets shall be liable for violation of this provision of this chapter.

#### **§ 115-16. Operation of motorized conveyances.**

A. No vehicles, including cars, trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs) or motor-bikes, or airplanes, or model airplanes, or any mechanized conveyance, any of which operates on combustible fuel shall be permitted on any open water or parklands. This section shall not apply to vehicles operated by Town Employees or Officials in the performance of their duties, or emergency service responders, or as may be specifically authorized by the Town Board.

B. No person shall ride a bicycle upon the lawn, walks, pathways or foot trails, unless so designated for such a use by the rules and regulations adopted by the Town Board, and that such use is posted by signs.

#### **§ 115-17. Smoking prohibited on beaches.**

Smoking in Veteran's Memorial Park is strictly prohibited. For the purposes of this section, "smoking" shall include cigarettes, cigars, pipes, or any illegal substances, or any other form of smoking.

#### **§ 115-18. Parking.**

Except in those areas designated for such use by the Town Board, parking of any motor vehicle, trailer, camper or construction equipment on park lands is prohibited.

**§ 115-19. Parental responsibility.**

No parent, guardian or custodian of any minor shall permit or allow him or her, as the case may be, to do any act which would constitute a violation of this chapter. Nonobservance of this section shall be a violation.

**§ 115-20. Alcoholic beverages.**

A. Except as noted under Subsection B, no person shall enter, use or remain upon any parklands regulated by this Chapter while intoxicated, nor shall any person possess any alcoholic beverage on any parkland, regardless of whether same is in a closed or open container.

B. Group using Veterans Memorial Park for a private function or event may have and consume alcoholic beverages pursuant to a duly issued permit by the Town Clerk, providing that the Town has been indemnified and held harmless against any act which may result from the presence and use of alcohol at said event by a Host Liability Coverage addendum to their insurance policy with the Town named as additional insured, or such other indemnification as deemed appropriate by the Town Board. Nothing in this section shall permit any individual to be at the Veterans Memorial Park while intoxicated.

C. No person shall be intoxicated, or under the influence of a drug or narcotic while on parklands owned by the Town. It shall be a rebuttable presumption that a person exhibiting a pattern of abnormal conduct, erratic or aberrant behavior, deteriorating motor skills, or slurred speech shall be presumed to be under the influence or intoxicated by a drug or alcohol.

**§ 115-21. Compliance with official orders; liability of town employees.**

A. No person shall fail or refuse to comply with any reasonable order relative to the regulation, operation, or protection of a park or to any order lawfully given by any police officer or Town official or Town employee in the execution of his office or duties. Nonobservance of this section shall be a violation.

B. No official or employee of the Town of Patterson shall, while acting pursuant to the provisions of this chapter, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided that such acts are performed in good faith and without gross negligence.

**§ 115-22. Enforcement.**

A. This chapter shall be enforced by any individual duly authorized by the Town Board to issue violations or appearance tickets, excepting that on lands owned and operated for the Veterans Memorial Park District this chapter may also be enforced by the Veterans Memorial Park Advisory Board.

B. In addition, any police officer patrolling within the Town of Patterson may issue an appearance ticket, pursuant to Article 150 of the Criminal Procedure Law of the State of New York, to any person when he has reasonable cause to believe that such person has committed a violation of this chapter. Said appearance ticket shall direct the designated person to appear in the Justice Court of the Town of Patterson at a designated future time not later than thirty (30) days from the date of issuance of the appearance ticket in connection with the alleged violation. Any police officer may, without a warrant, arrest any person in violation of this Chapter, or of any park rules or regulations, as set forth in this chapter or as posted within such park, and take such person so arrested forthwith before a judge or court having competent jurisdiction, and he shall have at all times the right to enter the premises of any building, structure or enclosure of any park, including such grounds, buildings and structures which may be leased or set aside for private or exclusive use of any individuals or groups of individuals, for the purpose of arresting violators hereof or may use all necessary means to attain that end.

C. Any person that is authorized to enforce this Chapter, pursuant to Subsection A, above, may direct any individual who violates a provision of this Chapter to leave the park. When so directed the individual shall be prohibited from returning to the park for a period of not less than 24 hours.

#### **§ 115-23. Penalties for offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the rules and regulations contained herein or hereafter established shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars (\$350.) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars (\$350.) nor more than seven hundred dollars (\$700.) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700.) not more than one thousand dollars (1000.) or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors. Each day's continued violation shall constitute a separate additional violation.

B. Any person damaging any park property shall be liable for any damages incurred.

#### **§ 115-24. Miscellaneous.**

A. Failure of the Town Board, the Park Advisory Board or any law enforcement official or peace officer to enforce any provision of this Chapter shall not be deemed a waiver of the right to do so thereafter as to the same violation or breach or as to a violation or breach occurring prior or subsequent thereto.

B. The invalidation of any provision of this Chapter by a judgment, order, or decree of a Court, or by any statute or otherwise, shall not affect any other provision of this Chapter which shall nonetheless remain in full force and effect.