

VILLAGE OF GREENWICH

Local Law No. 5 of the year 2020, entitled
AMENDMENT OF VILLAGE OF GREENWICH LOCAL LAW NO. 1
OF THE YEAR 2000, A LOCAL LAW ENTITLED "PUBLIC PARKS LAW OF THE VILLAGE OF
GREENWICH"

Be it enacted by the Board of Trustees of the Village of Greenwich, New York that Local Law No. 1 of the year 2000 entitled "PUBLIC PARKS LAW OF THE VILLAGE OF GREENWICH" be amended as follows:

SECTION 1. Title

This local law shall be known and may be cited as the "Public Parks Law of the Village of Greenwich."

SECTION 2. Purpose

The purpose of this local law shall be to preserve and promote the public peace and good order on property operated as public Parks and Recreation Areas by the Village of Greenwich and contribute to the safety and enjoyment of the users of such lands by regulating the hours of use and by prohibiting such activities inimical to customary park and recreation use. The rules and regulations set forth herein shall apply to and be in effect in all Parks and Recreation Areas under the control, supervision and jurisdiction of the Village of Greenwich.

SECTION 3. Definitions.

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

AUTHORIZED VILLAGE OFFICIAL - An official or employee of the Village having authority to issue a permit or approval under the provisions of this law.

BOARD OF TRUSTEES - The Board of Trustees of the Village of Greenwich.

DEPUTY MAYOR - The Deputy Mayor of the Village of Greenwich.

MAYOR - The Mayor of the Village of Greenwich.

MOTOR VEHICLE - All such vehicles as defined in Section 125 of the Vehicle and Traffic Law of the State of New York and, in addition thereto, minibikes, mopeds, snowmobiles, all terrain vehicles and all other motorized recreational vehicles.

PARKS AND RECREATION AREAS - All grounds, lands, buildings, structures or other areas or properties now or hereafter owned, operated, maintained and/or controlled by the Village of Greenwich and dedicated, used or devoted for park or recreation active or passive) purposes; including, but not limited to, Memorial Park, Dorr Park, Mowry Park, Washington Square Park, Rock Street Park and the skating rink and athletic field on Woodlawn Avenue.

PERSON - Any individual, firm, partnership, corporation, limited liability company, trust, or association of persons; the singular number shall include the plural.

SUPERINTENDENT OF PUBLIC WORKS - The Superintendent of Public Works of the Village of Greenwich.

VILLAGE - The Village of Greenwich, New York.

VILLAGE CLERK - The Village Clerk of the Village of Greenwich.

SECTION 4. Closing of Parks and Recreation Areas

In case of an emergency, or when the Mayor or the Superintendent of the Department of Public Works determines that it is in the public interest, any Park or Recreation Area, or portion thereof, may be closed to the public, to designated persons (pursuant to section 19 of this law) or to animals, including dogs; for such period as the Mayor or Superintendent of the Department of Public Works determines is necessary. In the case of such closure, a sign or signs shall be posted at or near the entrance to the Park or other conspicuous locations.”

SECTION 5. Certain Acts Prohibited Without Written Permission

No person shall commit any of the following acts within the Parks and Recreation Areas of the Village of Greenwich without a written permit from an Authorized Village Official:

- (a) offer any goods, merchandise, wares, services or other things of value for sale;
- (b) use any loud speaker or other sound amplifying equipment;
- (c) picnic or cook in any area not designated by the Superintendent of Public Works for that purpose or make or kindle any fire, except in places provided therefore, and then subject to such regulations as may be prescribed;
- (d) sleep, camp, lodge or reside in any Park or Recreation Area;
- (e) damage any notice posted by order of the Superintendent of Public Works, Trustees or other Authorized Village Official, cut parkway curbs for private drives; locate, grade or construct paths, driveways and roadways across or along any parkway or park road; or deposit materials in or upon any park or park road.

SECTION 6. General Regulations

The following activities are prohibited:

(a) Disorderly Conduct

- No person shall disturb the peace and good order in any Park or Recreation Area.
- No person shall congregate with others in a public place and refuse to comply with a lawful order of the police, the Superintendent of Works or another Authorized Village Official to disburse or leave the Park or Recreation Area.
- No person shall beg, hawk, peddle or solicit within any Park or Recreation area

- No person, except peace officers of the Village or other law enforcement officers, shall have, carry and/or discharge any pistol, gun, switchblade, hunting knife, slingshot, bow and arrow, dagger, metal knuckles or other dangerous weapon or instrument concealed on or about his or her person while in a Park or Recreation Area
- No person shall use obscene profane or abusive language while in a Park or Recreation Area
- No person shall carry or transport any fireworks of any description into any Park or Recreation Area, or discharge any fireworks in any Park or Recreation Area.

(b) Preservation of Property and Natural Features

- No person shall injure, deface, disturb or befoul any part of a Park or Recreation Area, or any building, sign, equipment or other property found therein; nor shall any tree, flower, shrub, rock or other mineral be removed, injured or destroyed.
- No person shall write, paint or carve on any tree, bench, building or structure in any Park or Recreation Area.
- No person shall deposit, dump, throw or place any earth, rubbish, paper, bottle, bits of crockery, glass or glassware, metallic or other substance, garbage or refuse matter, or any sand, stone, lumber or other material of any kind in or upon any part of the grounds of any Park or Recreation Area. The grounds of Village Parks and Recreation Areas shall be maintained in a clean and sanitary condition. Garbage and refuse shall be deposited in receptacles provided.

(c) Alcoholic Beverages

- No person shall possess or consume any alcoholic liquors or beverages, including beer or wine, within any Park or Recreation Area, and the bringing of such items into such place is prohibited.

(d) Noise

- No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made in any Park or Recreation Area unreasonable noise. For purposes of this law, "unreasonable noise" shall mean any disturbing, excessive, or offensive sound that disturbs a reasonable person of normal sensitivities.
- The following acts are declared to be prima facie evidence of a violation of this subsection 6(d) of this law. This enumeration shall not be deemed exclusive
 - Any unnecessary noise from any source between the hours of 10:00 p.m. and 7:00 a.m. (prevailing local time) the following day.
 - Noise from a dog or other pet animal that is continuous and extends ten (10) minutes in duration.
 - Noise from any sound reproduction system, operating or playing any radio, portable radio or tape player, compact disc player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard sixty (60) feet from its source, except as allowed

by written permission given to a permittee under the provisions of this law.

- Noise from any bell, whistle, cymbal, chime, musical instrument or other source which is generated or produced in such a manner as to be heard sixty (60) feet from its source.
- Offering for sale anything by shouting or outcrying.
- The provisions of this subsection 6(d) of this law shall not apply to the following acts:
 - the emission of sound for the purpose of alerting persons to the existence of an emergency
 - noise from municipally sponsored celebrations or events
 - noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from an Authorized Village Official
 - noise generated by the performance of maintenance and/or repair services by the Village or its authorized contractors.

(e) Motor Vehicles

- No person shall operate, ride, place, stop or park a Motor Vehicle in any Park or Recreation Area.

(f) Animals

- Except as to guide dogs, hearing dogs or service dogs accompanying a person with a disability as defined in Section 1310 of the Public Health Law of the State of New York, it shall be the duty of any person bringing into a Park or Recreation Area an animal which is owned, harbored, or under the care or custody of such person, to remove any feces left by such animal in such Park or Recreation Area.

(g) Indecent Conduct and Exposure

- No person shall appear in a Park or Recreation Area in a state of nudity, or commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior, and no person shall make any indecent exposure of his or her own person.

SECTION 7. Group Permits; Exceptions

(a) No group of fifteen (15) or more persons shall jointly use a Park or Recreation Area unless a permit for such use shall be obtained in accordance with the provisions of this local law.

(b) A permit shall not be required for group use of a Park or Recreation Area by the following groups of individuals, provided, however, that the right of such groups to use a Park or Recreation Area without a permit shall be subject and subordinate to the right of a group which holds a permit issued in accordance with the provisions of this law:

- a group of students participating in an educational activity, provided that such conduct is under the immediate supervision and direction of the proper school authorities
- a governmental agency acting within the scope of its functions; or
- a victory celebration which is spontaneously organized or formed to celebrate the victory of an athletic team of the Greenwich Central School or the Village of Greenwich, provided that such parade does not occur after the hour of 10:00 p.m. prevailing local time.

SECTION 8. Application for Permit; Fees

A person or persons seeking issuance of a group permit for use of a Park or Recreation Area shall file an application with the Village Clerk on forms provided by such office.

(a) Filing Period. An application for a group use permit shall be filed with the Village Clerk not less than forty-five (45) days nor more than ninety (90) days before the date on which the applicant proposes to use the Park or Recreation Area,

(b) Contents. The application for a group use permit shall set forth the following information:

- the name, address and telephone number of each person applying for the group use permit
- if the application is submitted on behalf of or by an organization, the name, address and telephone number of the Headquarters of the organization and the authorized and responsible head(s) of such organization;
- the name, address and telephone number of the person who will be in charge of the activity or activities to be conducted in the Park or Recreation Area, and who will be responsible for the conduct of the persons using such area;
- a description of the Park or Recreation Area which the applicant desires to use or occupy;
- a description of the activities to be conducted in the Park or Recreation Area;
- the date or dates when the Park or Recreation Area is to be used, and the starting and ending times for such use;
- the approximate number of persons who will use the Park or Recreation Area
- a letter stating that the applicant is responsible for the clean up of the Park or Recreation Area and will pay all cost for said clean up and reimburse the Village, if it is found to be necessary; and
- any additional information which the Board of Trustees shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(c) Late Applications. The Village Clerk, where good cause is shown therefore, shall have the authority to accept any application hereunder which is filed less than forty-five (45) days before the date such public Park or Recreation Area use is proposed to be conducted.

SECTION 9. Application Review Procedure

(a) Review of Timely Applications. Upon receiving a timely submitted application for a group use permit pursuant to Section 8(a) of this law, the Village Clerk shall submit copies to the Board of Trustees, the Superintendent of Public Works and the Village Police Chief for their review. The application shall then be considered by the Board of Trustees at its next meeting and acted upon in accordance with the provisions of Sections 10 and 11 of this law.

(b) Review of Late Applications. Upon accepting, for good cause shown, a late application for group use permit pursuant to Section 8(c) of this law, the Village Clerk shall submit copies to the Board of Trustees, the Superintendent of Public Works and the Village Police Chief for their review. The application shall then be considered by the Board of Trustees at its next meeting and acted upon in accordance with the provisions of Sections 10 and 11 of this law; provided, however, that if a meeting of the Board of Trustees is not scheduled to take place prior to the date that the group use permit is requested for, the application shall be reviewed as follows

- if any member of the Board of Trustees makes written request of the Village Clerk that a special meeting of the Board of Trustees be called to consider the approval or disapproval of the application, then such meeting shall be convened and the application shall be acted upon thereat in accordance with the provisions of Sections 10 and 11 of this law
- if no request for a special meeting has been received by the Village Clerk from any member of the Board of Trustees within four (4) days of the date copies of the application were submitted to the Board of Trustees, or if each member of the Board of Trustees expressly waives the right to call a special meeting within said time, then in either of such events, the application shall be reviewed and acted upon by the Mayor. In the event of the unavailability of the Mayor by reason of illness or absence, the application shall be reviewed and acted upon by the Deputy Mayor; and in the event of the unavailability of the Deputy Mayor by reason of illness or absence, the application shall be reviewed and acted upon by the Superintendent of Public Works
- when a late application for group use permit is reviewed and acted upon by the Mayor, Deputy Mayor or Superintendent of Public Works, the decision of such person shall be based upon the standards set forth in Section 10 of this law and, to the extent possible given the time allowed, shall take into consideration the recommendations of the Village Police Department and Superintendent of Public Works. If such person disapproves an application, the Village Clerk shall promptly notify the applicant, by mail, of the disapproval, with the reason or reasons set forth.

SECTION 10. Standards for Issuance

The Board of Trustees shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained (including, without limitation, the reports or recommendations of the Superintendent of Public Works and the Police Chief), it finds:

- (a) That the proposed activity or use of the Park or Recreation Area will not unreasonably interfere with or detract from the enjoyment of the Park by the general public;
- (b) That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (c) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (d) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation;
- (e) That the facilities desired to be used have not been reserved for other use on the day and at the hour requested in the application;
- (f) That as security against potential damage to Park and Recreation Area facilities, a refundable deposit, as required by the Board of Trustees, is provided in an amount to be determined by the Board of Trustees in view of the nature of the proposed activity; which deposit, however, shall in no event exceed \$500.00; and
- (g) That a bond or insurance, as required by the Board of Trustees, is provided.

SECTION 11. Time Limit for Decision and Denial.

The Village Board shall act upon the application for a group use permit within twenty-five (25) business days after filing thereof. Upon receiving the application, the offices of the Superintendent of Public Works and the Village Police Department shall have ten (10) business days to advise the Village Board of their approval or disapproval of such application. If the Board of Trustees disapproves an application, the Village Clerk will notify the applicant, by mail, of the disapproval, with the reason or reasons set forth, within ten (10) business days.

SECTION 12. Appeals

- (a) Court Review. Any person aggrieved by a decision of the Board of Trustees or any officer, department, board or bureau of the Village may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision by

such board in the office of the Village Clerk. The court may take evidence or appoint a referee to take such evidence as it may direct, and report the same, with findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The Court shall itself dispose of the matter on the merits, determining all questions which may be presented for determination.

- (b) Costs. Costs shall not be allowed against the authorized board unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

SECTION 13. Change of Permit

The Village shall be empowered to change the date, time or scope of permitted activities for a group use of a Park or Recreation Area, should such a change be in the best interests of the Village. The applicant will have five (5) business days to either accept the change or cancel the use of the Park or Recreation Area.

SECTION 14. Notice to Officials

Immediately upon the issuance of a group use permit, the Village Clerk shall send a copy of the group use permit to the following:

- a. the Mayor
- b. the Village Attorney
- c. the Chief of Police
- d. the Fire Chief
- e. the Superintendent of Public Works.

SECTION 15. Contents of Permit

Each group use permit shall state the following information:

- a. the starting date and time
- b. the description of the Park or Recreation Area (or portion thereof) that may be used and occupied by the group
- c. the description of the activities that may be conducted or engaged in by the group, including, without limitation, any activities that require special permission to engage in under Section 5 of this local law
- d. the ending date and time
- e. the name of the bond or insurance carrier of the applicant and
- f. such other information as the Village Clerk shall find necessary to the enforcement of this local law.

SECTION 16. Duties of the Permittee

A. Compliance with Conditions, Laws, etc. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

B. Possession of Permit. The persons using the Park or Recreation Area pursuant to the issuance of a group use permit shall have and keep the permit with them during their use of the Park or Recreation Area.

SECTION 17. Revocation of Group Use Permit.

The Board of Trustees shall have the authority to revoke a group use permit issued hereunder upon application of the standards for issuance as herein set forth.

SECTION 18. Parental Responsibility

No parents, guardians or custodians 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 local law.

SECTION 19. Penalties for Offenses.

Any person, corporation, or other legal entity found by a court of competent jurisdiction to have violated any of the provisions of this local law, shall be fined in an amount not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00). Each day a violation continues shall constitute a separate violation. Any person found to have violated this local law more than one time in a five (5) year period may be banned from using a Park or all Parks for a period not to exceed one year.

SECTION 20. Severability

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 21. Repealer

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the use of parks and Recreation Areas within the Village and they shall be, upon the effectiveness of this local law, null and void, to the extent that they are in conflict with any provision hereof.

SECTION 22. Effective Date

This local law shall take effect immediately upon adoption and filing with the Secretary of State.