



**Proposed Local Law No. 1
of 2024**

Village of Ballston Spa Parks Code

**For Public Hearing
on
February 12, 2024 at 7:01pm EST
Ballston Spa Public Library Basement**

Local Law 1 of 2024

Chapter 150

Parks

Be It Enacted by the board of trustees of the Village of Ballston Spa that Chapter 150, entitled Parks, is hereby added as follows:

§150-1. Purpose.

The purpose of this chapter and the rules and regulations authorized hereunder is to preserve the public peace and good order on lands operated as public parks by the Village of Ballston Spa and to enhance and promote safety, well-being and enjoyment of the users of such parkland.

§150-2. Definitions.

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

CANNABIS - For the purpose of this article, the definitions of "cannabis," "cannabis products," and "cannabis-infused products," shall be the same as they are defined in the New York State Marijuana Regulation and Taxation Act.

ELECTRONIC CIGARETTE (E-CIGARETTE) – an electronic device that contains cartridges filled with substances that may include nicotine, cannabis, flavoring, and/or chemicals that are turned into vapor when inhaled by the user, and shall include any refill, cartridge and any other component of such a device.

PARK(S) AND PARK FACILITIES – all lands and facilities under the jurisdiction, supervision, and control of the Village of Ballston Spa including but not limited to park lands, trails, ball fields, playgrounds, basketball courts, swimming pools, skate parks, water courses, historic sites, nature preserves, and all other recreation facilities; and shall also include buildings, structures, parking areas, and all other Village of Ballston Spa owned property associated with park land.

SMOKING – the act of inhaling or exhaling the smoke of burning tobacco or tobacco substitute or herbs, including cannabis, cannabis products, or cannabis-infused products, and also to carry burning tobacco or tobacco substitutes in the form of a cigarette, cigar, or any other smoke producing product or device including pipes. This also includes the use, or “vaping”, of electronic cigarettes.

TOBACCO USE – the smoking and/or chewing of tobacco.

USER – all persons entering upon and/or using the parks and/or park facilities for any purpose, other than to carry out their duties and responsibilities as agents or employees of the Village of Ballston Spa.

§150-3. General use of parks and park facilities.

- A. The parks and park facilities are for the peaceful use and safe enjoyment of residents of and visitors to the Village of Ballston Spa. Use of the parks and park facilities shall conform to this chapter and to all rules and regulations promulgated thereunder.
- B. Except for emergencies or another special reason, the various parks in the Village shall be open to the public every day of the year during designated hours as determined by the Board of Trustees by resolution. The opening and closing hours for each individual park shall be posted therein and in the Village Hall for public information, as well as on the Village's website and shall be determined, from time to time, by resolution of the Board of Trustees. Any part or the whole of any park may be closed to the public at any time and for such interval of times as may be reasonably necessary in the public interest as determined by the Superintendent of Public Works. Such closing shall be accomplished by the posting of signs at the parks and on the Village's website containing the word "Closed" and such other information as may be reasonably required to inform the public.
- C. The parks and park facilities shall not be used other than during such times as the Village of Ballston Spa Board of Trustees or Village Superintendent of Public Works shall have determined or designated. Exceptions for special uses at times not specified for use by the general public shall require a special permit issued by the Village of Ballston Spa. Groups, clubs, businesses, or other organizations wishing to use the parks or park facilities for an event must first secure, in writing, a special permit issued by the Village. The Village may charge a permit fee and/or require insurance as set forth in section 150-3(E) below.
- D. The parks or any portion thereof and park facilities or any part thereof may be closed or rendered unavailable for access or use, for such interval of times as may be deemed appropriate or necessary, by the Village Superintendent of Public Works, Village Police Chief, Mayor, or Village Board of Trustees. Such closing may be accompanied by the posting of notices and/or signs to such effect upon the affected property and/or facilities, and otherwise may best give notice of same to the public.
- E. The Village Board of Trustees is authorized to adopt a schedule of fees, which shall be charged for the use of parks or park facilities and/or equipment upon permit. The Village Board is authorized to require the posting of security, in the form of cash or check, and insurance as a condition of the use of the park or park facilities and/or equipment. Should damage be done to the premises for which the cost to repair shall be in excess of said sum, then either the individual making application for said permit or the group which they represent or on whose behalf they sign, or both, may be held legally responsible for such excess.
- F. Use of the parks and park facilities shall be at the sole and complete risk of the user. The Village of Ballston Spa assumes no responsibility and is not liable for any injury,

damage, or losses to any persons or property arising from the use of the parks and/or park facilities.

- G. Entering upon and using the parks and/or park facilities shall constitute an agreement by the user to hold the Village of Ballston Spa harmless from all claims from injury, damage or loss to any persons or property arising from the use of the park and/or park facilities. Injury, damage or loss of property of the Village of Ballston Spa, including the parks and/or park facilities, resulting from the use of the park and/or park facilities shall be the responsibility of the user, who shall be liable to the Village of Ballston Spa for the actual cost or value of such injury, damage or loss, in addition to such other claims and sanctions as may be allowed or imposed by law.
- H. Minors under the age of 10 shall at all times be under the supervision and control of a parent, guardian, or responsible custodian while on park property or in park facilities.

§150-4 Permits.

A written permit issued by the Village Clerk to do any act shall authorize the same insofar as it may be performed in strict accordance with the terms and conditions thereof. The Village Board of Trustees may set a fee schedule by resolution from time to time, which schedule will be on file in the office of the Village Clerk. Any act authorized pursuant to the permit may be performed only by the person or entity named therein, and any such authorization may not be assigned or delegated unless and except as provided in the permit. Any permit may be revoked at the option of the Village Superintendent of Public Works, the Village Board of Trustees, or the Village Code Enforcement Officer, and such action shall be deemed final. In case of such revocation, all money paid for or on account thereof shall, at the option of the Village, be forfeited to and retained by the Village. In any case where the holder of a permit or his agent or employee shall have been found to have violated a term or condition, they shall be jointly and severally liable to the Village of Ballston Spa for any damages or loss suffered by it in excess of money forfeited and retained by the office. Neither the forfeiture and the retention of such money by the office nor the recovery or collection of any damages, or both, shall preclude the prosecution of any person for a violation of a rule or regulation of the office or the violation thereof.

§150-5 Rules of Conduct; Prohibited Activities.

- A. The Village Board of Trustees, the Village Superintendent of Public Works, the Village Police Department, and the Village Code Enforcement Officer shall have the authority to monitor compliance and seek enforcement of the provisions of this chapter and any rules and regulations promulgated hereunder.
- B. The Village Board of Trustees shall have the authority to promulgate rules and regulations regarding the use of the parks and/or park facilities. A current copy of all such rules and regulations for each Village park and/or park facility shall be maintained on file in the Village Clerk's office, on the Village's website, and a summary shall be posted at the respective park and park facility.

- C. Unless otherwise designated and permitted in the rules and regulations of the specific park or park facility, all dogs must be leashed while in parks, park facilities, and/or on Village-owned property, with the exception of areas specifically designated by the Village as “dog parks” or “dog run” areas located in parks. Such “dog parks” or “dog run areas” shall be designated by the Village Board of Trustees and identified in a schedule of parks to be approved by the Village Board of Trustees by resolution and amended from time to time, with signage installed and maintained to indicate such areas. Other than service dogs, dogs are prohibited in areas designated by the Village as “playgrounds” located in parks. In all cases, owners must pick up with a disposable bag and place in a trash container any excrement left by their dog on park or Village-owned property.
- D. In addition to any specific rules for each individual park, all persons are prohibited from doing any of the following in or upon any park or any park facilities:
- (1) Entering, remaining upon, and/or using the parks and/or park facilities at any other time other than as scheduled or made available for use by the Village authority.
 - (2) Failing to obey all signs, signals, speed limit signs and other directions and instructions from the Village of Ballston Spa or other lawful authorities in or on park property and park facilities.
 - (3) Carrying or having in possession while in any Village park any glass containers, bottles, or breakable glass products unless specifically approved by permit from the Village Board of Trustees.
 - (4) Making or causing loud noise and/or music in or on park property and park facilities in such manner as disturbs or interferes with other users, residences, or businesses; or in any fashion impairing the ability of any person to quietly enjoy and use the same unless specifically approved by permit from the Village Board of Trustees.
 - (5) Possessing and/or using explosives, fireworks, rockets, dangerous chemical and/or devices or substances in or on the parks and park facilities, unless specifically approved by permit from the Village Board of Trustees.
 - (6) Littering, dumping, disposing, or otherwise placing household trash, solid or liquid waste or debris in or on the park property or park facilities except in appropriate receptacles provided therefor. No person shall use park receptacles for household waste, construction and demolition debris or waste, medical waste, radioactive waste, chemical waste, or other waste material which is generated or originated anywhere except on or from the park's property.
 - (7) Acting, behaving, and/or using language in a disorderly, disturbing, indecent or obscene manner; or harassing, annoying, disturbing or interfering with other persons using the parks and/or park facilities.

- (8) Possessing, using, selling or conveying to another person alcohol or substances containing alcohol except as hereinafter provided in Section 150-6, or illegal chemicals, compounds or drugs.
- (9) Being in or upon or using the parks or park facilities while intoxicated or under the influence of alcohol or drugs or while abilities are impaired by same.
- (10) Smoking of tobacco, cannabis, electronic cigarettes, and vapor products in or upon all public parks, sidewalks immediately adjoining any park, pedestrian route through any park, public parking lots, Village-sponsored outdoor gathering of people, and all property within 24 feet of a public park except for private property.
- (11) Carrying or possessing any kind of weapons in or on park property or park facilities, including but not limited to firearms, bows, slingshots, air or spring guns; or firing or discharging firearms or weapons on, from, into or across park property and/or park facilities. This prohibition does not include knives four inches or less which are used solely and specifically for food preparation and/or consumption.
- (12) Conducting illegal activities of any kind.
- (13) Parking any vehicle, trailer or other human or animal conveyance or apparatus anywhere other than in designated parking areas, or contrary to the instructions of lawful authority; Parking overnight in or on any park parking facility or area. Parking areas are for use by vehicles or persons using the parks or other park facilities. Parking areas shall not be used by persons not using the parks or park facilities. Exceptions must be preauthorized by the Village Board of Trustees.
- (14) Obstructing, impairing, burdening, damaging, altering, or destroying the parks, park facilities and property; disturbing, destroying, injuring, damaging, or removing any property within the parks, including, but not limited to, vegetation, wildlife, signs, equipment or facilities except as unavoidably impacted by normal minimal wear and tear resulting from authorized use of the park or park facilities.
- (15) Other than as set forth in section 150-6 below, selling, vending, or conducting or soliciting private business, commerce, or commercial transactions or for-profit activities on park property or park facilities or Village-owned land using same in pursuit thereof unless specifically approved by permit of the Village Board of Trustees. Should anything in this section be inconsistent with Chapter 153 of this Code at the time this law becomes effective, this law shall govern.
- (16) Using or renting for private profit or charging a private fee for the use of the parks or park facilities by any individual or group or entity, corporate or otherwise for any purpose whatsoever

- (17) Starting or maintaining a fire or open flame; operating a portable stove, grill or any other device for heating, cooking, or preparation of food without a special permit issued by the Village, or at designated village-installed grilling facilities.
- (18) Planting of trees or other vegetation within park property or park facilities unless specifically approved by the Village Board of Trustees upon recommendation of the Village Park and Tree Board.
- (19) Creating or installing shrines or other forms of decoration on or around trees or other vegetation within park property or park facilities unless specifically approved by the Village Board of Trustees upon recommendation of the Village Park and Tree Board.
- (20) Posting of signs, advertising, billboards, or banners without prior written notice to the Village Clerk at least five (5) days prior to the start date of the Village-permitted event during which signs will be posted. Such written notice can be provided annually.
- (21) Unless otherwise permitted in the rules and regulations of the specific park, biking, skateboarding, riding scooters or other similar vehicles in non-designated areas within park property and park facilities. This prohibition does not apply to such modes of transportation required for mobility access by individuals with disabilities.

§150-6. Special permit required for alcoholic beverages.

- A. The use of alcohol is not permitted in any Village park or park facilities without a Special Event Permit with Alcohol issued by the Village.
- B. To obtain permission to possess, consume, and/or sell beer and/or wine as part of an event, the person or entity must:
 - (1) Submit an application to the Village Clerk at least 30 days prior to the date of the event or function.
 - (2) Obtain a Permit from the New York State Liquor Authority and provide it to the Village Clerk no later than 24 hours prior to the start time of the event.
 - (3) Submit a certificate of liquor legal liability insurance coverage to the Village Clerk no later than five days prior to the event or function. The certificate must name the Village of Ballston Spa as an additional insured. Coverage amounts will be listed on the schedule maintained in the Clerk's Office.
 - (4) Sign a statement agreeing that under no circumstances shall any person under the age of 21 years be served, sold, given, or allowed to drink or consume any alcoholic beverage at the event or function.
- C. Should anything in this section be inconsistent with Chapter 75 of this Code at the time this law becomes effective, this law shall govern.

§150-7. Penalties for offenses.

Any person or entity who violates any of the sections of this Chapter shall, for a first violation thereof, be liable for a civil penalty of not less than \$100 nor more than \$400; for a second violation, both of which were committed within a period of 12 months, be liable for a civil penalty of not less than \$500 nor more than \$1,000; and for a third or subsequent violation, all of which were committed within a period of 12 months, be liable for a civil penalty of not less than \$1,000 nor more than \$2,000. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.