

Local Law Filing

(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 Machias

☒ Town

☐ Village

Local Law No. 1 of the year 20 07

A local law regulating the use of parks
(Insert Title)

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

☐ County

☐ City of Machias as follows:

☒ Town

☐ Village

Section 1. Purpose

The purpose of this Local Law is to regulate the use of parks owned by the Town of Machias.

Section 2. Definitions

The following terms shall have the meanings indicated in this section:

Town – The Town of Machias

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Town Board – The Town Board of the Town of Machias

Parks - The Gary Herman Memorial Park, including the grounds, buildings therein, water therein and any other property necessary for the operation thereof, and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the Town for public park purposes, and the Town baseball field located at New York Route 16 in the Town.

Person – Any individual, firm, partnership, corporation or association of persons; the singular number shall include the plural.

Dawn – Sunrise as established by the National Weather Service.

Dusk – Sunset as established by the National Weather Service.

Section 3. Prohibited Activities

The following activities are prohibited:

- a. Parking a motor vehicle in other than designated locations.
- b. Operating a motor vehicle in excess of five (5) miles per hour or in any manner contrary to posted regulations.
- c. Operating a motor vehicle on other than designated roads.
- d. Operating or parking a snowmobile.
- e. Horseback riding on other than designated roads.
- f. Allowing dogs to run unleashed.
- g. Sports in locations prohibited by the Town as indicated by the posting of signs.
- h. Entering or using the parks between dusk and dawn.
- i. Operating or parking a motorcycle, minibike or other form of recreational motor vehicle except on designated roads.
- j. Overnight parking of motor vehicles.
- k. Sale of alcoholic beverages, as defined in the Alcoholic Beverage Control Law, in the parks.
- l. The use of any alcoholic beverage in the parks.
- m. The use of or being under the influence of any illegal drug or substance in the parks.
- n. Possession or use of firearms, bow and arrow or other dangerous weapons within the parks, unless authorized by law or the Town Board.
- o. Disturbing the peace and good order in the parks by fighting or arguing in loud voices or threatening violence to any person or the property of others.
- p. Begging, hawking, peddling or soliciting within the parks except as authorized by the Town Board.
- q. Use of profane or abusive language while in the parks.
- r. Injuring, defacing, destroying, disturbing or removing any part of the parks.

- s. Loitering in or near park rest room buildings.
- t. Littering or leaving behind refuse and garbage except in receptacles provided for such purpose.
- u. Starting a fire in the parks except in park grills, fireplaces or designated areas.
- v. Failure to extinguish before leaving a all fires started or used. The dumping of ashes or fire onto the ground is absolutely prohibited.
- w. Failure to clean up excrement deposited by a dog by the person accompanying it.

Section 4. Penalties for Offenses: Enforcement

- a. A violation of this local law shall constitute an offense punishable by a fine not to exceed fifty dollars (\$50) for each and every such first offense, a fine not to exceed one hundred dollars (\$100) for each and every such second offense committed within five (5) years, and a fine not to exceed one hundred fifty dollars (\$150) for each and every such third offense committed within ten (10) years.
- b. Any state police officer or police officer of Cattaraugus County or any of its municipal subdivisions may, without a warrant, arrest any offender whom he/she may detect in the violation of any of the provisions of the above sections, and take the persons so arrested forthwith before a magistrate having competent jurisdiction, and he/she shall have at all times a right to enter the premises of any building, structure or enclosure in any park, including such grounds, buildings, structures or enclosures in the park for the purpose of arresting violators hereof, and may use all necessary means to attain that end.

Section 5. Severability

Should any section, paragraph, sentence, clause or phrase of this Local Law be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of said law shall not be affected thereby.

Section 6. Repeal

All ordinances, local rules and regulations inconsistent herewith are hereby repealed.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 07 of the ~~(County)(City)(Town)(Village)~~ of Machias was duly passed by the Town Board on Dec. 17 2007, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Gale Watkins
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12-18-2007

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Allegany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature David C. Brautigam

Title Town Attorney

~~XCounty~~

~~XCity~~ of

Machias

Town

~~XVillage~~

Date: _____