

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 Town Village
(Select one:)

of Fulton

Local Law No. 12 of the year 2024

A local law to amend Chapter 449 Article I entitled "Playgrounds and Recreation Areas"
(Insert Title)

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Fulton as follows:

Please See Attached Amended Code

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

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

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. 12 of 20²⁴ of the ~~(County)(City)(Town)(Village)~~ of Fulton was duly passed by the Common Council on July 16, 20²⁴, and was ~~(approved)(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted on July 16, 20<sup>| | |
|---|---|
| 2 | 4 |
|---|---|</sup>, 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) (repassed after disapproval) by the _____ on _____ 20____.

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) (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 2 above.

Opal B. Conroy

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

Date: 7/18/2024

(Seal)

Chapter 449 Parks and Recreation

Article I Playgrounds and Recreation Areas

[Amended 7-16-2024 by L.L. No. 12 – 2024]

§ 449-1a Definitions.

Whenever used in this Article, the following respective terms, unless otherwise herein expressly defined, shall mean and include each of the meanings herein respectively set forth:

Authorized bathing beaches

Beaches designated as such by the Department after approval by the New York State Department of Health or the Oswego County Department of Health.

Bathing area

Any area maintained for the use of bathers, including the water area and lands under water adjacent to and within one thousand feet of the authorized bathing beaches on the lakes or rivers along the shores of the City, under the jurisdiction of the Department.

Bicycle

Every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

Boardwalk

Any waterfront promenade maintained for pedestrians.

City

The City of Fulton, New York.

Commissioner

The Commissioner of the Department of Parks and Recreation or the chief executive officer of any successor agency.

Demonstration

A group activity including but not limited to, a meeting, assembly, protest, rally, march or vigil which involves the expression of views or grievances, involving more than 10 people or a group activity involving less than 10 people for which specific space is requested to be reserved.

Department

The Department of Parks and Recreation of the City of Fulton, New York or all successor agencies.

Event

Refers to both Demonstrations and Special Events.

Expressive Matter

Materials or objects with expressive content, such as newspapers, books, or writings, or visual art such as paintings, prints, photography, sculpture, or entertainment, whether in digital or other form.

Littering

Unauthorized disposal of refuse in an amount totaling less than one cubic yard.

Motor vehicle

Any automobile, motorcycle, moped, or other vehicle propelled by a motor.

Owner

Any person owning, operating, or having the use or control of an animal, a vehicle, or any other personal property.

PARKS

All places now known as or being used as public parks, and any places so designated by resolution of the Common Council from time to time and located within the City of Fulton, New York.

Park

Signifies public parks, beaches, waters and land under water, pools, boardwalks, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge, or control of the Department.

Park path

Any road, path or trail through or within a park that is not used for vehicular traffic, except for possible use by emergency motor vehicles or Department motor vehicles, provided that it shall not include a path designated by the Commissioner as a bike path.

Park road

Any road through or within a park, and is used for vehicular traffic.

Park sign

Any placard, notice or sign duly posted or authorized by the Department.

Park-street

The full width of all streets abutting any park.

Parks waters

Waters in any park, pool, bathing area, tributary, brook, stream, ocean, or sewer or drain flowing into said waters that is under the Department's jurisdiction.

Permit

Unless otherwise specified, means any written authorization issued by or under the authority of the Commissioner for a specified privilege, permitting the performance of a specified act or acts in any park or on any park-street.

Person

Any natural person, corporation, society, organization, company, association, firm, partnership, or other entity and all other entities of any kind capable of being sued.

Police officer

Any member of the Police Department of the City of Fulton, New York, Oswego County Sherriff's Office or NYS Police and any other city employee who is a Special Patrolman appointed and assigned to the Director or the Department.

Sexual activity

Any activity by a person that reasonably appears to be intended to sexually arouse that person or another person, and in which such person exposes his or her buttock or genitalia, or the area of the female breast below the top of the areola.

Sexual act

Defined in the New York State Penal Law.

Sexual contact

Defined in the New York State Penal Law.

Sound reproduction device

Includes, but is not limited to, any radio receiver, phonograph, television receiver, amplified musical instrument, portable speaker, tape recorder, cassette or disc player, speaker device or system, and any sound amplifier.

Special Event

A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 10 people or a group activity involving less than 10 people for which specific space is requested to be reserved.

Unlawful dumping

Suffering or permitting any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle or conveyance to be dumped, deposited or otherwise disposed of.

§449-1b Construction and Scope of Rules; Variance**A. Construction.**

These Rules shall be construed as follows:

1. Any term in the singular includes the plural.
2. Any term in the masculine includes the feminine and neuter.
3. Any rule or regulation relating to any act covers: the causing, procuring, aiding or abetting, directly or indirectly, of that act; and allowing a minor child to do that act.
4. No provision herein shall make unlawful any act necessarily performed by any officer or employee of the Department in the line of duty or work, or by any person, his or her agents or employees, in the proper and necessary execution of the terms of any agreement with the Department.
5. These rules are in addition to and supplement all municipal, state and federal laws and ordinances.
6. Parks and Recreation Director may at time any time promulgate additional rules, regulations, hours, or designated uses of parks or department property in the interest of public safety and convenience. Said additions will be posted publicly.

B. Territorial Scope.

The Rules shall be effective within and upon all areas under the jurisdiction of the Department.

C. Variance.

Any act or activity prohibited solely by these Rules shall be lawful if performed in strict compliance with the terms and conditions of a variance issued by the Department. The Department may issue a variance where there are significant practical difficulties, or unnecessary hardships, not created or caused by the applicant, in the way of carrying out the Rules, or where the beauty and utility of property within the jurisdiction of the Department would be preserved by compliance with the terms and conditions of such variance.

§ 449-1c General prohibitions.

No person shall throw stones or other missiles; annoy persons; interfere with, encumber, obstruct or render dangerous any path, drive, walk or public place; climb or stand upon any wall, fence, shelter, seat, statue, tree or other structure; engage in any lewd, suggestive or sexually explicit conduct or sexual activity; enter or

leave except at established entrance ways or exits; introduce, carry, discharge or fire any firearms, firecrackers, torpedoes or other fireworks, except by written permission of the Department or City; spit upon any walk, crossing, safety zone or the floor of any structure, bridge, platform or stairway; cast, throw or deposit on any walk, crossing, path, safety zone, floor or park surface any portion of any fruit, vegetable, foodstuff, paper, pasteboard, litter, pornographic writings, literature or pictures or other substance; cast, throw or deposit on the ice or in the ponds or lakes any sticks, stones or other matter that would tend to injure the ice for skating.

§ 449-1d Sales, Advertising and Solicitation.

No person shall sell or offer for sale any object or merchandise or any other thing, whether corporeal or incorporeal, nor perform any personal service for hire, except under a written permit by the Department or City, and then only at the place or places designated in the permit. A person shall not use park property or streets within park property for business or professional purposes involving the sale of any goods or the rendering of any service for a fee or for the purpose of soliciting alms or contributions unless authorized to do so by the Department or City. No person shall post, paint, affix, distribute, hand out, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement; display any flag, banner, transparency, target, sign, placard or any other matter for advertising purposes; operate any musical instrument or drum for advertising purposes or for the purpose of attracting attention to any exhibition, show, performance or other display; or solicit passengers for hire, directly in or in the immediate vicinity of any park, unless duly authorized by the Department or City.

§ 449-1e Explosives.

No person shall bring into or have in the parks any explosives, including any substance, compound or mixture or article having properties of such a character that alone or in combination or continuity with other substances or compounds may decompose suddenly or generate sufficient heat, gas or pressure, or any or all of them, to produce rapid flaming combustion or administer a destructive flow to surrounding objects without the consent by permit of the Department or City.

§ 449-1f Weapons.

No person shall have or carry, whether or not concealed upon his person, any instrument or weapon commonly known as a "toy pistol" or in which or upon which blank cartridges may be used, or any blank cartridges or ammunition therefor. No person shall take into the parks or have in his possession therein any rifle, shotgun or fowling piece nor any air gun, spring gun, slingshot or other instrument or weapon in which the propelling force is a spring or air.

§ 449-1g Fires; smoking materials.

No person shall kindle, build or maintain or use any fire except in places provided for such purpose. Any fire for which a permit has been issued by the City or Department or in such places as have been designated shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar or cigarette within or against any building, structure, boat, car, vehicle or enclosure or under any tree or underbrush, unless it be to deposit the same in a suitable container provided for the reception thereof.

No person shall kindle, build, maintain or in any way use a fire except in fireplaces provided or in self-supporting barbecue grills or stoves in places designated as picnic areas or by special permit.

Any fire shall be continuously under the care and direction of a competent person 18 years of age or older from the time it is kindled until it is extinguished, and no fire shall be built within 10 feet of any tree or building or beneath the branches of any tree or in any underbrush.

§ 449-1h Loitering hours of operation.

- A. In any park, no person shall, between 60 minutes after sunset and 60 minutes before sunrise, remain, stay or loiter within any park, any park roadway or any park parking lot, except for sports areas that are lighted and in use or designated for specific use. Unless otherwise posted. Sunset and sunrise times will be those published by the National Weather Service.
- B. The Director or Department or City may, from time to time, waive the aforementioned time frame for temporary special events; said waiver shall lapse upon completion of the event.
- C. All parks and playgrounds, and lighted areas in other parks and playgrounds which shall be open during that period so lighted, shall be open to the public during the hours from sunrise until one hour after sunset, unless otherwise posted. It shall be unlawful for any person or persons, other than city personnel conducting city business therein, to occupy or be present in said park or playground during any hours in which the park or playground is not open to the public, unless written permission has been previously obtained from the Director, Department or City. Children under the age of eight must be accompanied by an adult or responsible guardian.
- D. Any section or part of the park or playground may be declared closed to the public by the Director, Department, City or the designee at any time and for any interval of time temporarily or at regular, stated intervals.
- E. Curfew. No person under the age of 18 years shall loiter or remain in any public park of the City of Fulton between the hours of 9:00 p.m. and 8:00 a.m. unless accompanied by his or her parents, guardian or guardians.
- F. Exceptions. Nothing in the section shall prohibit regularly organized gatherings for which the Director of Parks and Recreation has granted special permission nor shall this section apply to persons who are engaged in recreational activities authorized or supervised by the Director of Parks and Recreation or the Department of Parks and Recreation.

§ 449-1i Camping and lodging.

No person shall engage in camping, or erect or maintain a tent, shelter, or camp in any park without a permit.

§ 449-1j Use of seats, benches or tables.

No person shall stand, sleep upon, lie upon or overturn any seat, bench or table in the park, nor pile or stack tables or benches one upon another, or stand, walk, jump, lie upon, sit or sleep on the table portion of any bench in the park. No person shall remove any seats, benches or tables from their designated areas. No person shall use a bench or other sitting area so as to interfere with its use by other persons, including storing any materials thereon.

§ 449-1k Bringing plants into parks.

No person shall bring into or carry within any park any tree, shrub, plant or flowers or newly plucked parts thereof without a written permit by the Department or City.

§ 449-1l Admittance restricted in certain places.

No person shall enter any building, enclosure or place within any park upon which the words "No Admittance" shall be displayed or posted by sign, placard or otherwise, without the consent of the Department or City.

§ 449-1m Regulated uses.

- A. **Aviation.** No person, except in an emergency, shall bring, land or cause to descend or alight within or upon the parks any maned airplane, unmanned aerial vehicle (UAV) not within line of sight, balloon, parachute or other apparatus for aviation without the consent of the Department or City. This section shall not apply to Emergency Services.
- B. **Bathing.** No person shall bathe, wade or swim in any park waters except at such times and in such places as the Department or City may designate; nor shall any person dress or undress in any place in

the parks except in such bathing houses as may be maintained by the City. No person shall use, or permit any animal under his or her control to use, any fountain, drinking fountain, pool, sprinklers, reservoir, lake or any other water contained in the park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings. This subdivision shall not apply to those areas within the parks which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, etc.), provided, however, that no person shall wash his or her clothes or personal belongings in such areas.

- C. Coasting.** No person shall coast with hand sled, bobs, carts or other vehicles on wheels or runners except at such places and at such times as are designated therefor by the Department or City.
- D. Games and picnics.** No person shall throw, cast, catch, kick or strike any baseball, golf ball, football, basketball, beanbag or any other object, or play or engage in any games, except in places designated therefor. Games and picnics may be held in non-designated areas except for that purpose, and portions of parks may be set aside for tennis, golf, ball, croquet and other games, subject to such regulations as may be made by the Director, Department or City and no person shall join any such picnic or game without the consent of the persons of whom they are composed, or shall in any manner disturb or interfere with the same.
- E. Horses.** No person shall use, ride or drive a horse unless it is well broken and constantly held in such control that it may be easily or quickly turned or stopped, nor permit any horse owned by him or in his care or custody to be unbridled or left unattended in any unenclosed space without being securely fastened.
- F. Meetings, exhibitions, parades, racing, etc.** No person, without a written permit by the Director, Department or City, shall erect any structure, stand or platform; hold any meeting or service; perform any ceremony; make a speech, address or harangue; exhibit to the public any dramatic performance or the performance in whole or in part of any interlude, tragedy, comedy, opera, ballet, play, farce, minstrel, dancing, entertainment, motion picture, radio, circus, juggling, rope walking or any other acrobatics; engage in any parade, drill, maneuvers or civic or other procession; or run or race any horse or other animal, or, being in a vehicle, race with another vehicle or horse. Nor shall any person use or bring into any park a sound truck, loudspeaker or mechanical device of any kind for the purpose of attracting attention or of being heard without such a written permit, and it shall be unlawful for any person to take part in any meeting, services, exhibition, parade, race, etc., held or conducted contrary to the provisions hereof. The provisions of this subsection shall be subject to the conditions imposed by any ordinance enacted in the future covering the entire City and which regulates and prohibits certain sound trucks and amplifying equipment. This section only shall apply if said activities involve, attract or reasonably expect to attract more than 10 persons.
- G. Skating and sledding.** No person shall use any roller skates except at such times and upon such places as may be designated therefor by the Department or City, or skate, sled, walk or go upon any ice except at such times and upon such places as may be designated therefor by the Department or City to be in a safe condition therefor.
- H. Facilities reservation.** The City Clerk may, upon written application, issue a permit for the reservation of the City's parks, pavilions or portions thereof or property and facilities within said parks under the control of the Department or City. It shall be the duty of the Parks and Recreation Department or Director to enforce said reservation policy.

§ 449-1n Injury to property.

No person shall injure, mark, write upon, deface, displace, remove, fill in, raise, destroy or tamper with any drive, path, walk, bridge or approach thereto; take up or remove or carry away any asphalt, concrete, flagstone, rock, stone, gravel, sand, clay or earth; or make any excavation of any kind, name or nature; or harvest, cut, injure or remove any ice; or injure or deface, displace, remove or destroy any structure, building, post, railing, bench, seat, platform, stand, tree guard, telephone, telegraph, pipe or main for

conducting gas, water or wires, or any hydrant, sewer, drain, pipe, main, receiving basin, cover, manhole or vent forming a part thereof, or any appurtenances or appendages connected therewith, or any other property or equipment, real or personal, owned by the City or under the jurisdiction or control of the Parks and Recreation Department or appertaining to the creation, government, use or maintenance of the parks; or injure or in any way interfere with the operation of any machine, instrument or contrivance used in the parks; or injure, deface, displace, remove or destroy any sign, inscription, post or monument erected or marked for any purpose, or mile-board, milestone, danger sign or signal, guide sign or post or any signaling device within the parks for the purpose of directing, restricting or regulating traffic establishing zones or giving information or directions to the public; or interfere with any lamp, lamppost or light apparatus, or extinguish the lights therein except upon the authority of the Parks and Recreation Department; or, without a permit, attach, string, adjust or carry any wires or other objects in or over any part of the parks.

§ 449-1o Trees, shrubs and grass.

No person shall destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any plant, flower, flower bed, shrub, tree, growing thing, plant growth or any branch, stem or leaf thereof; or pile or maintain any material or debris of any kind against or upon the same; or attach any rope, cable or other contrivance thereto; or set fire or assist another to set fire to any timber, trees, shrubs, plants, flowers, grass or plant growth; enter or walk upon any planted place; or to hitch any horse or animal to, or leave the same standing near enough to injure, the lawn or grass plot; or go upon the same, except at such time when permission to do so has been given to the public by the Parks and Recreation Department.

§ 449-1p Animals and fish.

No person shall cause or permit any animal owned by him, in his custody or under his control, except a dog when restrained by a leash not exceeding six feet in length, to go, be or run at large, nor hitch or fasten any horse or other animal except at places provided for that purpose. No person shall molest, kill, wound, trap, hunt, take, chase, shoot or throw missiles at, remove or have in his possession any animal, bird, bird's nest or squirrel's nest, or remove the young of any such animal or the eggs or young of any such bird; or knowingly buy, receive, have in his possession, sell or give away such animal, bird or egg so taken. No person discharge or throw missiles at any fish in such waters, or place therein any piscivorous fish, poison or any other substance injurious to fish.

§ 449-1q Water pollution.

No person shall, within or without the parks, throw, cast, lay, drop or discharge into or leave in the waters of the parks or any tributary brook, stream, storm or drain flowing into such waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of such waters.

§ 449-1r Rubbish, Refuse, Littering, Polluting, Dumping, Urination, Defecation and Unattended Property.

No person shall litter in any park. All persons shall use receptacles provided for the disposal of refuse. No person shall deposit household or commercial refuse in any park receptacle.

No person shall throw, drop, allow to fall, discharge into or leave in, or otherwise introduce into Parks waters any substance, liquid or solid, gas, or other item which may or will result in the pollution of said waters.

No person shall engage in unlawful dumping in any park.

No person shall, within or adjacent to any park, store or leave unattended personal belongings.

No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on, or suffer or permit any servant, agent, employee or person in his charge to take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on, the parks any ashes, dress, cinders, shells, paper, dirt, sand, oil, grease, clay, loam, stone or building rubbish, brush, stump, hay, straw, oats, sawdust, shavings or manufacturing or trade or household wastes, old iron or other metal or objects made therefrom, or rubbish of any sort, or sick,

diseased or dead animals, organic refuse or other offensive matter, including swill, brine, urine, offal, fecal matter, garbage or rubbish.

No person shall deposit or abandon in any park, driveway or parking lot or in the waters in any such park or adjacent to any such park any garbage, sewage, refuse, trash, waste, grass clippings, branches or other obnoxious material except in receptacles provided for such purposes. (The general city policy is carry-in/carry-out unless receptacles are specifically provided.)

No person shall urinate or defecate in any Park, or in or upon any park building, monument or structure, except in a facility which is specifically designed for such purpose.

§ 449-1s Prohibited vehicles.

- A. Commercial vehicles.** No person shall drive or operate within the parks any motor vehicle used solely for commercial purposes, except on park business.
- B. Demonstration and instruction vehicles.** No person shall use the park drives for the purpose of demonstrating any vehicle, or for the purpose of instructing another to drive or operate any vehicle, or for learning to drive or operate any vehicles.
- C. Towing.** No person shall cause or permit a vehicle in tow of another vehicle to enter the parks or proceed therein, except that in case of a breakdown, a disabled vehicle may be towed to the nearest exit.

§ 449-1t Traffic restrictions.

- A. Vehicles prohibited in certain areas.** No person shall drive a vehicle within or upon a walk, bridle path or any part of the park not designated or customarily used for such purpose. No person shall ride a bicycle, tricycle, velocipede or motorcycle upon any walk or designated walking footpath only, but persons may push such machines in single file along the same.
- B. Obeying officers.** Whenever any traffic officer or other patrolman shall indicate or direct, by gesture or otherwise, that the speed or course of a vehicle shall be changed or altered, the driver thereof shall immediately obey such directions.
- C. Parking.** No owner or driver or person exercising control over any vehicle shall cause or permit his vehicle to stand anywhere outside of the designated parking area except in an emergency or for a reasonable time to take on or discharge passengers. Nor shall any persons lie, stand or sit upon the fenders, hood, trunk or top of vehicles parked along the roadway in the parks. Nor shall they stand leaning against any vehicle parked along a roadway in the park in any manner which might expose them to possible injury from passing vehicles or which might impede the flow of traffic on such roadway.
- D. Exceptions.** Nothing herein contained in this article shall apply to the wagons and apparatus of the Fire and Police Departments or to any ambulance or to emergency repair wagons or other vehicles of the Park Department when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency or for park business.
- E. Overnight parking.** No person shall park a vehicle between 30 minutes after sunset and 30 minutes before sunrise in any park parking lot unless authorized by this chapter.

§ 449-1u Management.

- A. Supervision.** The use and management of all public parks within said City shall be vested in the Parks and Recreation Department, which shall perform said duties in addition to any stated in the City Charter. It shall issue all permits for the use of said parks and prescribe the conditions thereof, and the Director of Parks and Recreation or the City shall prepare and deliver written permits so authorized.
- B. Permits.** Whenever the Director or City is authorized to issue a permit as provided in this article or any other article of the City Charter, every person claiming to have such permit shall produce and exhibit the same upon the request of any authorized person, and all permits shall be subject to the provisions

of this article, and the holders thereof must strictly observe the conditions thereof and the provisions of the ordinances of the City relating to the same. Any permit may be revoked by the officer issuing the same, the Director, the City or their designee in case of any violation of the terms on which the same was issued or of any ordinance relating to the same by the holder thereof.

- C. No person shall refuse to obey any orders or requests of the Director or any park officer or policeman or City employee having for their object the preservation of the parks within said City, their contents or maintenance of order or decorum therein.

§ 449-1v Smoking prohibited.

- A. No person shall smoke or use any tobacco product, cannabis product or other nicotine or cannabis delivery system within any public park in the City of Fulton, on any City property, or in any City property. This prohibition against the smoking of tobacco and cannabis products includes all parks, and includes their associated sporting fields, tennis courts, swimming pools and/or playgrounds, picnic facilities, hiking trails, wooded areas, lawn areas, or parking lots.
- B. For purposes of this section, to smoke and/or utilize any tobacco or cannabis products shall mean to burn a lighted cigar, cigarette or pipe, and/or to use any other substance which contains tobacco and/or cannabis and also includes electronic cigarettes, vapor devices and chewing tobacco. It shall not include cannabis-infused foods, nicotine patches or nicotine gum.
- C. Appropriate signage may be posted designating the parks and any other areas referred to herein as “smoke-free zones”; however, the presence or absence of signs shall not be a defense to a violation of this section.
- D. Violation of this section shall be punishable in accordance with the provisions of § 449-2 of the Code.

§ 449-1w Noise.

- A. No person shall play any radio, phonograph, tape player or any musical instrument at any time in such a manner or at such a volume as to annoy or disturb any other person.
- B. No person shall cause or permit any loud or disturbing talking, shouting, singing, music or other noise to be made of such intensity, character or duration as to annoy or disturb any other person.
- C. The foregoing provisions of this section shall not apply to any organized activities that have received specific prior written permission from the Parks and Recreation Department or the Superintendent of Parks.

§ 449-1x Responsibility of parents.

It shall be unlawful for any parent, guardian or other person having the legal care and custody of any person under the age of 18 years to allow, permit or require any such minor to knowingly violate this article.

§ 449-1y Enforcement.

Any police officer of this city is hereby authorized to arrest, without a warrant, any person willfully violating any of the provisions of this chapter and may detain such person for a reasonable time in which complaint can be made, and an appearance ticket shall be issued for appearance at the next session of the Fulton City Court.

§ 449-1z Liability of City.

Any person using any public place, park, playground, street, creek, or river, for the purpose of recreation, amusement, or bathing, or using any of the apparatus therein contained furnished therefor by any person within the city, shall do so at his own risk. The city will not be responsible in any way for the safety of any child or adult patronizing such places for their private purposes or otherwise.

§ 449-2 Penalties for offenses.

An offense against the provisions of this article shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.