

**ORDINANCE #5 of 2022**

**AN ORDINANCE AMENDING CHAPTER 149 ENTITLED "PARKS" OF THE CODE OF THE CITY OF OGDENSBURG**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE:

That §Chapter 149 "Parks" is deleted in its entirety and replaced with the following:

Chapter 149  
PARKS

[HISTORY: Adopted by the City Council of the City of Ogdensburg 6-9-1980 by L.L. No. 4-1980 (Ch. 140 of the 1975 Ogdensburg Municipal Code). Amendments noted where applicable.]

§ 149-1. Applicability.

This chapter shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Department of Parks and Recreation of the City of Ogdensburg.

§ 149-2. Definitions.

As used in this chapter, unless the context requires otherwise, the following terms shall have the following meanings:

GREENBELT — Morrissette Park, Library Park, Crescent Park, Municipal Marina and all public lands bordering the Saint Lawrence and Oswegatchie Rivers from Caroline Street to Lafayette Street.

PARKS — The grounds and buildings thereon, waters 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 City of Ogdensburg for public park purposes.<sup>1</sup>

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

SKATEBOARD PARK — The grounds, buildings and equipment thereon, and any other property necessary for the operation thereof, and constituting a part thereof, which is now or hereafter be maintained, operated and controlled by the City of Ogdensburg for public skateboarding and in-line skating. [Added 7-8-1996 by Ord. No. 11-1996]

§ 149-3. Hours of operation.

- A. Except as hereinafter provided; all City parks shall be open to the public between the hours of 5:00 a.m. and 11:00 p.m.

- B. With an application to the Director of Parks and Recreation or the City Manager, a special permit may be issued allowing use of City parks during hours other than those noted in Subsection A. [Amended 12-7-1992 by L.L. No. 3-1992]
- C. The municipal dock shall be closed to vehicular traffic between 11:00 p.m. and 5:00 a.m. between May 1 and October 31. [Added 7-13-1992 by Ord. No. 8-1992]
- D. In case of an emergency or when, in the judgment of the Director of Parks and Recreation, the Chief of Police or the City Manager, the public interest demands, any portion of any park may be closed to the public or to designated persons. [Amended 10-14-1980 by L.L. No. 5-1980; 12-7-1992 by L.L. No. 3-1992]
- E. The hours of operation in playground apparatus areas of all City parks shall be from sunrise to 1/2 hour after sunset. No skateboards, in-line skaters, bicycles or pets are allowed in playground apparatus areas. [Added 10-13-1998 by Ord. No. 8-1998]

§ 149-4. Tampering with property or equipment. [Amended 12-7-1992 by L.L. No. 3-1992]

- A. No person shall injure, damage, deface, remove, destroy or tamper with any equipment, signage, fencing, drive, walk, path, bridge or approach situate in any City Park or Skateboard Park without the written permission of the Director of Parks and Recreation or City Manager. [Amended 7-8-1996 by Ord. No. 11-1996]
- B. No person shall disturb, remove or damage any asphalt, concrete, flagstone, rock, gravel, sand, earth and all plantings thereon, or ice, or make any excavation of any kind in any City Park without the written permission of the Director of Parks and Recreation or the City Manager.

§ 149-5. Restrictions.

- A. Camping. No person or organization shall be permitted to erect, place, pitch or position any tent or temporary shelter, canopy or similar type device in or upon municipal property within the City of Ogdensburg, unless such person or organization has received a permit from the Department of Parks and Recreation. Applications for such permission shall be filled out, in writing, upon the form prescribed by the City Department of Parks and Recreation.

(1) The fee to be charged for camping on municipal property shall be established annually by the City Council.

- B. Alcoholic beverages.

- (1) Except as hereinafter provided, no person shall consume beer, wine, whiskey or other alcoholic beverages on or in any City Park unless authorized as provided in Chapter 69, Alcoholic Beverages.
- (2) Except as provided herein, public consumption of alcoholic beverages and possession of open containers containing alcoholic beverages shall be allowed within boats docked at the Municipal Marina. The consumption of alcoholic

beverages shall be allowed by special permit to accommodate organized group activities to be held in specific areas of the Greenbelt, i.e., horseshoe pit areas. Said permit shall be applied for at the Recreation and Parks Department not less than 48 hours prior to the event and can be issued for a long-term (seasonal) basis. There shall be no charge for said permit. [Amended 4-13-1981 by L.L. No. 3-1981; 3-10-1997 by Ord. No. 4-1997; 4-14-1997 by Ord. No. 5-1997]

1. Editor's Note: The definition of "Parks Foreman," which immediately followed this definition, was deleted 12-7-1992 by L.L. No. 3-1992.

(3) No alcoholic beverages may be dispensed or displayed at temporary bars or from kegs or other bulk dispensing units except as provided in Chapter 69, Alcoholic Beverages, of this Code.

- C. Beverage containers. No person shall be permitted to bring into any City Park any beverage encased in a glass container.
- D. Fires. No person shall be permitted to maintain any fire within any park area.
- E. Parking/driving of motor vehicles. Parking and/or driving of motor vehicles shall be permitted in designated areas only. In no event shall any lawn or seeded area or any walkway be designated by any person or official except on direction of the City Council.
- F. Picnics. Picnics shall be allowed in any City Park. However, any group of persons who shall use or occupy more than two picnic benches or more than two cooking receptacles shall be required to apply for a permit for use of a picnic area.
- G. Golfing. Golfing shall be prohibited in any City park where playground equipment is on the property. [Added 9-26-1994 by Ord. No. 6-1994]
- H. Required equipment/clothing-Skateboard Park. No person shall be permitted to skateboard or in-line skate within the confines of Skateboard Park unless such person is equipped with a helmet, knee pads, elbow pads and wrist pads. The wearing of shorts is also prohibited. [Added 7-8-1996 by Ord. No. 11-1996]
- I. Failure to obey rules/disruptive behavior-Skateboard Park. No person shall fail to obey the rules and restrictions pertaining to the use of the Skateboard Park or behave in a manner which is unduly disruptive or which interferes with the use of the Skateboard Park by other skateboarders or in-line skaters. [Added 7-8-1996 by Ord. No. 11-1996]
- J. Canines. The Director of Parks and Recreation may, during scheduled events, prohibit canines, leashed or otherwise, from appearing in any or all portions of a park. No person shall cause or allow a canine to be in any portion of a park in violation of such a restriction. This shall not apply to a canine commonly known as a "Service Animal." [Added 5-24-2004 by Ord. No. 7-2004]
- K. Clifford Montroy Youth Complex. The Clifford Montroy Youth Complex has been designated for youth organized sporting events only (ages 16 and under) and adult organized sporting event usage is prohibited. [Added 9-25-2017 by Ord. No. 16-2017]

§149- 6. Use of marina. [Ordinance # 10 of 2018]

A. Dockage for private pleasure craft will be made available from May 1 through October 1 at the discretion of the Recreation Director or City Manager. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.

B. Transient dockage within the marina shall be limited to a maximum consecutive period of 48 hours unless given permission by the Director of Parks & Recreation.

C. Dockage between October 1 and October 31 within the marina shall be permitted with the approval of the Director Of Parks and Recreation and with the filing of the proper application and payment of the required fee. The fee charged shall be established on an annual basis by the Ogdensburg City Council. [Added 5-13-1985 by L.L. No. 4-1985]

D. Hours of Operation. The Municipal Marina is open 24-hours a day to renters during the boating season. Quiet hours are between 11:00 PM EST and 7:00 AM EST.

E. Dockage will be allowed only within the slips provided by the marina itself, and only one boat per slip shall be permitted. The boat moored at a slip will be required to be owned by the person leasing the boat slip. No other boats will be allowed. No Jet -Skis will be allowed to occupy the same slip as a boat. Mooring of any vessel along the western or northern seawall of the municipal marina shall be prohibited unless written and specific permission is granted by the Director of Parks & Recreation.

F. The City Manager is hereby empowered to issue a permit allowing dockage for periods in excess of 48 hours and allowing dockage in places other than designated slips in exceptional circumstances and when, in the judgement of the City Manager, a public purpose and the best interests of the City shall be served by such a permit.

G. Vessels entering and exiting the marina, or within 100 feet of the marina shall be operated at no more than 5 mph or idle speed to prevent any wake.

H. Water skiing within 100 feet of the marina or municipal dock is prohibited.

I. Swimming is prohibited in the marina area. Fishing from docks within the marina is prohibited, but shall be allowed along the northern face of the municipal dock.

J. No one will be allowed to keep chairs, coolers, or other possessions on the docks itself.

K. Glass beverage containers are prohibited in the Greenbelt area, including the marina.

L. On or about Feb. 1 of each year, the Parks & Recreation Department will send a letter and renewal form to all of those who rented seasonal boat slips the previous marina season. Those receiving a letter and renewal forms will have at least an 8 -week period with a deadline to be determined by the Parks & Recreation Department to return the renewal form, complete payment, driver' s license, boat insurance and current boat registration to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave., in order to be eligible to receive a

boat slip for the upcoming marina season. Those who do not return the required paperwork will forfeit their slip.

M. Payment for boat slips will be determined by the length of the vessel stated on the boat registration submitted to the Parks & Recreation Department.

N. The following dictates the city marina's boat slip waiting list:

1) City of Ogdensburg residents/ property owners and non-residents desiring to lease a boat slip in the City of Ogdensburg owned marina must fill out an application provided by the Parks & Recreation Department and hand that document, as well as a copy of their driver's license, boat registration and boat insurance, to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave. The department will use documents from the Assessor's Office to verify residency or whether the applicant owns property in the City of Ogdensburg. Depending on his/her residency or whether they own property in the City of Ogdensburg, applicants will be placed on the appropriate and separate waiting lists for city resident/property owner or non-residents. City residents/property owners shall be given first priority over non-residents. All vacancies occurring in dock space shall be filled from the respective waiting lists based on a first-come, first serve basis.

2) Applicants who have properly completed the application in full, will receive written notification of receipt of their application and placement on the appropriate waiting list. The respective waiting lists, for both city residents/ property owners and non-residents, will be posted on the City of Ogdensburg's website, marina webpage. The person's name and municipality of residence will be listed. The waiting list will be updated annually.

3) Properly completed applications for a boat slip will be recorded in chronological order from the date of receipt and the awarding of a boat slip will take these following steps:

a) When a boat slip is available, the Parks & Recreation Department will notify the next applicant on the wait list with a vessel of appropriate length and width for the available slip determined by the Director of Parks & Recreation. Those on the city resident/property owner list will be contacted first, followed by those on the non-resident list. Only when all those on the resident/property owner list have either accepted or declined a slip will slips be offered to those on the non-resident list.

b) If he/ she declines the boat slip when approached, the applicant may waive the boat slip but can elect to remain on the waiting list for the next available slip.

c) When selected from the waiting list, the Parks & Recreation Department will attempt to contact the applicant for two ( 2) days by the telephone number listed on the application. If no

contact is made by phone, a letter will be sent to the address provided on the application and the applicant will be given seven ( 7) days to respond. If there is no response by telephone or letter then the applicant will be removed from the wait list and the slip will be offered to the next applicant per the wait list policy.

d) Once successful contact has been made, the applicant will have seven (7) days to return a completed boat slip application, driver' s license, boat registration, boat insurance and full payment to the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave.

4) In order for an applicant to maintain his/ her status on the waiting list, he/ she must notify the Parks & Recreation Department office in writing by using an established " waitlist renewal form" between November 1 and January 1 of each year, to express his/her desire to remain on the waiting list. The " waitlist renewal form" is located at the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave., and is also found on the City of Ogdensburg' s website, marina webpage. If a renewal form is not filled out in the appropriate time frame, then he/ she will be removed from the established waiting list.

O. Dockage for transient boaters will be made available during the months of May, June, July, August, September and October. The fee to be charged for transient boaters shall be established on an annual basis by the Ogdensburg City Council.

1) Day use of transient slips in the City Marina will be allowed only after receiving permission from Parks & Recreation staff.

2) If a transient boat is to remain in a slip overnight, then the boater must fill out a transient boat docking form found at the Dobisky Visitors' Center, 100 Riverside Avenue, and pay the appropriate fee based on the size of the boat before they spend the night.

P. Upon adoption of this policy, all returning renters for the 2018 boating season will be able to renew their slips regardless of whether they are residents or non-residents, provided they comply with all other documentation requirements.

#### § 149-7. Responsibilities of parents and guardians.

No parent, guardian or custodian of any minor shall permit or allow him or her to do any act which would constitute a violation of these regulations.

#### § 149-8. Permits.

A. The Director of Parks and Recreation and the City Manager are hereby authorized to grant permits in conformity with this chapter on application to the Director of Parks and Recreation or the City Manager. [Amended 12-7-1992 by L.L. No. 3-1992]

B. All permits issued shall be in writing and are subject to all park rules and regulations.

C. The City Manager is hereby empowered to promulgate rules and regulations governing the implementation of this chapter. Such rules and regulations shall be filed in the office of the City Clerk, and copies thereof shall be made available to each applicant for any permit. Any rules and regulations promulgated by the City Manager shall not become effective except on approval by the City Council of the City of Ogdensburg.

§ 149-9. Penalties for offenses.

Any person who shall violate any provision of this chapter or any rule or regulation thereunder shall be punished as provided in Chapter 1, General Provisions, § 1-3.

ITEM TWO:

This ordinance shall take effect ten (10) days after publication of notice, which shall give the title and describe same in summary form.