

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 Tuxedo

FILED
STATE RECORDS

APR 02 2024

Local Law No. 1 of the year 2024

A local law Parks and Recreation Law
(Insert Title)

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

County City Town Village
(Select one.)

of Tuxedo as follows:

See attached.

(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. 1 of 2024 of the (County)(City)(Town)(Village) of Tuxedo was duly passed by the Town Board on March 25 2024, 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. _____ 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 _____ and was deemed duly adopted 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) (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 _____ above.

Maria Dellbaum

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

Date: March 26, 2024

(Seal)

**TOWN OF TUXEDO
INTRODUCTORY LOCAL LAW
PARK RULES AND REGULATIONS AMENDMENTS**

BE IT ENACTED by the Town Board of the Town of Tuxedo, County of Orange, State of New York, as follows:

Section 1. Chapter 19 of the Town of Tuxedo entitled "Parks and Recreation, Department of" is hereby repealed and a new Chapter 19 entitled "Parks and Recreation" is adopted which shall read as follows:

Chapter 19 Parks and Recreation Law

Article I

Department Establishment, Authority and Administration

§ 19-1 Title.

This Chapter shall be cited and referred to hereinafter as the " Parks and Recreation Law of the Town of Tuxedo."

§ 19-2 Legislative intent.

The Town Board has determined that a new Department devoted to the Town's parks and recreation programs with a single department head is the best form of administering Town recreation and parks programs to make decisions with dispatch, better coordinate with all other Town agencies and be directly responsible to the elected Town Board and, therefore, to all of the community. A Department of Parks and Recreation shall be created with a single department head assisted by an advisory Board to advise him or her on overall long-term planning and programs.

§ 19-3 Department of Parks and Recreation created.

The existing Recreation Department of the Town of Tuxedo is abolished. The Department of Parks and Recreation of the Town of Tuxedo is hereby created as a separate department of Town government of the Town of Tuxedo, Orange County, New York.

§ 19-4 Appointment of Director.

A. The executive head of the department shall be called the Director of Parks and Recreation, who shall be appointed by the Town Board of the Town of Tuxedo. The Director shall report directly to the Town Board.

B. The salary of the Director and all employees of the Department of Parks and Recreation shall be fixed by the Town Board in the annual budget of the Town.

§ 19-5 Duties of Director.

The Director of Parks and Recreation shall be responsible to the Town Board and shall have the following duties:

- A. Exercise those powers and duties necessary for the general supervision of the Department of Parks and Recreation within budgetary allocations.
- B. Plan, organize, direct, and review administrative procedures necessary to the operation of the Department of Parks and Recreation.
- C. Supervise and review the work of the departmental subordinates and report monthly to the Town Board concerning the operation, financial condition and future needs of department and further recommend to the Town Board requests for employment of such play leaders, playground directors, supervisors, clerical or secretarial help or such other employees as necessary for the proper operation of the Department of Parks and Recreation.
- D. Coordinate with the appropriate Town agencies or departments for the planning, establishment and improvement of new and existing park and recreation sites.
- E. Coordinate with the Purchasing Agent of the Town of Tuxedo with regard to specifications for playground and recreational equipment, supplies, furnishings and all other items necessary for the operation of the Department of Parks and Recreation. All purchasing shall be subject to prior approval of the Town Board.
- F. Organize and conduct a Town-wide recreational program for all age groups, as approved by the Town Board.
- G. Propose to the Town Board rules and regulations, including fees and charges, governing the conduct of persons and use of all Town Park and recreational areas and facilities, which shall not become effective until approved by the Town Board.
- H. Such other duties as may be assigned by the Supervisor, the Town Board or as designated under local law.
- I. Work with various organizations (Police, Fire, Seniors, School, Etc.) throughout the Town to offer Town support as needed. (Volunteers, promotion, traffic support and security, Etc.)

§ 19-6 Maintenance of park and recreation areas.

All parks and recreation areas owned or leased by the Town of Tuxedo shall be maintained by the Department of Highways unless other contractual arrangements or intermunicipal agreements have been executed providing for maintenance of the same.

§ 19-7 Department of Parks and Recreation Advisory Board.

The Town Board of the Town of Tuxedo shall appoint a seven-member Department of Parks and Recreation Advisory Board.

- A. Such members shall be residents of the Town of Tuxedo. Other than the initial appointees, members shall be appointed to serve a term of three years.
- B. The Town Board shall designate annually from the membership of the Advisory Board the Chairman thereof.
- C. The Town Board may provide for reimbursement for such expenses which may be reasonable, necessary and proper.
- D. The Department of Parks and Recreation Advisory Board shall adopt such rules and regulations as are necessary to arrange for the time of its meetings and conduct of its business. All business shall be in compliance with the New York State Open Meetings Law and the freedom of information law.
- E. The Director of Parks and Recreation shall be an ex officio member of the Advisory Board and shall see to it that full and complete minutes of the meetings are kept, distributed to the members thereof and filed with the Town Clerk.
- F. The Town Board shall fill all vacancies caused by expiration, resignation, removal or otherwise. Members shall serve at the pleasure of the Town Board.
- G. The Town Board shall make appointments so as to stagger the terms of members so that no more than three, nor less than two, terms expire each year.

§ 19-8 Duties of the Parks and Recreation Advisory Board.

It shall be the duty of the Parks and Recreation Advisory Board to recommend to the Director of Parks and Recreation for submission to the Town Board with respect to the following:

- A. All matters relating to planning, policy formation, programming, and use of park and recreation facilities and areas.

B. Make such recommendations as, in the opinion of the Board, will improve the effectiveness of the parks and recreation programs or facilities, including annual budgetary recommendations.

C. Facilitate the recruitment of volunteers to assist in various Recreational functions.

D. To encourage broad community participation in its programs and coordinate its policies and activities with those of the Town Board (and other municipal bodies or agencies charged with the administration of the park system), and with the various school districts lying wholly or partly within the boundaries of the Town.

E. Such other duties as may be assigned by the Director of Parks and Recreation, Supervisor and/or Town Board.

Article II

Park Use Rules and Regulations

§ 19-9 Purpose.

The purpose of this article is to regulate the use of the public parks and recreation areas of the Town of Tuxedo.

§ 19-10 Definitions.

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

PARKS & RECREATION AREAS:

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 of Tuxedo for public park purposes, or recreation purposes. A list of Town parks and recreation areas, on file with the Town Clerk's Office, is hereby incorporated by reference.

PERSON:

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

§ 19-11 Prohibited activities.

The following activities are prohibited:

- A. Parking a motor vehicle in other than designated parking locations. No overnight parking of motorized vehicles is permitted in any park.
- B. Operating a motor vehicle in excess of five miles per hour or in any manner contrary to posted regulations
- C. Operating a motor vehicle on other than the designated roads or pathways.
- D Horseback riding on other than the designated roads or pathways.
- E. Allowing a dog to be off leash other than within DOG RUN; when outside the Dog Run, all dogs must be leashed and under control of a person using a leash no longer than six feet.
- F. Conducting sports activities, including fishing, in locations other than those designated by the Director of Parks and Recreation.
- G. Entering or using the parks during other than the designated hours posted by the Director of Parks and Recreation.
- H. Failing to comply with the time-sharing plan posted by the Director of Parks and Recreation or any signed contract issued by the Town of Tuxedo, for the use of any recreational facility.
- I. Possession, sale or consumption of alcoholic beverages without a permit from the Town.
- J. The use of or being under the influence of any illegal drug or substance in any Town Park.
- K. Possessing or using firearms, bow and arrow or other dangerous weapons within the park, unless authorized by law or the Town Board of the Town of Tuxedo.
- L. 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.
- M. Begging, hawking, peddling or soliciting within the parks except as authorized by the Town Board of the Town of Tuxedo.
- N. Injuring, defacing, destroying, disturbing or removing any part of the parks.
- O. Loitering in or near park restroom buildings.

P. Littering or leaving behind refuse and garbage except in receptacles provided for such purpose.

Q. Possessing or using propane or other flammable cooking devices or barbeques, except within park grills, fireplaces or designated areas.

R. Starting a fire in a park except in park grills, fireplaces or designated areas, where provided. No fire shall be unattended.

S. Failing to extinguish all fires before leaving the park. The dumping of ashes or fire onto the ground is absolutely prohibited.

T. Golf practice except in designated areas.

U. Certain environmentally sensitive lands may be subject to additional Posted restrictions.

§ 19-11.1 Steps to Obtain a Park/Recreation Area Use Permit:

A. Permits are required for use of parks and recreation areas by groups of 10 or more and for organized athletic events.

B. The Deposit and Rental fees shall be determined by the Town Board and revised yearly during reorganization.

C. No permit will be issued for any group whose size or activity in the opinion of the Town Board or Director of Parks and Recreation will be detrimental to the park.

D. Permits for organized athletic events will be issued by the Director of Parks and Recreation of the Town.

E. Permits will be issued only to Town residents or organizations.

F. The use of Town parks by groups of more than 10 in number including athletic events are prohibited without first obtaining a permit for such use from the Director of Parks and Recreation. The Permit shall include a requirement that the applicant post with the Town Clerk a cash security deposit in the amount established by resolution of the Town Board to indemnify the Town from damage and cleanup costs. Said security deposit shall be refunded upon determination of the Director that no damage has been caused and that the area has been properly cleaned. If there is any damage or cleanup required the applicants' deposit will be forfeited and the applicant remains liable for any costs in excess of the deposit.

19-11.2 Rules for Alcohol Consumption: The use of alcoholic beverages at any of the Town parks, recreation areas or facilities is strictly prohibited unless expressly permitted as per the following:

- A. No person shall consume or possess alcoholic beverages as defined by the Alcoholic Beverage Control Law of the State of New York in any Town Park for recreation area, or its attendant parking lots. Notwithstanding the foregoing, the Town may allow the consumption of alcohol at Powerhouse Park, Murphy Field, Tichy Field or Quarry Field pursuant to the issuance of a permit to be posted at the park or recreation area at the time of the event. Such written permit may be issued upon the discretion of the Police Chief or Town Board as stated in Chapter 28 of the Town of Tuxedo Town Code. Proof of financial responsibility, appropriate security arrangements and adequate cleanup may be required.
- B. Signs depicting the Permit Conditions, approved by the Director, will be prominently posted in locations designated by the Director at the event location and parking areas
- C. Any person or entity applying for a permit for the use Powerhouse Park, Murphy Field, Tichy Field or Quarry Field that includes the consumption or possession of alcoholic beverages on premises shall provide a special event insurance policy to the Town for the dates of the event, providing for comprehensive general liability (CGL) coverage with combined single limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The proposed insurance carrier must be admitted to do business in the State of New York and have an A.M. Best Rating of no less than A-, VIII. A certificate of insurance will be provided indicating there is host liquor liability coverage, and the Town of Tuxedo will be named as an additional insured, including primary protection for host liquor liability any individual person(s) applying for a permit for the use of a Town Park or recreation area, or facilities (without alcoholic beverages) must provide a certificate of insurance showing proof of homeowner's or other insurance coverage at the time of the event, which provides no less than a limit of \$500,000 personal liability coverage. The proposed insurance carrier must be admitted to do business in the State of New York and have an A.M. Best Rating of no less than A-, VIII. If attainable by the insurance carrier, the Town of Tuxedo shall be named as additional insured. If this is not attainable, then a written statement from the carrier or agent will be provided confirming this.
- D. Any business, corporation, limited liability company, or other such organization applying for a permit for the use of a Town Park or recreation area or facilities (without alcoholic beverages) must provide a certificate of insurance showing general liability limits of not less than \$1,000,000 combined single limit per occurrence and \$2,000,000 general aggregate, as well as naming the Town of Tuxedo as additional insured on a primary and noncontributory basis. The proposed insurance carrier must be admitted to do business in the State of New York and have an A.M. Best.

§ 19-12 Hours of closing.

- A. No person shall be permitted to remain, stop or park within the confines of any Town Park or recreation area between the hours of dusk to dawn be determined seasonally except

in emergencies or with special permit and/or prior approval from the Director of Parks and Recreation.

B. Notwithstanding the hours of closing stated herein, the Director of Parks and Recreation may establish closing hours for designated park facilities.

C. In case of an emergency or when in the judgment of the Town Director of Parks and Recreation, the Town Board and /or the Chief or Lieutenant of the Town of Tuxedo Police Department that the public interest demands it, any portion of the park may be closed to the public or to designate persons until permission is given to reopen.

§ 19-13 Penalties for offenses; enforcement.

A. A violation of this article shall constitute an offense punishable by a fine not to exceed \$250 for each and every such violation.

B. This Chapter shall be enforced by any New York State Police officer, the Town of Tuxedo Police Department or the Orange County Sheriff.

Section 2. This local law shall immediately take effect upon filing with the Secretary of State.

EXTRACT OF MINUTES

Regular Meeting of the Town Board of the Town of Tuxedo
in the County of Orange, New York
1 Temple Dr., Tuxedo, NY 10987 and via Zoom
March 25, 2024

Present: Supervisor: Dave McMillen
Deputy Supervisor: Rick Marsh
Councilmember: Deirdre Murphy
Councilmember: Chris Kasker

Absent: None

Agenda Item #1 - Resolution of Adoption of Local Law No. 1 of 2024 entitled "Parks and Recreation"

WHEREAS, an introductory Local Law, entitled "Parks and Recreation Law" was introduced before the Town Board of the Town of Tuxedo, and upon notice duly published and posted, a hearing was held on March 25, 2024, before the Town Board, and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law, and

NOW, THEREFORE,

BE IT RESOLVED, that the adoption of the introductory Local Law entitled "Parks and Recreation Law" is a Type II action under SEQR and is hereby determined not to have a significant effect on the environment).

BE IT FURTHER RESOLVED, that the introductory Local Law entitled "Parks and Recreation Law" of the Town of Tuxedo be and hereby is adopted as Local Law #1 of 2024 of the Town of Tuxedo on March 25, 2024.

On the motion of Deputy Supervisor Marsh, seconded by Councilmember Murphy, the foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays.

I, Marisa Dollbaum, Town Clerk of the Town of Tuxedo, County of Orange, State of New York, do hereby certify that the above resolution was duly adopted by the Town Board at a meeting thereof duly held on the 25th of March.

Dated: Tuxedo, New York
March 26, 2024

Marisa Dollbaum
Marisa Dollbaum, Town Clerk