

2 of 1983

A Local Law Amending Local Law No. 7 of 1978, Regulating the Use of Village Park and Recreation Lands.

adopted: 6-13-83

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE AS FOLLOWS:

ARTICLE 1 PURPOSE

The purpose of this Local Law is to amend Local Law No 7 of 1978. Certain Sections are completely changed with new text, others are expanded upon, amended slightly, or simply renumbered.

ARTICLE 2

Article 2 of this Local Law amends Article XV of Local Law No. 7 of 1978 to read as follows:

ARTICLE XV - HOURS OF PARK ACCESS

Section 1

Village parks and recreation lands shall be open to the public between 7:00 a.m. and 10:00 p.m., except as otherwise provided herein or as otherwise provided by rule, regulation or order of the Board of Trustees.

Section 2

Parks and recreation lands are closed to vehicular traffic:

A. Between November 1 and April 1

B. Whenever the vehicular access gate is locked as to the Island Park area, including the Lagoon area immediately contiguous and southerly.

Section 3

As used in this Article, the term vehicle shall include snowmobiles and motor vehicles as defined in Article VII -

Section 1, paragraph 9 herein.

Section 4

A. No person shall enter upon or remain upon Island Park or the Lagoon area between the hours of 10:00 p.m. and 7:00 a.m. the following morning.

ARTICLE 3

Article III of this Local Law amends Article XVI of Local Law No. 7 of 1978 to read as follows:

ARTICLE XVI - RESTRICTED ACCESS TO PARKS AND RECREATIONAL LANDS

Section 1

Portions of park and recreational lands may be restricted in access and use to members of groups obtaining permits as provided in Local Law No 7, 1978, Article VI. Such limited or restricted access may be extended to parking facilities located on park and recreation grounds.

Section 2

In determining whether or not portions of park and recreational lands shall be reserved for exclusive use by persons belonging to a group which has obtained a permit, the following items may be considered:

A. Exclusive use permits may be restricted to activities conducted or attended primarily by the following organizations or groups: non-profit, civic, employer-employee groups, and public benefit organizations.

B. A representation by the applicant that the function will be attended only by persons who have a bona fide relationship with the applicant or its members. The purpose of this paragraph is to limit large numbers of the general public from attending under the guise of being a group member.

C. The anticipated number of people in attendance

D. The purpose and the anticipated duration of the event

E. The frequency of similar events by the same organization or by organizations related in membership with each number

- F. Other scheduled activities
- G. Matters of health, safety and welfare

ARTICLE 4

Article IV of this Local Law hereby amends Local Law No 7 of 1978 by adding to it a new Article XVII to read as follows:

ARTICLE XVII - ADMINISTRATION

Section 1

A. The Village Board of Trustees may pass such rules and regulations as it determines necessary or appropriate to administer this Local Law.

B. Notwithstanding any provision of this Local Law, the Village Board may, by rule, regulation or order, change or modify the hours during which parks and recreation lands, or any portion or area thereof, may be open and available to public use by individuals or vehicles.

C. Any rule, regulation or order issued by the Village Board shall, before being effective, be filed in the office of the Village Clerk and made available for public inspection. A Notice of Adoption shall be published with a brief summary of the contents of such rule, regulation, or order.

Section 2

In addition to Section 1 above, rules and regulations or orders may, for a limited period of time, suspend or modify the application or operation of any portion of this Local Law, not to exceed two weeks, subject to extensions for additional two-week periods.

Section 3

The Board of Trustees may, by rule, regulation or order, grant to the Mayor of the Village and to any designee of the Mayor the authority to issue emergency orders regulating park use or suspending the application or operation of any portion of this Local Law until midnight of the day of the next regularly scheduled meeting of the Board of Trustees.

Section 4

Any emergency order or suspension or modification of this Local Law as provided herein, either by the Board of Trustees or by the Mayor or his designee, shall be put into writing within three days thereof, said writing to contain the reasons for the action, and shall be filed in the office of the Village Clerk. Notice of any such emergency order or suspension or modification shall also be given to representatives of the local news media within 24 hours. Any extensions or terminations shall be similarly made known.

Section 5

The rules, regulations or orders of the Board may delegate to designated Town officials the authority to issue permits as may be required by this Local Law for that portion of the Village park and recreation system known as the "Lagoon" which area lies immediately adjacent to and southerly of the area known as Island Park. Any such designation shall contain the terms and conditions upon which it is granted.

ARTICLE 5

Article V of this Local Law hereby amends Local Law No. 7, 1978 by adding a new Article XVIII to read as follows:

ARTICLE XVIII - SAVINGS CLAUSE

If any section, sub-section, paragraph, clause, phrase or provision of Local Law No. 7, 1978 or any amendments thereto, shall be adjudged invalid or held unconstitutional, such determination shall not affect the validity of this Local Law as a whole, or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

ARTICLE VI

Article VI of this Local Law hereby amends Article X, No 1 of Local Law No 7, 1978 to read as follows:

ARTICLE X

1. No person under the age of 19 shall possess or consume any alcoholic beverage, and any alcoholic beverage found to be in the possession of persons under 19 years of age shall be confiscated.

ARTICLE 7 - SAVINGS CLAUSE

If any section, sub-section, paragraph, clause, phrase or provision of this Local Law shall be adjudged invalid or held unconstitutional, such determination shall not affect the validity of this Local Law as a whole, or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

ARTICLE 8 - EFFECTIVE DATE

This Local Law shall take effect immediately.