

LL 1995-001

ALL LAW ENFORCEMENT OFFICERS TO
CONTROL CONDUCT IN AND ABOUT
WILLMAC PARK



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

July 11, 1995

ANNETTE M. HARDING, ESQ.
TOWN OF AMITY
1 SCHUYLER STREET
BELMONT, NY 14813

RE: Town of Amity, Local Law 1, 1995, filed 07/06/95

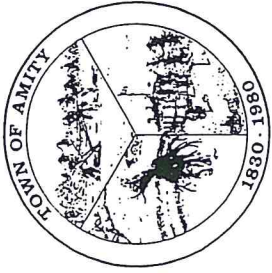
The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

Janice G. Durfee

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml



TOWN OF AMITY

ALLEGANY COUNTY

Belmont, New York 14813

1 Schuyler Street

Office of Town Attorney
Annette M. Harding, Esq.

June 29, 1995

Principal Clerk
Bureau of State Records
NYS Department of State
162 Washington Avenue
Albany, NY 12231

Re: Town of Amity Local Law 95-1 of the year 1995

Dear Sir:

Enclosed please find an original and two copies of Local Law 95-1 of the year 1995 for the Town of Amity, Belmont, NY 14813.

Please file such law as required by appropriate statutory regulations and send a receipt to me as Town Attorney.

Very truly yours,

Annette M. Harding
Annette M. Harding, Esq.

Town of Amity Legal Counsel

cc: Michael Presutti, Town Supervisor

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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 Amity _____
Town _____
Village _____

Local Law No. 1 of the year 1995.

A local law To allow law enforcement officers to control conduct in
(Insert Title) _____
and about the environs of Wil-Mac Park. _____

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

County _____
City of Amity _____ as follows:
Town _____
Village _____

Section 1: Legislative Intent

With the increasing costs of maintaining the park generally and repair costs of vandalism specifically; it is now necessary to impose rules of conduct governing the use of the park.

Section 2: Authority

The Town of Amity is authorized to control conduct in the park by powers granted by the constitution of the State of New York, Municipal Home Rule Law Article 2 Section 10 Subsection 1 Part a-12, and General Municipal Law Article 7 Section 144.

Section 3: Definitions

- 1. Littering - deposition of any discarded object anywhere in the park except in designated waste receptacles.*
- 2. Park - Wil-Mac Park, its fields, structures, and equipment.*
- 3. Town - The Town of Amity, its officials and authorized representatives.*
- 4. Town Board - The Town Board of the Town of Amity.*

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

Section 4: Rules of Conduct

1. There will be no climbing on fences, buildings, poles, and other structures
2. No throwing or hitting of stones, bottles, cans, or other objects except baseballs, basketballs, softballs, volleyballs, or tennis balls while engaged in an organized game.
3. No bicycles or motor vehicles in the park.
4. No littering
5. No obscene, abusive, or combative language.
6. No smoking.
7. No possession, distribution, or consumption of alcoholic beverages in the park except by authorization of the Town Board. If authorized, possession and consumption will take place only in the picnic area. The Town Board may require a bond, a certificate of insurance and/or a valid permit issued by the New York State Liquor Authority.

Section 5: Organized Group Activities

Groups wishing to use the park will schedule those activities with the Town as far in advance as possible but in no instance less than 2 weeks.

Section 6: Nonexclusive Listing of Conduct

The listed prohibited conduct will not be considered all inclusive. Any activity considered by the law enforcement officer to endanger the health, safety, or welfare of an individual, or causing damage to the park will constitute a violation of this local law.

Section 7: Enforcement

This local law will be enforced by any law enforcement officer or Town official.

Section 8: Amendments

This local law may be amended at any time by the Town Board by simple resolution.

Section 9: Fines and Penalties

Violation of this local law will be punishable by a two hundred and fifty dollar (\$250.00) fine, restitution for damages to the park property as required, and any other court costs. Should the violation have been committed by an individual adjudged to be a minor; the fines, costs, and penalties will be the responsibility of the parents, legal guardian, or person having legal custody of said minor.

Section 10: Separability

Should any part, section or provision of this local law be decided by a court to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 11: Applicability

This local law shall be applicable notwithstanding any inconsistent provisions of law, general, special or local or any limitation contained in the provision of any other law.

Section 12: Effective Date

This local law will become effective immediately on 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 19 95 of the ~~(County)(City)(Town)(Village)~~ of Amity was duly passed by the Town Board of Amity on June 19, 19 95, 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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

~~3. (Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19 _____. 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 _____ 19 _____, 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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 _____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

* **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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

David J. Mackinnon

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

Date: *June 28, 1995*

(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.

Annette M. Harding

Signature

Legal Counsel

Title

County _____
City _____ of _____
Town *Amity*
Village _____

Date: *June 29, 1995*

TITLE: Amendment of Twpn of Amity Local Law 95-1

OFFERED BY: Supervisor Presutti

Whereas, Local Law 95-1 has been adopted by the Town Board of the Town of Amity and,

Whereas, new information has been obtained to increase the effectiveness of enforcement,

Be it now resolved that,

Section 9 Sentence 2 of local law 95-1 shall be amended to read as follows:

"Should the violation have been committed by an individual adjudged to be a minor; the summons shall be issued to the parents, legal guardian, or person having legal custody of said minor."

Section 9 Sentence 3 shall be added, reading as follows:

"The fines, costs, and penalties will be the responsibility of the parents, legal guardian, or person having legal custody."

This resolution shall become effective upon adoption by the Town Board of the Town of Amity.

STATE OF NEW YORK
COUNTY OF ALLEGANY ss:

I, Gloria J. Morehouse, Town Clerk of the Town of Amity, Allegany County, York, do hereby certify that the above is a true and correct copy of a Resolut adopted by said Board on the 17th day of July, 1995, and of the whol thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town at Belmont, New York, this 9th day of August, 1995.


Town Clerk

Moved by Mr. Presutti Seconded by Mr. Feldbauer
VOTE: Acclamation _____ ROLL: Ayes 4 Noes 0 Absent 1
VOTING NO: 5 ABSENT: Councilman Francisco
APPROVED BY COMMITTEE:

A local law to allow law enforcement officers to control conduct in and about the environs of Wil-Mac Park.

TITLE: RULES OF CONDUCT FOR USE OF WIL-MAC PARK

Be it enacted by the Town Board of the Town of Amity;

Section 01: LEGISLATIVE INTENT

With the increasing costs of maintaining the park generally and repair costs of vandalism specifically; it is now necessary to impose rules of conduct governing the use of the park.

Section 02: AUTHORITY

The Town of Amity is authorized to control conduct in the park by powers granted by the constitution of the State of New York, Municipal Home Rule Law Article 2 Section 10 Subsection 1 Part a-12, and General Municipal Law Article 7 Section 144.

Section 03: DEFINITIONS

01. Littering- deposition of any discarded object anywhere in the park except in designated waste receptacles.
02. Park- Wil-Mac Park, its fields, structures, and equipment.
03. Town- The Town of Amity, its officials and authorized representatives.
04. Town Board- The Town Board of the Town of Amity.

Pursuant to the above cited authority, the following rules and regulations for conduct within the park and the surrounding environs are enacted:

Section 04: Rules of conduct

01. There will be no climbing on fences, buildings, poles, and other structures.
02. No throwing or hitting of stones, bottles, cans, or other objects except baseballs, basketballs, softballs, volleyballs, or tennis balls while engaged in an organized game.
03. No bicycles or motor vehicles in the park.
04. No littering.
05. No obscene, abusive, or combative language.
06. No smoking.
07. No possession, distribution, or consumption of alcoholic beverages in the park except by authorization of the Town Board. If authorized, possession and consumption will take place only in the picnic area. The Town Board may require a bond, a certificate of insurance and/or a valid permit issued by the New York State Liquor Authority.

Section 05: Organized Group Activities

Groups wishing to use the park will schedule those activities with the Town as far in advance as possible but in no instance less than 2 weeks.

Section 06: Nonexclusive Listing of Conduct

The listed prohibited conduct will not be considered all inclusive. Any activity considered by the law enforcement officer to endanger the health, safety, or welfare of an individual, or causing damage to the park will constitute a violation of this local law.

Section 07: Enforcement

This local law will be enforced by any law enforcement officer or Town official.

Section 08: Amendments

This local law may be amended at any time by the Town Board by simple resolution.

Section 09: Fines and Penalties

Violation of this local law will be punishable by a two hundred and fifty dollar (\$250.00) fine, restitution for damages to the park property as required, and any other court costs. Should the violation have been committed by an individual adjudged to be a minor; the fines, costs, and penalties will be the responsibility of the parents, legal guardian, or person having legal custody of said minor.

Section 10: Separability

Should any part, section or provision of this local law be decided by a court to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 11: Applicability

This local law shall be applicable not withstanding any inconsistent provisions of law, general, special or local or any limitation contained in the provision of any other law.

Section 12: Effective Date

This local law will become effective immediately on filing with the Secretary of State.

A local law to allow law enforcement officers to control conduct in and about the environs of Wil-Mac Park.

TITLE: RULES OF CONDUCT FOR USE OF WIL-MAC PARK

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- 05. No obscene, abusive, or combative language.
- 06. No smoking.
- 07. No possession, distribution, or consumption of alcoholic beverages in the park except by authorization of the Town Board. If authorized, possession and consumption will take place only in the picnic area. The Town Board may require a bond, a certificate of insurance and/or a valid permit issued by the New York State Liquor Authority.

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Section 10: Separability

Should any part, section or provision of this local law be decided by a court to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 11: Applicability

This local law shall be applicable notwithstanding any inconsistent provisions of law, general, special or local or any limitation contained in the provision of any other law.

Section 12: Effective Date

This local law will become effective immediately on filing with the Secretary of State.

helmet means having a helmet of good fit fastened with the helmet straps; and

(b) such passenger is placed in a separate seat equipped with such seat shall have adequate provision for retaining the passenger and for protecting the passenger from the moving parts of the motorcycle.

3. Any person who violates the provisions of subsection (a) of this section shall pay a civil fine not to exceed fifty dollars.

4. The court shall waive any fine for which a person is liable under the provisions of paragraph (a) of subdivision two of this section if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased a helmet which meets the requirements of paragraph (b) of subdivision two of this section. Further, the court shall waive any fine for which a person is liable who violates the provisions of paragraph (b) of subdivision two of this section if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a seat which meets the requirements of paragraph (b) of subdivision two of this section. The court shall waive any fine for which a person is liable if the court finds that due to economic hardship such person was unable to purchase a helmet and that the amount of fine shall not apply to a second or subsequent conviction under subsection (a) or (b) of subdivision two of this section.

5. No person, one or more years of age and less than sixteen years of age, shall operate or ride as a passenger on a bicycle which is designed for use wearing a helmet meeting the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle helmet standards) or the National Transportation Safety Board's Standards for Protective Headgear for use in bicycles. For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps.

6. (a) Any person who violates the provisions of subsection (a) of this section shall pay a civil fine not to exceed fifty dollars.

(b) The court shall waive any fine for which a person is liable under the provisions of subdivision five of this section if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased a helmet which meets the requirements of paragraph (a) of subdivision two of this section.

(c) The court may waive any fine for which a person is liable under the provisions of subdivision five of this section if such person supplies the court with proof that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from the statewide bicycle helmet distribution program established in section two hundred six of the public health law or from any other statewide bicycle helmet distribution program.

7. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of the risk.

not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

8. A police officer shall only issue a summons for a violation of subdivision two or five of this section to a parent or guardian of a person less than fourteen years of age if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age.

9. Subdivisions five and six of this section shall not be applicable to any county, city, town or village that has enacted a local law or ordinance prior to the effective date of this act that prohibits a person who is one or more years of age and less than fourteen years of age from operating or riding as a passenger on a bicycle without wearing a bicycle helmet. The legislative body of a county, city, town or village may enact a local law or ordinance that prohibits a person who is fourteen or more years of age from operating or riding as a passenger on a bicycle without wearing a bicycle helmet.

ARTICLE 34-A
OPERATION OF MOTORCYCLES

Section	Traffic laws apply to persons operating motorcycles
1250.	Riding on motorcycles.
1251.	Operating motorcycles on roadways laned for traffic.
1252.	Clinging to other vehicles.
1253.	

§ 1250. Traffic laws apply to persons operating motorcycles. Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.

§ 1251. Riding on motorcycles. (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle, unless said person is seated in a sidecar affixed to said motorcycle.

PARK RULES

BY ORDER OF AMITY TOWN BOARD

LOCAL LAW 95-1

1. There will be no climbing on fences, buildings, poles, and other structures.
2. No throwing or hitting of stones, bottles, cans, or other objects except baseballs, basketballs, softballs, volleyballs, or tennis balls while engaged in an organized game.
3. No bicycles or motor vehicles in the park.
4. No littering.
5. No obscene, abusive, or combative language.
6. No smoking.
7. No possession, distribution, or consumption of alcoholic beverages in the park except by authorization of the Town board.