

**Local law # \_\_\_ of 2019**

**A local law to amend Chapter 250 of the Code of the Village of Nyack, entitled “Parks and Recreation”, specifically sections 250-11 to add a new subdivision (G) regulating permit requirements for large groups seeking to utilize park facilities; and 250-16(D) as pertains to permitting content and processes.**

Legislative Statement:

The Village's system of parks and park improvements exist for the benefit of the public at large, yet, presently, are financed primarily by the Village's taxpaying residents without contribution by others having equal access.

The purpose of this section of the Village Code is to assist the Village to meet its mission to ensure that Village parks and recreation areas are fully available "for the recreation of the public so as to foster its health, welfare and enjoyment", through the implementation of a fair and equitable use rules and policies that recognize both the limited facilities available (including the safe capacity of the physical dimensions and recreation facilities located in our parks), and the best methods for ensuring safe access for both Nyack residents and the public at large.

The Village Board finds that it is public interest to regulate the use of its parks and recreation areas by larger groups of people, or by individuals, groups or entities which sponsor or operate recreational businesses by bringing large groups of people to Nyack parks, which actions may limit and/or effectively prohibit full access to facilities by Nyack residents and the general public.

**Nyack Village Code Chapter 250, “Parks and Recreation”, §250-11, “Prohibited Acts”, shall be amended to add a new §250-11 (G) to read as follows:**

§250-11 Prohibited Acts.

...

(G)

No person or entity together with a recognizable group of 10 or more persons, whether riding in vehicles or not, shall enter or remain in a Village Park unless specifically authorized under a permit issued by the Village Clerk or Board of Trustees pursuant to the provisions of **§250-16(D)** of this Chapter, with permitting authority being administered as follows:

(a). For recognizable groups of at least 10 but not more than 40 persons, a permit may be issued by the Village Clerk.

(b). For recognizable groups of 40 or more persons, a permit must be issued by the Village Board of Trustees following a vote on the permit application at a regularly scheduled meeting of the Board of Trustees

...

**§250-16(D) (“Merchandising, advertising and signs; other provisions”), shall be amended as follows:**

...

**D.**

Permit. For activities determined by the Board of Trustees to require a permit, application shall be made as follows:

**(1)**

Application. A person seeking issuance of a permit hereunder shall file an application with the Village Clerk for a determination or referral to the Board of Trustees if required under this Chapter. The application shall state:

**(a)**

The name and address of the applicant.

**(b)**

The name and address of the person, persons, corporation or association sponsoring the activity, if any.

(c)

The specific day and specific hours for which the permit is desired.

(d)

The park or portion thereof for which such permit is desired.

(e)

An estimate of the anticipated attendance.

(f)

Any other information which the Board of Trustees shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder, including but not limited to a detailed description of the event itself. Should the Village Clerk determine that further information is required to determine whether to issue a permit the Clerk may refer the permit application to the Village Board for consideration.

(2)

Standards for issuance. The Village Clerk or the Board of Trustees shall issue a permit hereunder when it finds that:

(a)

The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.

(b)

The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(c)

The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.

(d)

The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Village. The applicant shall be advised of any such determination, and given an opportunity to reimburse the Village for such expenses as a condition of the issuance of any permit pursuant to this article.

(e)

The facilities desired have not been reserved for other use at the day and hour required in the application.

(3)

Appeal. Within 10 days after receipt of an application, or five days after the next regularly scheduled meeting of the Board of Trustees during which a permit application is considered, the Village Clerk, or the Board of Trustees, as the case may be, shall apprise an applicant, in writing, of its reason for refusing a permit. The decision of the Village Clerk may be appealed to the Board of Trustees, but any decision of the Board of Trustees on any application or appeal shall be final, subject to any other remedy available under law.

(4)

Effect of permit. A permittee shall be bound by any conditions placed on the issuance of a permit, all park rules and regulations, and all applicable local laws as though the same were inserted in said permits.

(5)

Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damages or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(6)

Revocation. The Board of Trustees shall have the authority to revoke a permit upon a finding of violation of any rule, regulation or local law, or upon good cause shown.

. . . .

This local law shall be effective immediately upon filing with the Secretary of State.