

**LOCAL LAW NO. ____ OF 2025,
AMENDING ARTICLE III (PARKS AND
RECREATION AREAS) OF CHAPTER 250 (PARKS
AND RECREATION), OF THE CODE OF THE
VILLAGE OF NYACK, SO AS TO MORE
EFFICACIOUSLY MANAGE GROUP USE OF
VILLAGE PARKS AND RECREATION AREAS, SO
THAT THEIR APPURTENANT FACILITIES, PLAY
STRUCTURES AND RECREATIONAL
APPARATUSES ARE ALWAYS AVAILABLE AND
ACCESSIBLE TO ALL PATRONS.**
(06/24/2025 DRAFT)

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, Purpose and Intent:

This Local Law is adopted pursuant to New York State (“NYS”) Municipal Home Rule Law (“MHRL”) §10; and in accordance with the procedures prescribed in MHRL §20, and NYS Village Law §21-2100. The purpose and intent of this Local Law is to adopt amendments to Article III (Parks and Recreation Areas), of Chapter 250 (Parks and Recreation), of the Code of the Village of Nyack, so as to more efficaciously manage group use of Village parks and recreation areas, so that parks and recreation areas, and their appurtenant facilities, play structures and systems, and recreational equipment and apparatuses, are always available and accessible to all patrons of the parks and recreation areas; which amendments, the Board of Trustees of the Village of Nyack (“Village”) finds, and deems, to be necessary to preserve, protect, enhance and improve the quality of life of Village residents and businesses, and their guests, invitees and customers, and the tourists of the Village.

Section 2 – Sub-Paragraph “2,” of Paragraph “G,” of §250-11 (Prohibited acts), of Article III (Parks and Recreation Areas), of Chapter 250 (Parks and Recreation), of the Code of the Village of Nyack, is amended to read as follows:

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

Section 3 – Sub-Paragraph “2” (Standards for issuance), of Paragraph “D” (Permit), of §250-16 (Merchandising, advertising, signs and other provisions), of Article III (Parks and Recreation Areas), of Chapter 250 (Parks and Recreation), of the Code of the Village of Nyack, is amended to read as follows:

(2) Standards for issuance.

- (a) For recognizable groups of at least 10 persons, but not more than 40 persons, the Village Clerk shall not issue a permit hereunder when she/he finds that any one of the below-listed circumstances are reasonably anticipated to occur, ensue or arise:
 - (i) The proposed activity or use of the park or recreation area (“park”), will unreasonably interfere with, or detract from, the general public’s ability to peaceably use and enjoy the park, or any of its appurtenant facilities, play structures or systems, or recreational equipment or apparatuses (“recreational apparatuses”).
 - (ii) The proposed activity or use of the park will unreasonably interfere with, or detract from, the promotion of public health, welfare, safety, leisure and recreation.
 - (iii) The proposed activity or use of the park is reasonably anticipated to incite violence, crime or disorderly conduct.
 - (iv) The proposed activity or use of the park will entail unusual, extraordinary or burdensome expense, or police operation, by the Village. The applicant shall be advised of any such determination, and be given an opportunity to reimburse the Village for such expenses as a condition of the issuance of any permit pursuant to this Article.
 - (v) The portion of the park, requested for the applicant’s activity or use, has already been reserved for another activity or use on the same date and time requested in the application.
- (b) For recognizable groups of 40 or more persons, the Village Board of Trustees shall not issue a permit hereunder when the Village Board of Trustees finds that any one of the circumstances set forth in the foregoing §250-16(D)(2)(a) are reasonably anticipated to occur, ensue or arise.
- (c) For recognizable groups of 40 or more persons, provided, and on condition, that none of the circumstances set forth in the above §250-16(D)(2)(a) are reasonably anticipated to occur, ensue or arise, the Village Board of Trustees may issue a permit hereunder after the Village Board of Trustees has considered the following criteria and factors, none of which are determinative, either singularly or cumulatively, but shall be weighed in favor of the issuance of a permit:
 - (i) The proposed activity or use of the park is primarily for a charitable or scientific cause.
 - (ii) The proposed activity or use of the park is for a Village sponsored event.
 - (iii) The group’s organizer is not charging a fee to participants or attendees.
 - (iv) The proposed activity or use of the park has a socio-cultural or educational connection to the Village.

- (v) There is no reasonable alternative to the group's proposed activity or use than the natural features that are uniquely located at the park.
- (vi) The proposed activity or use of the park is sponsored by an organization, business, association, civic group or society that is headquartered within the Village.

Section 4 – Severability.

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 5 – Effective Date.

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.