

Town of Berkshire
Ball Park and Playground Local Law

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Section I: Purpose and Intent:

Be it enacted by the Town Board of The Town of Berkshire to declare its intent to protect the welfare of the citizens and to regulate and control the use of the town park properties within the hamlet. Rules and regulations are established by the Town Board of Berkshire, County of Tioga, State of New York, and will be revised as necessary to protect property and individuals as appropriate and described within this local law.

Section II: Definitions:

As used in this local law the following terms and phrases shall have the following meanings:

"Ball Park and Playground" – Town property in the middle of the hamlet designated as the George M. Smith Memorial Park. A baseball diamond/field and a playground are provided in the park.

"Alcoholic Beverage" – Drinks containing ethanol or ethyl alcohol such as distilled spirits, beer, wine, and other hard drinks.

"Tobacco Products" – All products derived from tobacco intended for human consumption used for smoking, chewing or snuff.

"Unlawful Activities" – Actions of individuals that are not legally permitted by law.

Section III: Provisions and Requirements:

Rules and Regulations for use or entering/visiting any Town of Berkshire recreational areas have been established by the Town Board and are posted on signs erected in locations announcing appropriate behavior and personal actions as listed below:

- a) Park hours are from sunrise to sunset. For special events, contact the Town Supervisor.
- b) Parent/adult supervision is encouraged and recommended for young children using the playground.
- c) Smoking and other use of tobacco products or electronic alternatives are prohibited.
- d) Consumption of alcoholic beverages on park premises is prohibited.
- e) All animals should be on a leash at all times. Animal excrement should be removed immediately and properly disposed of in a sanitary manner. Farm animals are also prohibited.
- f) No ATV's, motor bikes, snowmobiles, or other motorized recreational vehicles are allowed. No bicycles, skateboard, roller blades and other motorized or human-propelled devices are allowed on the fields (except wheelchairs).
- g) George M. Smith Park is a Carry-In/Carry-out Park. Trash should be removed by users.
- h) No dangerous or unlawful activities including use of drugs, excessive noise, profanity, fireworks or any form of vandalism are acceptable. (Any attempt to destroy, deface, disturb, or remove any part of the park including buildings, signs, or equipment shall be considered vandalism.) These acts will be prosecuted to the fullest extent of the law.
- i) The town assumes no responsibility for loss of personal property.

Section IV: Exclusions

Any exceptions for use of any Town of Berkshire recreational area must first be authorized by the Town Supervisor.

Section V: Administration and Enforcement

- a) The duly elected Board of the Town of Berkshire shall set rules and regulations for park use. Most monitoring and enforcement will be by honor of each individual and respect for the park and all those visiting the park. If someone is observed committing illegal actions in the park, they should be reported to law enforcement by placing a call to 911.
- b) For any safety or damage concerns please contact the Town Supervisor. The web pages have contact information at <http://www.berkshireny.net/town-contacts.html> .

Section VI: Enforcement Procedure

- a) If an individual is found to be guilty of a non-criminal violation of this local law, the Town will reserve the right to ban that individual from using the park facilities, or visiting the park for any reason. Violation of the ban, by said individual, would then be considered trespassing and would thereby be escalated to a criminal violation.
- b) If an individual is found to be guilty of criminal violation of this local law, that individual will be subject to legal action as described in Section IX Penalties.

Section VII: Reference

Section VIII: Severability/Invalid Segments

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

Section IX: Penalties

- a) Penalties: A violation of this local law shall constitute an offense punishable by a fine of not less than \$100 or more than \$250 for a first conviction thereof. Any person convicted of a second violation of this local law, within a period of five years, shall be punished by a fine of not less than \$200 or more than \$350.
- b) Additional Charges: In addition to any penalty authorized above, the court shall consider restitution as part of the sentence imposed upon a person convicted of any violation of this local law where such offense resulted in the damage, destruction, defacement or injury of any part of the park. The Town Supervisor shall, upon notification of the conviction of a person for park violations, consider requesting that restitution or reparation be made.

Section X: Effective Date

This Local Law shall take effect immediately upon filing by the Secretary of State.....year 2019