

ORDINANCE NO. 3169 *Amended by No. 3284 S.4*
Sec. 10 Repealed by No. 346

Title: An Ordinance Regulating Conduct in Public Parks;
Providing for Enforcement; and Prescribing Penalties
for the Violation of its Provisions.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALBANY:

Section 1: DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Albany.
- (2) "Director" is a person immediately in charge of all park areas and their activities, and to whom all park attendants of such areas are responsible.
- (3) "Park" is a park, reservation, playground, beach, recreation center or any other area in the City, owned or used by the City, and devoted to active or passive recreation.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Vehicle" is any wheeled conveyance, whether motor powered, animal-drawn, or self propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City Parks.

Section 2: PARK PROPERTY

No persons in a park shall:

- (1) Buildings and Other Property
 - (a) Disfiguration and Removal. Wilfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, fire-places, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
 - (b) Restrooms and Washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms designated for the opposite sex.
 - (c) Removal of Natural Resources. Dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.
 - (d) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

(2) Trees, Shrubbery, Lawns.

(a) Injury and Removal. Damage, cut, carve transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing Trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Hitching of Animals. Tie or hitch a horse or other animal to any tree or plant.

(3) Wild Animals, Birds, etc.

(a) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall he collect, remove or have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.

(b) Feeding. Give or offer, or attempt to give any animal or bird tobacco, alcohol or other known noxious substances.

Section 3: SANITATION

No person in a park shall:

(1) Pollution of Waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or tributary stream, sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and Trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

Section 4: TRAFFIC

No person in a park shall:

(1) State Motor Vehicle Laws Apply. Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.

(2) Enforcement of Traffic Regulations. Fail to obey all traffic officers and park employees, such

persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets and roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(3) Obey Traffic Signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(4) Speed of Vehicles. Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(5) Operation Confined to Roads. Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(6) Parking.

(a) Designated Areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.

(b) Double Parking. Double park any vehicle on any road or parkway unless directed by a park official.

(7) Bicycles.

(a) Confined to Roads. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(b) Operation. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(c) Rider Prohibited. Ride any other persons on a bicycle.

(d) Immobile. Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.

Section 5: RECREATIONAL ACTIVITIES

No person in a park shall:

(1) Bathing and Swimming.

(a) Designated Areas. Swim, bath or wade in any waters or water-ways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereinafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(b) Certain Hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the Director for such purposes for each individual area.

(c) Costume. Allow himself to be covered with a bathing suit as to indecently expose his person and call forth merited criticism. No person shall appear in bathing costume at any place in the parks except within the limits of designated bathing places or areas, and all bathing costumes shall conform to commonly accepted standards.

(2) Boating.

(a) Designated Areas. Bring into or operate any boat, raft, or other water craft, whether motor powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(b) Operation of Boats. Navigate, direct, or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat.

(c) Prohibition During Closing Hours. Launch, deck or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on or remain on or in any boat during the said closed hours of the park.

(3) Hunting and Firearms. Hunt, trap or pursue wild life at any time. No person shall use, carry or possess firearms of any descriptions, or air-rifles, spring-guns, bow-and-arrows, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(4) Picnic Areas and Use.

(a) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulation that use of the individual fireplaces together with the tables and benches follows generally the rule of "First come, first served."

(c) Non-exclusive. Use any portion of the picnic areas or of any other of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(d) Duty of Picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(5) Horseback Riding. Ride a horse except on designated bridle paths. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree, or shrub.

Section 6: BEHAVIOR

No person in a park shall:

(1) Intoxicating Beverages.

(a) Prohibition. Have brought alcoholic beverages, nor shall any person drink alcoholic beverages with alcoholic content of more than 5% by volume at any time in the park.

(b) Drunkenness. Have entered being under the influence of intoxicating liquor.

(2) Fireworks and Explosives. Brought, or have in his

possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substances, compound mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(3) Domestic Animals. Have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as be clearly marked by signs bearing the words "Domestic Animals Permitted In This Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than 8 feet in length.

(4) Reservation of Facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the Director for the use of the opposite sex. Exception is made for children under 6 years of age.

(5) Dress. Appear at any other than proper clothing. With the exception of the restricted bathing areas, "property clothed" shall be construed to prohibit the wearing of trunks or clothing that does not cover the upper portion of the body for females six years of age or older.

(6) Alms. Shall solicit alms or contributions for any purpose, whether public or private.

(7) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighter matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(8) Closed Areas. Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(9) Games of Chance. Gamble, or participant in or abet any game of chance.

(10) Going onto Ice. Go onto ice on any of the waters except such areas as are designated as skating fields and provided a safety marker is displayed.

(11) Loitering and Boisterousness. Sleep or protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(12) Exhibit Permits. Fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(13) Interference with Permittees. Disturb or interfere unreasonably with any persons or party occupying any area, or participating in any activity, under the authority of a permit.

Section 7: MERCHANDISING, ADVERTISING AND SIGNS

No person in a park shall:

(1) Vending and Peddling: Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.

(2) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

Section 8: PARK OPERATING POLICY

(1) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(2) Closed Areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(3) Lost and Found Articles. The finding of lost articles by park attendants shall be reported to the Director who shall make every reasonable effort to locate the owners. The Director shall make every reasonable effort to find articles reported as lost. Articles will be considered abandoned and disposed of by ordinance if no claim has been made for the article in thirty days.

(4) Permit. A person shall obtain a permit from the Parks Director before participating in a park activity requiring reservation of facilities.

(a) Application. A person seeking issuance of a permit hereunder, shall file an application with the appropriate Director. The application shall state:

- (a-1) The name and address of the applicant;
- (a-2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
- (a-3) The day and hours for which the permit is desired;
- (a-4) The park or portion thereof for which such permit is desired;
- (a-5) An estimate of the anticipated attendance;
- (a-6) Any other information which the Director shall find reasonably to a fair determination as to whether a permit should issue hereunder.

(b) Standard for Issuance. The Director shall issue a permit hereunder when he finds:

- (b-1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (b-2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (b-3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (b-4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (b-5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Appeal. Within three (3) days after receipt of an application the Director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within twenty-one (21) days to the City Council, which shall consider the application under the standards set forth in subsection (b) hereof and sustain or overrule the Director's decision within (30) days.

The decision of the City Council shall be final.

(d) Effect of Permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(e) Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage 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.

(f) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

Section 9: ENFORCEMENT

(1) Officials. The Director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance.

(2) Ejectment. The Director and any park attendant shall have the authority to eject from the park any person acting in violation of this Ordinance.

(3) Seizure of Property. The Director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park, or used, in violation of this Ordinance.

Section 10: PENALTIES

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by imprisonment in the city jail for not to exceed 180 days or by a fine not to exceed \$500.00, or both.

Section 11: ORDINANCES REPEALED

All other ordinances or parts of ordinances in conflict herewith are repealed.

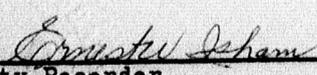
Passed by the Council: December 9, 1964

Approved by the Mayor: December 9, 1964


Mayor

Effective Date: January 8, 1965

ATTEST:



City Recorder