

LOCAL LAW FILING

TOWN OF STILLWATER
LOCAL LAW NO. 5 OF 2022

1. PURPOSE; TITLE; AUTHORITY.

A. Purpose. The purpose of this chapter is to promote the health, safety and general welfare of the Town of Stillwater and of its inhabitants by establishing in this chapter a local law governing the Brown's Beach and park and facilities to establish certain rules and regulations for all persons entering, using or visiting or who are otherwise within the boundaries of said park and establishing penalties for violations thereof.

B. Title. This chapter shall be known as the "Local Law Governing Prohibited Conduct at Brown's Beach."

C. Authority. This local law is enacted pursuant to Section 10 of the Municipal Home Rule Law.

2. RULES, REGULATIONS AND PROHIBITIONS. Rules and regulations for the conduct of persons entering upon the park shall be as follows:

A. Boating, Courtesy Dock and Marina.

- i. The Marina docks/boat slips are reserved exclusively for customers who have rented dock space. All other watercraft is prohibited from parking, anchoring, mooring, or otherwise occupying marina dock space.
- ii. No person shall use the Marina for any purpose unless he or she is a member of the Marina with a designated slip for use while boating.
- iii. Panza's may provide a courtesy dock for boaters for the sole purpose of egress and ingress to its facilities. Docking is limited to a maximum of two hours. Swimming from or near the courtesy dock is expressly prohibited.

B. Penalties for offenses.

- i. Any person(s) found to have violated the provisions of Section A herein shall be guilty of a violation and shall be issued an appearance ticket in the

Justice Court for the Town of Stillwater and shall be subjected to a fine of not less than \$250 per violation.

C. Vehicles and Traffic.

i. No person shall use any portion of the park for purposes of way except drives, roadways, paths, walks and trails established for such purposes. Paths established as footpaths or bicycle paths shall not be used for vehicular traffic.

ii. Parking.

1. No person shall park any motor vehicle upon any roadway in any location where posted signs or symbols painted on the pavement prohibit parking.

2. No vehicle shall park in any area of the park after closing hours and before opening hours.

3. Parking at the Marina is reserved for those customers of the Marina who have rented dock space and are issued permission and/or permits for the parking area at the Marina. All other vehicles are expressly prohibited.

iii. Penalties for offenses.

1. Persons found to have violated the provisions of Section C herein may have their vehicle towed, at the expense of the violator.

2. Violators shall also be guilty of a violation and shall be issued an appearance ticket in the Justice Court for the Town of Stillwater and shall be subjected to a fine of not less than \$250.

D. Swimming, swimming areas and beaches.

i. Swimming is prohibited except in areas designated for that purpose and only when lifeguards are on duty.

ii. Swimming is prohibited near or from marina dock slips, courtesy docks or near any other areas reserved for parking, docking or mooring boats.

iii. Violators of Section D herein shall be guilty of a violation and shall be issued an appearance ticket in the Justice Court for the Town of Stillwater and shall be subjected to a fine of not less than \$150 for a first offense. For

a second offense, the fine shall be not less than \$350. For a third offense, the fine shall be not less than \$750.

E. Preservation of property; prohibited acts.

- i. No person shall injure, deface, destroy, disturb, remove or misuse any part of the park nor any building, sign, equipment, fencing, dock/marina slips or other property.
- ii. No person shall use or access areas of the park after-hours or otherwise be present at or access areas of the park that are otherwise prohibited to them.
- iii. Violators of Section E herein shall be guilty of a violation and shall be issued an appearance ticket in the Justice Court for the Town of Stillwater and shall be subjected to a fine of not less than \$250 for a first offense. For a second offense, the fine shall be not less than \$500. For a third offense, the fine shall be not less than \$1000.

F. Disposal of rubbish, garbage, sewage and noxious materials.

- i. No person shall leave behind or dispose of any material of any kind in the park except the refuse, ashes, garbage and other material of a picnic or other permitted activity, and such material shall be deposited in receptacles provided for such purposes.
- ii. No person shall, within the park, place or permit to be placed in any body of water any liquid or aqueous waste which shall fail to comply with the minimum requirements as set by New York State Department of Health.
- iii. Violators of Section F herein shall be guilty of a violation and shall be issued an appearance ticket in the Justice Court for the Town of Stillwater and shall be subjected to a fine of not less than \$150 for a first offense. For a second offense, the fine shall be not less than \$350. For a third offense, the fine shall be not less than \$500.

G. Disorderly conduct.

- i. No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, engage in fighting or violent, tumultuous or threatening behavior.

- ii. No person shall, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, obstruct vehicular, pedestrian or boating traffic including on or near docks at the Marina or any other courtesy dock reserved for boaters as set forth herein.
- iii. Violators of Section G herein shall be guilty of a violation and shall be issued an appearance ticket in the Justice Court for the Town of Stillwater and shall be subjected to a fine of not less than \$250.

H. Alcoholic beverages; intoxicants.

- i. No person shall bring any liquor, wine, beer, ale or other alcoholic beverage in a keg, case, pack, carton or any other type of container onto any portion of the park.
- ii. No person shall use or have in his or her possession any drugs, as defined in the Penal Law of the State of New York, unless they have been prescribed by a physician for the possessor or are legally available without prescription to the public.
- iii. While retail sales of alcohol beverages are anticipated at the restaurant and beach bar and during catered events, no such alcoholic beverages shall be consumed in the beach area, along the shoreline, or in the lakebed of Saratoga Lake.
- iv. No person shall operate, or be permitted to operate, any motorized or non-motorized vehicle or equipment while intoxicated or impaired by alcohol or drugs.
- v. Violators of Section G herein shall be guilty of a violation and shall be issued an appearance ticket in the Justice Court for the Town of Stillwater and shall be subjected to a fine of not less than \$250. Nothing in this provision shall supersede any other provisions of The New York State Penal Code for alcohol-related violations.

I. Liability of Town.

- i. The Town shall not be responsible for loss, damage or theft to cars and other contents, or to private property whether such loss occurs inside or outside the Town's beach facilities or on the grounds of the parking

facilities connected therewith, but the same shall be solely the patrons' responsibility. The Town shall not be responsible for any injury incurred by any person unless the same is a result of a willful act of an employee of the Town acting within the scope of his or her employment.

3. PENALTIES FOR OFFENSES, CIVIL ENFORCEMENT BY THE TOWN

A. In addition to the above-provided penalties and punishments for each section of this Chapter, the Stillwater Town Board may also maintain an action or proceeding in the name of the Town of Stillwater in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.

CERTIFICATION

I hereby certify that the local law designated as Local Law No. 5 of 2022 of the Town of Stillwater was duly adopted by the Town Board of the Town of Stillwater on July 25, 2022, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law No. 5 of 2022 with the original local law on the file in this office, and that the same is a correct transcript therefrom and of the whole of such original local law, and that such local law was finally adopted by the Town Board of the Town of Stillwater on July 25, 2022.

Danielle Cowin, Town Clerk

(Seal)

STATE OF NEW YORK
COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing Local Law No. 5 of 2022 contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

James P. Trainor
Attorney for the Town of Stillwater
August __, 2022