

## Chapter 765 - PARKS, PARKWAYS AND RECREATIONAL FACILITIES, USE OF

### ARTICLE I. - DEFINITIONS, CONSTRUCTION AND SCOPE

#### Sec. 765.01. - Definitions.

Unless otherwise expressly stated, whenever used in any park or parkway ordinance, rule or regulation, the following terms shall respectively be deemed to mean and include each of the meanings set forth:

1. *Bathing area.* Any area maintained for the use of bathers, including the water area and lands under the water adjacent to and within one thousand (1,000) feet of the bathing beaches on the bays, along the shores and Long Island Sound, together with the waters of any lake, pond or stream, including the Hudson River.
2. *Beach.* The shore and the lands contiguous thereto of any sound, bay, lake, pond, river, stream or other body of water within or abutting any park or reservation including any and all rights acquired from or granted by the State of New York in waters adjacent thereto.
3. *Bicycle.* Any two (2) or three (3) wheeled device upon which a person or persons may ride propelled by human power through a belt, a chain or gears with such wheels in a tandem or tricycle except that it shall not include such a device having solid tires intended for use only on a sidewalk by preteenage children.
4. *Bicycle path.* Any path, road or trail maintained for persons riding on bicycles.
5. *Board.* The Board of Parks, Recreation and Conservation.
6. *Boardwalks.* Any water front promenade maintained for pedestrians as an appurtenance to any beach or park.
7. *Bridle path.* Any path, road or trail in any park or reservation maintained for persons riding on horseback and so marked.
8. *Camp.* Any area specifically designated where patrons are allowed to remain overnight.
9. *Chauffeur.* Any person who is employed for the principal purpose of operating a motor vehicle or a motorcycle or who drives a motor vehicle or a motorcycle while in use as a public or common carrier of persons or property.
10. *City, town or village.* Any city, town or village wholly or partly within any portion of any park or reservation.
11. *Commissioner.* The Commissioner of Parks, Recreation and Conservation.
12. *Crossing.* That portion of a drive clearly indicated for pedestrian crossing by lines or other markings.
13. *Curb.* A vertical or sloping member along the edge of a drive or bridle path clearly defining the pavement edge or boundary.
14. *Department.* The Department of Parks, Recreation and Conservation.
15. *Drive.* Any road, street, avenue, roadway or boulevard maintained for vehicular use in any park, including the parts under or over any bridge in the park.
16. *Driver.* Any person who drives or is in actual control of a vehicle.
17. *Equestrians.* All persons on horseback.
18. *Footpath.* Any path or trail maintained for pedestrians.
19. *Hang glider.* Any heavier than air device designed to carry aloft a human being without means of power or mechanical propulsion or lift.

20. *Hitchhiking*. Standing in the parkway system or on adjacent property to solicit rides.
21. *Intersection*. Any area bounded by the side lines real or projected of two (2) or more drives, parkways, boulevards, streets or other roads or highways which meet or cross each other.
22. *Motor vehicle*. All vehicles propelled by power other than muscular power except (a) electrically driven invalid chairs being operated or driven by an invalid, (b) vehicles which run only upon rails or tracks, (c) snowmobiles, (d) and all motor scooters used exclusively by the department.
23. *Omnibus*. Any motor vehicle which is used in the business of transporting passengers for hire, and shall also include any other vehicle adapted for the transportation of more than twelve (12) persons, including the driver.
24. *One-way drive*. Any drive whereon traffic is restricted to proceeding in one (1) direction.
25. *Operator*. Any person other than a chauffeur, who operates or drives a motor vehicle or motorcycle or snowmobile.
26. *Ordinance, rule or regulation*. Any ordinance, rule or regulation duly adopted and published as provided by Chapter 679 of the Laws of 1961 and any amendatory or supplemental pacts.
27. *Owner*. Any person owning, operating or having the use, title or property in and to a vehicle, animal or other property under a lease or otherwise.
28. *Park*. The term "park" or "parks" means and includes all public parks, parkways, boulevards, beaches, water rights, playgrounds, athletic fields, recreation centers, open spaces, and areas publicly owned and acquired for the conservation of natural resources, including all buildings, structures, equipment and appurtenances, also entrances and approaches thereto and streets, roads, docks and bridges between, to, in, through or connecting such park or parks and parts thereof and such other rights and appurtenances as the department shall utilize for its purposes, whether the same be now or hereafter owned or acquired in fee or otherwise by the County, or under the care or control of the County by lease or otherwise for park purposes, with the exception of Playland Park.
29. *Parking place*. Any part of any drive or space in any park, parkway or reservation designated as a place for the standing of vehicles.
30. *Park waters*. The water of any sound, bay, lake, pond, river, stream or other body of water wholly or in part, in, upon, along or in front of any park or reservation, including water rights acquired from or grants by the State of New York.
31. *Parkway policeman*. Any person employee or designated by the County of Westchester as a member of the Westchester County Parkway Police force.
32. *Pedestrians*. All persons on foot.
33. *Permit*. Any written authorization for the exercise of a specified park privilege issued by or under the authority of the commissioner permitting the performance of a specified act or acts.
34. *Person*. Any natural person, corporation, society, organization of persons, company, association, joint stock association, firm, copartnership or legal entity whatsoever.
35. *Picnic area*. Any area maintained or designated as a picnic area and used for outdoor eating and including all territory under the jurisdiction of the department adjacent to and within fifty (50) feet thereof or of any picnic table.
36. *Playground area*. Any area maintained or designated as a playground or playfield and including all territory under the jurisdiction of the department adjacent to and within twelve (12) feet thereof.
37. *Public highway*. Any drive in any park shall be considered a public highway for the purpose of prosecuting any violation of the provisions of the Vehicle and Traffic Law of the State of New York.

38. *Reservation.* All lands and the improvements thereon within any area of the Westchester County Park System or under its jurisdiction or control as herein defined.
39. *Safety zone.* Any space within any drive established for the use of pedestrians.
40. *Service road.* Any road in any park, the use of which is restricted or limited.
41. *Skateboard.* Any device consisting of a flat or curved platform mounted on ball bearing wheels designed to carry a rider without artificial power.
42. *Skiing.* The act of propelling oneself forward on one (1) or two (2) runners over snow without the assistance of artificial power.
43. *Snowmobile.* A self-propelled vehicle designed to travel on snow or ice, steered by skis or runners and supported in whole or in part by one (1) or more skis, belts, or cleats.
44. *Special Westchester County Parkway Policeman.* Any person duly appointed by the County of Westchester for a period of time to enforce law, order and the observance of the ordinances, rules and regulations established by the department.
45. *Traffic control signals.* Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
46. *Traffic infraction.* The violation of the sections contained in Article IV of these ordinances and all the provisions of the Vehicle and Traffic Law of the State of New York not inconsistent with the provisions of these ordinances.
47. *Traffic signs and signals.* All signs, markings, devices and signals for the purpose of guiding, directing, warning or regulating traffic that are located and placed by only constituted authority.
48. *Unnecessary stopping.* Bringing a vehicle to a complete stop on the drive other than in a parking place, or other than in conformity with traffic regulations, or other than any emergency caused by a defect in or breakdown of said vehicle.
49. *Vehicle.* Any device, except a baby carriage, upon, in or by which any person or property may be transported or drawn; also any horsedrawn conveyance.
50. *Westchester County parks, parkways, and reservations.* All real property acquired by or under the jurisdiction and/or control of the Department of Parks, Recreation and Conservation, or which may hereafter be acquired by or through the County of Westchester or come under its jurisdiction or control as in these ordinances, rules and regulations set forth and defined.

(Gen. Ord. No. 5, § 1, eff. 1-1-1979)

Sec. 765.11. - Construction and scope.

These ordinances, rules and regulations shall be construed as follows:

1. Any term in the singular shall include the plural.
2. Any term in the masculine shall include the feminine and neuter.
3. Any requirement or prohibition of any act, shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or the permitting or the allowing of any minor under 16 years of age in the custody of any person, doing any act prohibited by these provisions.
4. No provision shall make unlawful any act necessarily performed by any officer or employee of the County of Westchester in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the County, which is otherwise lawful.

5. Any act, provided it is not prohibited by law or local ordinances, shall be lawful if performed within the provisions of a permit and to the extent authorized by it.
6. They are in addition to and supplement all federal and state laws, ordinances, orders, rules and regulations.
7. Territorial scope. They shall be effective within and upon all other areas under the jurisdiction and/or control of the department.

(Gen. Ord. No. 5, § 2, eff. 1-1-1979)

**Cross reference**— Department of Parks, Recreation and Conservation, Ch. 134 and Ch. 249; Division of Westchester County Parkway Police, Ch. 173. Parkway Police, Ch. 620; use of County-owned property, Ch. 712; Playland Commission, Ch. 895; Playland Commission rules and regulations, Ch. 897.

## ARTICLE II. - GENERAL PROVISIONS

### Sec. 765.21. - Advertising prohibited.

No person shall post, paint, stamp, affix, distribute, display, deliver, place, cast, or leave about any bill, placard, ticket, handbill, circular or advertisement; display any flag, banner, transparency, target, sign placard, or any other matter, or operate any musical instrument or drum or cause any noise to be made for advertising purposes, or for the purpose of attracting attention to any exhibition, performance, show or other purposes.

(Gen. Ord. No. 5, § 3, eff. 1-1-1979)

### Sec. 765.31. - Air rifles and spring guns.

No person shall have or carry, whether concealed or not concealed, on his or her person any pistol, air rifle, b-b gun, spring gun, pellet gun, or other instrument or weapon in which the propelling force is air or a spring except under a permit.

(Gen. Ord. No. 5, § 4, eff. 1-1-1979)

### Sec. 765.41. - Alms and contributions.

No person shall solicit alms, subscriptions or contributions for any purpose.

(Gen. Ord. No. 5, § 5, eff. 1-1-1979)

### Sec. 765.43-a. - Outdoor Smoking Prohibited.

No person shall smoke or carry lighted cigarettes, cigars, pipes, or any other tobacco-based products, on any trails in County parks, or in designated areas surrounding any pool, playground, or any food establishment on County parkland, or in any other area on County parkland that may be so designated by the Commissioner of the Department of Parks, Recreation and Conservation.

(Added 1-17-2002)

Sec. 765.43-b. - Violations.

Notwithstanding any other provision to the contrary, a violation of Section 43-a shall be punishable by a fine of \$100.00 for the first offense and a doubling of the fine to \$200.00 for each subsequent offense.

(Added 1-17-2002)

Sec. 765.51. - Animals at large.

No person owning or being custodian or having control of any animal shall cause or permit such animal to roam, go or be at large in any park, and any such animal found at large may be impounded. The foregoing notwithstanding, dogs properly licensed and restrained by a leash not exceeding six feet in length may, except in areas hereinafter specified, be brought into a park. In no event shall dogs be allowed in any building, picnic area, bathing area or the following park areas known and designated as: Cranberry Lake Park, Town of North Castle; Washington's Headquarters, Town of North Castle; Miller Hill, Town of North Castle; Lenoir Preserve, City of Yonkers and Village of Hastings; Silver Lake Park, City of White Plains, Town of Harrison and Town of North Castle; Playland Amusement Park, City of Rye (May through September only); Edith G. Read Natural Park and Wildlife Sanctuary at Playland, City of Rye; Mildred D. Lasdon Bird Sanctuary, Town of Somers; Mt. Lakes Camp located in the Town of North Salem; Marshlands Conservancy located in the City of Rye; part of Muscoot Park in the Town of Somers, used for the children's farm as shown and indicated on a certain map of said park filed with and forming part of this ordinance; part of Blue Mountain Reservation in the Town of Cortlandt used for the Sportsman Center as shown and indicated on a certain map of said park, filed with and forming part of this ordinance, without a permit therefor. Nothing herein provided shall prohibit horses entering or being within a park provided in Article V hereof. Any animal seized as above prescribed shall be delivered to a public pound. Nothing in this section shall be construed to prohibit seeing eye dogs in these areas.

(Gen. Ord. No. 5, § 6, eff. 1-1-1979; amended 3-1-1986, eff. 3-1-1986)

Sec. 765.52. - Control and removal of dog waste. [§](#)

No person shall allow any dog in his custody or control to discharge any fecal matter unless he promptly removes and disposes of the same. This provision shall not apply to a guide dog accompanying a person with a disability.

(Gen. Ord. No. 5, § 6-a)

Footnotes:

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Editor's Note: Section was originally adopted as "765.62", but was intended to be numbered "765.52" as set out herein.

Sec. 765.61. - Aviation.

No person shall voluntarily bring, land or cause to descend or alight within or upon any park any aircraft, flying machine, balloon, parachute, hang glider or other apparatus for aviation. Voluntarily in this connection will mean anything other than a forced landing. These regulations are in addition to the provisions of Article 14 of the General Business Law which are incorporated herein and made a part hereof.

(Gen. Ord. No. 5, § 7, eff. 1-1-1979)

Sec. 765.71. - Basket parties, picnics and eating.

No person shall hold a basket party or picnic or consume any foodstuffs in any park, or on any bathing beach, except at those places specifically designated therefor. All organized picnics or outings shall obtain a permit from the department prior to their arrival at the designated area.

(Gen. Ord. No. 5, § 8, eff. 1-1-1979)

Sec. 765.81. - Camping.

No person shall tent or camp or erect a shelter in any park, except under a permit.

(Gen. Ord. No. 5, § 9, eff. 1-1-1979)

Sec. 765.91. - Coasting.

No person shall coast with hand sleds, bobs, carts or other vehicles on wheels or runners in any park except in duly designated areas.

(Gen. Ord. No. 5, § 10, eff. 1-1-1979)

Sec. 765.101. - Construction work.

No person shall perform construction work of any kind or work incidental thereto in any park without a permit.

(Gen. Ord. No. 5, § 11, eff. 1-1-1979)

Sec. 765.111. - Disorderly conduct.

Any person shall be guilty of disorderly conduct who:

1. Disobeys a lawful order of a member of the Parkway Police force or a Special Parkway Police officer.
2. Disregards the directions of any park sign.
3. Does any act tending to or amounting to a breach of the peace, including propositioning for sexual acts.
4. Climbs upon any wall, fence, shelter, seat, tree, shrub, statue, fountain or other structure.
5. Enters or leaves any park except at established entrance ways or exits.
6. Uses threatening, abusive or insulting language.
7. Does any obscene or indecent act.
8. Throws stones or other missiles annoying other persons.
9. Interferes with, encumbers, obstructs, or renders dangerous any drive, path, walk or public place.
10. Carries or fires any firecrackers, torpedoes, or fireworks.

11. Engages in, instigates, aids or encourages a contention or fight.
12. Assaults any person.
13. Plays, for gambling purposes, games of chance, participates in the conduct of a lottery, or uses or operates any slot machine, gaming table, or instrument, or brings into any park or has in his or her possession while there any implement or device commonly used or intended to be used for gambling purposes.
14. Sells fortunes or games of chance.
15. Spits upon any walk, crossing, safety zone, structure, bridge, platform or stairway.
16. Casts, throws or deposits any portion of any foodstuff, paper, litter or any other substance anywhere but the designated receptacles.
17. Makes any unreasonable noise.
18. Congregates with other persons and refuses to comply with a lawful order to disperse.
19. Without lawful authority, disturbs any lawful assembly or meeting of persons.

(Gen. Ord. No. 5, § 12, eff. 1-1-1979)

Sec. 765.121. - Drains and sewers.

No person shall discharge directly or indirectly into any opening, or into any gutter leading into any sewer, receiving basin, or drain, in or leading into any park, any sewage, oil, gas, vapor, industrial waste, or any substance which may form a deposit waste, or any substance which may form a deposit tending to choke the same, or any volatile liquid which will emit flammable vapor at a temperature below 160 degrees Fahrenheit or any steam or hot water above 100 degrees Fahrenheit.

(Gen. Ord. No. 5, § 13, eff. 1-1-1979)

Sec. 765.131. - Explosives and fireworks.

No person without permit shall bring into or have in his possession in any park any explosives or fireworks, including any substance, compound, mixture or article having properties of such a character that alone or in combination or contiguity with other substances or compounds may decompose suddenly and generate sufficient heat, gas, or pressure, or any or all of them to produce rapid flame, combustion, or administer a destructive blow to surrounding objects. Nothing in this section shall be construed to prohibit the proper use of charcoal lighter fluid in picnic grills if carried in proper containers.

(Gen. Ord. No. 5, § 14, eff. 1-1-1979)

Sec. 765.141. - Firearms and weapons.

No person, except a police officer or peace officer shall possess a firearm of any size or description or any instrument, appliance or substance designed, made or adapted and used primarily as a weapon, or ammunition for it, except when the same is held or carried for the purpose of being used to shoot a target from designated firing lines or firing positions in the Sportsmen's Center in the park known as Blue Mountain Reservation in the Town of Cortlandt and then only if he or she possesses a legal permit to carry same. No person shall discharge a firearm, air gun, spring gun or other instrument or weapon in any park or in such a manner that a projectile enters or is likely to enter any part of the park except in the performance of official duties and except when the same is discharged at a target from designated fire lines or firing positions at the Sportsmen's Center at the park known as Blue Mountain Reservation in the Town of Cortlandt. Toy, cap, blank and starter pistols are not allowed in the parks.

(Gen. Ord. No. 5, § 15, eff. 1-1-1979)

Sec. 765.151. - Fires, lighted cigars, etc.

No person shall kindle, build, maintain or use a fire in any place or portable receptacle or grill except in places provided by the department and so designated by signs or under permit. Any fire shall be continuously under the care and direction of a competent person over 18 years of age from the time it is kindled until it is completely extinguished, and no fire shall be built within ten feet of any trees, shrub, or building or beneath the branches of any tree or shrub or in any underbrush. No person shall deposit, throw away or discard any flammable material, lighted match, cigar or cigarette within, on or against any building, structure, boat, car, vehicle, or enclosure or any open area within any park.

(Gen. Ord. No. 5, § 16, eff. 1-1-1979)

Sec. 765.161. - Fund-raising activities.

Fund-raising activities by any person, group, organization, or corporation, shall be permitted only with permission of the commissioner of the department.

(Gen. Ord. No. 5, § 17, eff. 1-1-1979)

Sec. 765.171. - Games.

No person shall throw, cast, catch, kick, or strike any baseball, golf ball, tennis, football, basketball, bowling ball, croquet ball, bean bag or other object, nor shall any person engage in any sport, game or competition, except in places designated or maintained therefor.

(Gen. Ord. No. 5, § 18, eff. 1-1-1979)

Sec. 765.181. - Golf courses.

No person shall be on any part of a golf course unless that person is a duly authorized player or duly authorized caddy unless permission is granted for other specific use of the course.

(Gen. Ord. No. 5, § 19, eff. 1-1-1979)

Sec. 765.191. - Hitchhiking.

No person shall attempt to stop, or stop by any visible or audible sign or signal, any vehicle for the purpose of soliciting a ride from the driver of such a vehicle. No person shall stop a vehicle to pick up a hitchhiker.

(Gen. Ord. No. 5, § 20, eff. 1-1-1979)

Sec. 765.201. - Hours of park operation.

The hours of park operation shall be from dawn to dusk or as otherwise posted.

(Gen. Ord. No. 5, § 21, eff. 1-1-1979)



Sec. 765.211. - Hunting and fishing.

No person, except under a lawful permit from the commissioner, shall molest, kill, wound, trap, hunt, take, chase, shoot or throw missiles at, remove, or have in his possession any animal, reptile, bird, bird's nest, or squirrel's nest, or remove the young of any such animal or the eggs or young of any fish, reptile or bird; or knowingly buy, receive, have in his possession, sell or give away any fish, animal, reptile, bird or egg so killed or taken; or shoot, discharge or throw missiles at any fish in any waters, or place therein piscivorous fish, poison or other substance injurious to fish. Nothing in this section contained, however, shall prohibit fishing in any waters, except where signs are posted prohibiting the same, by persons duly licensed therefor, during the open season as provided in the Conservation Law of the State of New York, and supplemental acts. No device operated by machinery, or by power, or with the aid of power other than hand power, shall be used in taking fish of any kind from waters under the jurisdiction of the department. Commercial fishing is prohibited.

(Gen. Ord. No. 5, § 22, eff. 1-1-1979)

Sec. 765.221. - Injury to property, drives, bridges and equipment.

No person shall injure, deface, displace, remove, fill in, raise, destroy or tamper with any drive, path, walk, bridge or approach thereto, take up, remove or carry away any concrete, asphalt, flagstone, rock, stone, gravel, sand clay or earth; or make any excavation of any kind, name or nature; or harvest, cut, injure, or remove any ice; or injure, mutilate, deface, displace, remove or destroy any structure, monument, marker, wall, fence, building, post, railing, bench, shelter, seat, platform, stand, tree, guard, electric telephone, telegraph, pipe or main for conducting electricity, gas, water or wires, or any hydrant, sewer, drain, pipe, main receiving basin, covering, manhole, or vent forming a part thereof, of any appurtenance or appendage connected therewith, or any other property or equipment, real or personal, owned by or under the jurisdiction or control of the department, or appertaining to the creation, government, use or maintenance of any part of any park, or injure, deface displace, remove or destroy any sign, notice, inscription, post or monument, erected or marked for any purpose, or any mile-board, mile-stone, danger sign or signal guide sign or post, or any signaling device, sanctioned, installed or placed by the department or by the federal government, state, County or any city, town or village within any park, for the purpose of directing, restricting or regulating traffic, establishing zones, or giving information or directions to the public; or extinguish any light therein, except upon proper authority; or without a permit, attach, string, adjust or carry any wire or other object in, on or over any part of any park.

(Gen. Ord. No. 5, § 23, eff. 1-1-1979)

Sec. 765.231. - Intoxicants and alcoholic beverages.

No person shall bring into, sell, give away, display or drink, or cause, permit or procure to be sold, given away, displayed or drunk any alcoholic or spirituous liquors or beverages contained in any bulk containers such as kegs or barrels in any park, except as may be specifically permitted by the commissioner and only at the places specifically designated and approved by the commissioner. Transportation and consumption of alcoholic beverages in areas designated for food consumption by individuals shall not be prohibited provided such beverages are packaged in individual containers such as bottles or cans. The sale of alcoholic beverages is prohibited except by authorized concessionaires of the Parks Department. No deliveries of alcoholic beverages are permitted to the parks except by permit or by permission of the commissioner. Anything in this section to the contrary notwithstanding, the consumption or possession of alcoholic beverages is prohibited at Kensico Dam Plaza, the Westchester County Sportsmen's Center, and all overnight campsites, except by written permission of the commissioner.

(Gen. Ord. No. 5, § 24, eff. 1-1-1979; amended 5-17-1979, eff. 6-15-1979; 6-30-1981, eff. 7-31-1981)

Sec. 765.241. - Loitering at night.

No person shall loiter or remain within any park, in a vehicle or otherwise, between one-half hour after sunset and one-half hour before sunrise, without permission; nor shall any vehicle remain during any part of the period between one-half hour after sunset and one-half hour before sunrise except when its occupants are attending a gathering or function held under a permit or in an emergency or when written permission has been granted by the commissioner. Authorized campers are excluded from this provision.

(Gen. Ord. No. 5, § 25, eff. 1-1-1979)

Sec. 765.251. - Lost money or property.

Any person picking up or taking possession of lost or mislaid money or personal property or money or property of which such person is not the owner shall immediately deliver the same to the headquarters of the Westchester County Parkway Police force or the nearest parkway police officer. If such property, except a motor vehicle is not claimed by the owner within six months, it shall be returned to the finder upon request.

(Gen. Ord. No. 5, § 26, eff. 1-1-1979)

Sec. 765.261. - Meetings, exhibitions, parades, racing, etc.

No person in any park or park street shall erect any structure, stand or platform, exhibit, hold or sponsor any kind of public entertainment, parade, drill or war maneuver, race or athletic contest without a permit from the department. Impromptu or dramatic readings, poetry readings, or performances which do not become noisy or disruptive are allowed. However, no such reading or performances may interfere with the ordinary enjoyment of the park facilities by others. No person shall hold any meeting, or perform any ceremony, make an address, exhibit or distribute any sign, placard, declaration or appeal of any description in any park or park street, except by permit. Upon application the commissioner shall issue such permit unless; (1) the use for which the permit is sought would substantially interfere with park use and enjoyment by the public; (2) the location sought is not suitable because of special landscaping and planting; (3) the location is not suitable because it is a specialized area, including but not limited to, a zoo, swimming pool, or skating rink; (4) the date and time requested has previously been allotted by permit; (5) it would impair the public safety, health or welfare. Whenever a permit is denied, alternative suitable locations and dates shall be offered to the applicant.

(Gen. Ord. No. 5, § 27, eff. 1-1-1979)

Sec. 765.271. - Merchandise, sale, hire or lease prohibited.

No person shall sell, or offer for sale, hire, lease or let any object or merchandise or any other thing or service whether corporeal or incorporeal, except under and within the terms of a duly authorized permit issued by the commissioner.

(Gen. Ord. No. 5, § 28, eff. 1-1-1979)

Sec. 765.281. - Minors.

No parent, guardian or custodian of any minor under 16 years of age shall permit or allow such minor to do any act prohibited by any department ordinance, rule or regulation, or by any federal, state or municipal law, ordinance, order, rule or regulation. Minors under ten years of age shall at all times be under the supervision and control of the parent, guardian, or responsible custodian.

(Gen. Ord. No. 5, § 29, eff. 1-1-1979)

Sec. 765.291. - Obedience to Westchester County Parkway Police force, special parkway police officers and signs.

No person shall fail, neglect or refuse to comply with or obey the lawful direction or command of any Westchester County Parkway Police Officer, Special Parkway Police Officer, indicated by gesture or otherwise, or comply with or obey any instruction, direction, regulation, warning or prohibition written or printed, displayed or appearing on any sign or placard in any park. The directions of any such sign or placard may be disregarded only on order of a Parkway Police Officer or Special Parkway Police Officer or department employee.

(Gen. Ord. No. 5, § 30, eff. 1-1-1979)

Sec. 765.301. - Overhead wire.

No person shall attach or string any electric, telephone, telegraph, aerial or other wire, guy rope or other object or adjust or carry the same into or over any part of any park except under a permit.

(Gen. Ord. No. 5, § 31, eff. 1-1-1979)

Sec. 765.311. - Paths.

No vehicle shall be allowed on any path or trail maintained for pedestrians except baby carriages and wheel chairs and vehicles used by the department for official purposes.

(Gen. Ord. No. 5, § 32, eff. 1-1-1979)

Sec. 765.321. - Permits.

A permit to do any act, or for any purpose, issued by the commissioner, shall authorize the same only in strict accordance with its written terms and conditions. Any violation of any law, order, rule or regulation of the department, or of any federal, state or municipal law, ordinance, order, rule or regulation by the holder or the guests, agents or employees of the holder of any permit or of any term or condition thereof, shall constitute grounds for revocation by the commissioner or by his authorized representative, whose action therein shall be final. In case of revocation of any permit, all monies paid for or on account thereof shall, at the option of the commissioner, be forfeited to and be retained by the County; and the holder of such permit, together with his agents and employees who violated such terms and conditions shall be jointly and severally liable to the County for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the County of the whole or any part of such money nor the recovery or collection thereby of such damages or loss or both, shall in any manner relieve such person or persons from liability to punishment for any violation or any provision of any department rule or regulation or of any federal, state or municipal law, ordinance, order, rule or regulation. No permit shall be assigned or transferred without the written consent of the commissioner or his duly authorized representative.

(Gen. Ord. No. 5, § 33, eff. 1-1-1979)

Sec. 765.331. - Pictures.

No person shall take photographs or moving pictures while on any drive or within the area of 50 feet from the edge of any drive under the jurisdiction of the department. No pictures shall be taken for commercial purposes without a permit from the commissioner.

(Gen. Ord. No. 5, § 34, eff. 1-1-1979)

Sec. 765.341. - Pollution of waters.

No person shall throw, cast, lay, drop or discharge into or leave in the waters within any park or any tributary, brook, stream, sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid which may or will result in the pollution of said waters.

(Gen. Ord. No. 5, § 35, eff. 1-1-1979)

Sec. 765.351. - Preservation of trees, shrubs and grass.

No person shall destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground, take or remove any plant, flower, flowerbed, shrub, tree, timber growing thing, plant growth, or any branch, stem, fruit or leaf located in any park, including Playland Park; or discard, abandon, pile or maintain any material or debris of any kind against or upon the same; or attach any rope, cable or other contrivance thereto; or set fire or assist another to set fire to any timber, trees, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend onto any park; or hitch any horse or animal to or leave the same standing near enough to injure any tree, shrub, lawn, grass plot or planted area; or go upon the same, except in designated areas and at such times when permission to do so shall have been given by the commissioner. Before granting or denying such permission with respect to the activities and items specified in section 765.354 of this chapter, the commissioner shall refer the matter to the County Parks, Recreation and Conservation Board for its recommendation.

(Gen. Ord. No. 5, § 36, eff. 1-1-1979; amended by L.L. No. 18-1993)

Sec. 765.352. - Tree preservation referrals and recommendations to Parks, Recreation and Conservation Board; purpose; legislative findings.

It is the intent of the Westchester County Board of Legislators in enacting these sections of this chapter to preserve trees located on County park property, including Playland Park. This is necessary to protect the health, safety and general welfare of the County of Westchester because trees provide shade, impede soil erosion, aid water absorption and retention, inhibit excess runoff and flooding, enhance air quality, offer a natural barrier to noise, provide a natural habitat for wildlife, provide screening, enhance property values and add to the aesthetic quality of the community.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.353. - Definitions.

In addition to the definitions contained in section 765.01 of this chapter, the following definitions shall apply:

1. *Arborist*. Any person who has an associate of science or bachelor of science degree in arboriculture, horticulture or related fields and/or has worked in the arboriculture field for a period of not less than five (5) years.
2. *Clearing*. Any cutting of more than ten (10) trees in a quarter acre area, within a twelve (12) month period.

3. *Diameter at breast height (DBH)*. Standard measurement of trees made at four and one-half (4½) feet above ground level on uphill side; trees with multiple stems that branch out under four and one-half (4½) feet are considered multiple trees; trees with multiple stems that branch out over four and one-half (4½) feet are considered to be one (1) tree.
4. *Dripline*. The area below the furthest limit of the canopy of a tree.
5. *Excavation*. Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or spread and shall include the conditions resulting therefrom.
6. *Fill*. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, dumped, transported or moved to a new location and shall include the conditions resulting therefrom.
7. *Forester*. A person that is qualified in the development, maintenance and management of forests with the minimum of a bachelor of science degree in forestry and at least one (1) year of experience in the field.
8. *Hazardous tree*. A hazardous tree is a tree that poses an unreasonable risk to life or property as identified by a forester, arborist or landscape architect.
9. *Protected tree*. A protected tree is any species of tree determined by the Parks, Recreation and Conservation Board to be in need of protection. Such a determination shall be made upon the recommendation of the Commissioner to the Parks, Recreation and Conservation Board. Upon adoption of a resolution by the Parks, Recreation and Conservation Board, the names of the species of trees protected herein shall be contained in a list duly maintained and reviewed by the Parks, Recreation and Conservation Board on an annual basis. Any amendments to said list may from time to time be made upon the recommendation of the Commissioner to the Parks, Recreation and Conservation Board. Such changes as adopted by the Parks, Recreation and Conservation Board to the protected tree list shall be duly reflected in the list maintained by the Parks, Recreation and Conservation Board.
10. *Specimen tree*. Any tree with DBH of twenty-four (24) inches or greater.
11. *Tree*. Any living, woody plant which has a DBH of six (6) inches or more and generally forms a single stem.
12. *Tree removal*. Any act which causes a tree to die within a one (1) year period.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.354. - Regulated activities.

No person, County department, agency, official or employee shall engage in tree clearing, tree removal or the removal of a specimen tree, a protected tree, the excavation or alteration of the existing grade within the dripline of a tree or the removal of any tree(s) on slopes of 25 percent or more, unless such activity is undertaken during an actual or ongoing emergency when such tree removal is necessary for the preservation of life or property, including but not limited to the removal of a hazardous tree, except at such times and in such manner as permission to do so shall have been given by the commissioner or his authorized representative pursuant to section 765.351 of the Laws of Westchester County.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.355. - Application.

Any person, County department, agency, official or employee planning to engage in any activity referred to in section 765.354 shall submit to the commissioner a written notice advising the

commissioner of such intention; the location of the property on which the trees are located; an explanation of the reasons for the proposed activity and complete plans, if appropriate, for the restoration of the site after tree clearing and tree removal which shall be certified by a landscape architect, forester or arborist.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.356. - Standards.

- A. The Parks, Recreation and Conservation Board shall consider the following factors in making its recommendations with respect to tree clearing and tree removal under this chapter:
  - (1) Whether the proposed tree clearing or tree removal is consistent with the purpose and findings set forth in section 765.352 of this chapter;
  - (2) Whether the environmental and historical impact of the proposed tree clearing or tree removal will be beneficial or adverse;
  - (3) Whether there are possible or practicable alternatives to the proposed tree clearing or tree removal.
- B. Such tree clearing or tree removal will be allowed under the following circumstances:
  - (1) The tree or trees are in poor health with an expected life span of less than two years as determined by a forester, landscape architect or arborist;
  - (2) If the tree or trees are located near the following existing or proposed improvements, where the improvements cannot be designed to protect the tree or trees:
    - (a) Within three feet of an existing or proposed sidewalk or driveway;
    - (b) Within ten feet of an existing or proposed cesspool, dry well, leaching pit, septic tank or field or other subsurface improvement;
    - (c) Within ten feet of an existing or proposed roadway;
    - (d) Within ten feet of any other existing or proposed structure.
  - (3) The tree clearing or tree will have a positive effect upon:
    - (a) Drainage patterns in the vicinity;
    - (b) Growth of existing or proposed adjacent vegetation;
    - (c) The health, safety or welfare of the residents of the County of Westchester and its neighboring communities;
    - (d) Wildlife in the immediate vicinity.
  - (4) The County will undertake to plant replacement trees of a similar or different species or add other vegetative material or fencing or other similar measures to offset the negative effect of tree clearing or tree removal whenever the Commissioner or his authorized representative determines that such replacement is feasible and desirable.
  - (5) The clearing or removal of trees is pursuant to New York State Department of Environmental Conservation "Timber Harvesting Guidelines for New York" and the "Forestry Practice Standards."
- C. The Parks, Recreation and Conservation Board shall also consider:
  - (1) Whether the tree or trees are of specimen quality as defined in section 765.353;
  - (2) Whether the tree clearing or tree removal(s) will have a significant negative effect upon:
    - (a) Erosion potential or drainage patterns in the vicinity;

- (b) Growth of existing adjacent vegetation;
- (c) Property values of nearby properties;
- (d) The health, safety or welfare of the residents of the County of Westchester;
- (e) Wildlife; or
- (f) Visual quality within County property, as well as between County and nearby property.

D. A recommendation to allow tree clearing or tree removal may be made with or without conditions.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.357. - Time limitations.

The Parks, Recreation and Conservation Board shall make its recommendations, in writing, to the commissioner with 35 days of its receipt of the referral.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.358. - Severability.

If any section of this law or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any other provision or any section or the application of any part thereof to any other person or circumstance.

(Added by L.L. No. 18-1993)

Sec. 765.361. - Rubbish and refuse matter.

Disposal in any park of bottles, cans, paper, garbage, rubbish or other waste materials of any kind or description is prohibited. No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on, or suffer or permit any servant, agent, employee or person in his or her charge to take into, carry through, leave in or throw, cast, lay, drop or discharge into or on any part of any park any ashes, dross, cinders, shells, paper, dirt, sand, oil, grease, clay, loam, stone or building rubbish, hay, straw, grain, sawdust, shavings or manufacturing trade or household waste, junk, old iron or other metal or objects made therefrom, or rubbish or waste material of any sort, or sick, diseased or dead animals, organic refuse or other offensive matter, including swill, brine, urine, offal, fecal matter, garbage or rubbish except under a permit and in accordance with the terms of such permit.

(Gen. Ord. No. 5, § 37, eff. 1-1-1979)

Sec. 765.371. - Skating and sledding.

No person shall use roller skates, except at such times and upon such places as may be designated therefor, or skate, sled, walk or go upon any ice or snowshoe or ski, except at such times and at such place as may be designated therefor, and until such ice is declared by or under the authority of the commissioner to be in safe condition, nor will towing of persons on skis, sleds, skates, etc., be allowed.

(Gen. Ord. No. 5, § 38, eff. 1-1-1979)

Sec. 765.381. - Snowmobiles.

Snowmobiles may be operated only in those areas, roads and trails specified and designated by the commissioner.

(Gen. Ord. No. 5, § 39, eff. 1-1-1979)

Sec. 765.391. - Subsurface disturbances.

No person shall open, expose or interfere with any conduit, water or gas pipe, hydrant, stopcock, sewer, basin or other construction in any park, nor make any connection therewith, except under the authority of a permit and upon the deposit of such sum of money as may be required by the commissioner to ensure the restoration of the soil, sod, plants, shrub, trees, sidewalks, pavement, curb, gutter, flagging and all other facilities and equipment disturbed in making such opening or connection.

(Gen. Ord. No. 5, § 40, eff. 1-1-1979)

Sec. 765.401. - Toy aviation, kite flying, model boating, model automobiling, model rocketry.

No person shall engage in any toy or model aviation, kite flying, model boating or model automobiling, or model rocket flying except at such times and at such places designated or maintained therefor.

(Gen. Ord. No. 5, § 41, eff. 1-1-1979)

Sec. 765.411. - Uses of park property prohibited.

No person shall use in any manner whatsoever any park property, or any part thereof, or any building thereon for any illegal purpose, or for any purpose in violation of any federal, state, or municipal law, ordinance, rule, order or regulation, or of any ordinance, rule or regulation of the Department of Parks, Recreation and Conservation now in effect or hereafter enacted or adopted.

(Gen. Ord. No. 5, § 42, eff. 1-1-1979)

Sec. 765.421. - Vehicle and traffic.

All provisions of the vehicle and traffic laws of the State of New York not inconsistent with the provisions of these ordinances shall apply. (Gen. Ord. No. 5, § 43, eff. 1-1-1979)

#### ARTICLE III. - BATHING AND BOATING

Sec. 765.431. - Bathing.

No person shall bathe, wade or swim in any park waters, except at such times and in such places as the commissioner may designate or maintain as bathing areas. No person shall appear nude in public as defined in Penal Law Section 235.20.2.

(Gen. Ord. No. 5, § 44, eff. 1-1-1979)

Sec. 765.441. - Bathing suits.

1. No person shall dress or undress in any park except in such bathhouses maintained for such purposes, with the following exceptions: a person wearing bathing trunks or bathing suit covered by nothing more than a robe, cloak, cape, coat, sweater, sweat shirt, windbreaker, slacks or other



similar beach attire may enter the beach or outdoor pool area and there remove such outdoor clothing.

2. No person dressed in street clothing shall enter a bathing beach except when accompanying children under 12 years of age who are on the bathing beach for the purpose of swimming.
3. No person dressed in street clothing shall enter a pool area.

(Gen. Ord. No. 5, § 45, eff. 1-1-1979)

Sec. 765.451. - Boating.

1. No person shall have charge of, run, operate or drive a boat on or upon the waters of the department:
  - a. Unless that person has a permit from the commissioner, except boats rented from a duly authorized concessionaire.
  - b. At a speed exceeding five miles per hour within 100 feet of shore, a dock, pier, raft, float or an anchored or moored vessel; at a speed exceeding eight miles per hour beyond 100 feet of the shore and away from the above mentioned objects.
  - c. Unless able to control the boat so that safety of all aboard and the life, limb, property and reasonable comfort of others are not endangered or disturbed. He shall see that no person shall stand up in or rock any rowboat or canoe or behave in an otherwise unsafe manner.
  - d. Within 750 feet of the water line of any bathing beach or within 50 feet of any life line.
2. Boating of any kind in any bathing area is forbidden.
3. No boat shall land upon the shores of any park except at such locations as may be designated or maintained as landing places, or in case of emergency.
4. No boat shall be laid up, stored, repaired or placed for any other purpose on any park land except under permit.

(Gen. Ord. No. 5, § 46, eff. 1-1-1979)

ARTICLE IV. - TRAFFIC REGULATIONS

Sec. 765.461. - Bicycles.

No person shall ride a bicycle on any drive or footpath except where permitted.

(Gen. Ord. No. 5, § 47, eff. 1-1-1979)

Sec. 765.471. - Commercial vehicles.

No person shall drive or operate within any park any truck or trailer or vehicle constructed or adapted for, or engage in the carrying of any commercial goods, merchandise, material or machinery except for delivery and service vehicles serving park facilities and authorized concessionaires.

(Gen. Ord. No. 5, § 48, eff. 1-1-1979)

Sec. 765.472. - Pickup trucks—Prohibited operation.

No person shall operate a pickup truck on that portion of the Bronx River Parkway between its intersection with the Sprain Brook Parkway and its northern terminus. For the purposes of this section, a pickup truck is a truck with a cargo bed and sidewalls, regardless of seating capacity within the cab and regardless of registration as either a commercial or passenger vehicle.

(Gen. Ord. No. 5, § 48-a, eff. 1-1-1979)

Sec. 765.481. - Cruising.

No omnibus, taxi or other vehicle shall cruise or stop for the purpose of soliciting passengers.

(Gen. Ord. No. 5, § 49, eff. 1-1-1979)

Sec. 765.491. - Driving off pavement; disabled vehicles.

No vehicle shall enter upon or drive off the improved or paved roadway of any park, except by designated access drives or to and from a designated roadside parking area. Disabled vehicles shall be driven or moved off the paved portion of the road so as to prevent obstruction of traffic, but a disabled vehicle shall be permitted to remain on such unpaved portion only until temporary repairs are made or until power can be obtained to remove it, but not for a longer period than four hours, or closing time of the park whichever comes sooner.

(Gen. Ord. No. 5, § 50, eff. 1-1-1979)

Sec. 765.501. - Impounding of vehicles.

Vehicles illegally parked, disabled or abandoned in any park may be towed off and impounded. Such vehicles may not be removed from the designated storage compound until after the payment of towing, storage and other charges.

(Gen. Ord. No. 5, § 51, eff. 1-1-1979)

Sec. 765.511. - Insignia and signs on vehicles.

Vehicles, except taxicabs, having any name, insignia or sign painted or displayed thereon for business or advertising purposes are prohibited in any park. For purposes of identification the name and address only of the owner of a vehicle on sides thereof in letters not more than two inches in height shall not be construed as being displayed for business or advertising purposes. Vehicles owned and operated by governmental agencies are excepted from the provisions hereof.

(Gen. Ord. No. 5, § 52, eff. 1-1-1979)

Sec. 765.521. - Motor vehicles restricted.

1. No commercial vehicle with a trailer, semitractor trailer, shall be permitted in any park unless said vehicle is engaged in making authorized delivery.
2. The use of any parkway under County jurisdiction is restricted to automobiles classed as pleasure vehicles, excluding however such vehicles when adapted to or used for the carrying of commercial goods or materials. Except as otherwise provided in this section, the use of any other vehicle on a parkway as prohibited.

3. Pedestrians, horses, bicycles, motorized bicycles, including safety cycles, whizzer bikes, mopeds and similar types of vehicles, scooters, motorettes and other similar small power propelled vehicles with two or three wheels any of which has an overall diameter of less than 15 inches, excluding the tire are prohibited from using any parkway.
4. Station wagons, suburban campers, trucks and van type vehicles used as pleasure vehicles shall be permitted on parkways, subject to the following limitations and restrictions:
  - a. No such vehicle shall carry more than 14 passengers.
  - b. No such vehicle shall have overall dimensions of more than nine feet in height, seven feet in width, and 19 feet in length.
  - c. No such vehicle shall stop on or along a parkway shoulder, or parkway exit or entrance drive to discharge or pick up passengers; no such vehicle shall be used for the transportation of commercial materials.
  - d. Such vehicles shall be registered as passenger vehicles.
  - e. Suburban or van type vehicles must have at least two side body windows.
5. Omnibuses known as taxis will be permitted to (operate over a parkway to discharge or pick up passengers at a park or bathing establishment; but in no case will cruising or soliciting of passengers along parkway or in a park be permitted.
6. Outing buses will be permitted to operate by the shortest possible route from outside a park to discharge or pick up passengers from a picnic or bathing area only if a permit to enter the park has been issued by the commissioner to the organization sponsoring the outing, picnic, etc. Buses must proceed over the route and to the parking field designated in the permit.
7. Public omnibuses that have a seating capacity of no more than 14 passengers and have no more than four tires, or that do not exceed nine feet in height, seven feet in width, or 19 feet in length shall be permitted to operate on the parkway. Public omnibuses which exceed the above limits will be permitted to operate on the parkway only under special permit.
8. Licensed ambulances for sick or injured persons shall be permitted to operate over parkways on emergency service subject to all provisions of this chapter regulating traffic including limitations on the rate of speed.
9. Nothing contained in these ordinances shall apply to the vehicles, trucks and apparatus of a fire department, police department, ambulance corps, United States government and agencies, New York State government agencies, and to emergency repair vehicles properly identified by insignia when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.

(Gen. Ord. No. 5, § 53, eff. 1-1-1979; amended 1-22-1981, eff. 10-1-1981)

Sec. 765.531. - No U-turns.

No U-turn shall be made on any drive.

(Gen. Ord. No. 5, § 54, eff. 1-1-1979)

Sec. 765.541. - Obstructing traffic.

No person shall cause or permit a vehicle to obstruct traffic on any drive, or to stop such vehicle thereon except in compliance with traffic direction signs or the directions of a parkway police officer, special parkway police officer or when traffic makes such stopping necessary. No person shall drive a vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic except

when such reduced speed is necessary for safe operation, mechanical breakdown, or in compliance with directions of a parkway police officer or special parkway police officer.

(Gen. Ord. No. 5, § 56, eff. 1-1-1979)

Sec. 765.551. - One-way drives.

No vehicles shall proceed in any other direction than as indicated upon signs designating drives or roadways for one-way traffic.

(Gen. Ord. No. 5, § 56, eff. 1-1-1979)

Sec. 765.561. - Parking, stopping or standing of vehicles on traffic lanes.

No vehicle in any park shall be parked, stopped, or allowed to stand on any drive, bridge, structure, access drive, or at any other place where posted to the contrary. Parking, standing, stopping on the shoulders of any drive shall be permitted only in an emergency, or when authorized by the commissioner, and then only on the shoulder to the right of the traffic lane facing in the direction of travel and only on condition that all wheels and projecting parts of the vehicle shall be completely clear of the traffic lane.

(Gen. Ord. No. 5, § 57, eff. 1-1-1979)

Sec. 765.562. - Parking on Certain County Owned Property.

1. Notwithstanding the provisions of § 134.51(5) of the Laws of Westchester County, the Commissioner shall waive the fee charged for the privilege of parking upon County owned property utilized for the purpose of commuter parking for any individual issued a monthly permit to park at such lot an electric vehicle that relies solely on an electric motor for propulsion; or a hybrid-electric vehicle that achieves a United States Environmental Protection Agency City fuel economy rating of 35 miles per gallon or more; or any other motor vehicle that achieves a United States Environmental Protection Agency City fuel economy rating of 35 miles per gallon or more. For purposes of this section, a hybrid-electric vehicle shall mean a vehicle which operates by combining an internal combustion engine powered by gasoline or diesel fuel with a battery powered electric motor.
2. Annually, on October 1, the Commissioner shall report to the Board of Legislators regarding the status of this law, specifically with respect to the number of qualified vehicles receiving a waiver pursuant to subdivision 1 herein and the resultant fiscal impact.
3. The owner and/or operator applying for a permit pursuant to subdivision 1 of this section shall provide to the Commissioner or a designee, documentation acceptable to the Commissioner demonstrating that the vehicle to be issued a permit is in fact a vehicle as defined in subdivision 1 of this section.
4. The Commissioner shall be authorized to establish rules and regulations necessary to effectuate the purpose of this section.

(Added by L.L. No. 13-2005; <sup>2</sup> amended by L.L. No. 5-2007 )

Footnotes:

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2. Editor's Note: This local law, as amended, provided that it shall expire and be deemed repealed on 12-21-2009.

3. Editor's Note: This local law provided that it shall take effect on 1-1-2008 and shall expire and be deemed repealed on 12-31-2009. However, any permit issued prior to 1-1-2008 pursuant to § 765.562(1) of the Laws of Westchester County that has not expired or been suspended or revoked shall be eligible for renewal by the permit holder, notwithstanding the amendments to § 765.562(1) of the Laws of Westchester County, effective 1-1-2008.

Sec. 765.571. - Pedestrians to use walks and paths.

Pedestrians shall use the walks and paths provided in any park, and shall not, except in cases of emergency, walk on any drive other than to cross the same at the designated crossings.

(Gen. Ord. No. 5, § 58 of eff. 1-1-1979)

Sec. 765.581. - Projecting objects.

No vehicles shall enter, operate or drive in any park with any package, object or article of any kind extending, hanging or projecting beyond sides, tops, ends of any of the limits of the vehicle itself, except that sports and recreation equipment such as skis, ski poles, fishing rods, beach chairs, beach umbrellas, tent poles, toboggans, sleds, boats, canoes and kayaks, may be carried on the rear of such vehicle or on a rack designed for the purpose and attached to the top thereof, provided that such equipment so carried shall in no case project more than 24 inches above the top or to the rear of the customary permanent equipment of such vehicle.

(Gen. Ord. No. 5, § 59, eff. 1-1-1979)

Sec. 765.591. - Repairing vehicles.

A vehicle shall not be parked on any drive for the purpose of being serviced or repaired except with permission of the commissioner or the Westchester County Parkway Police. In the absence of such permission, disabled vehicles, including those running out of gas or with a flat tire, shall be immediately removed from the traffic lanes of any drive.

(Gen. Ord. No. 5, § 60, eff. 1-1-1979)

Sec. 765.601. - Speed limits.

No chauffeur, driver, operator, owner or person shall operate or cause or permit to be operated a motor vehicle or motorcycle upon any drive on the Bronx River Parkway at a rate of speed exceeding 40 miles per hour, except that on that section of the Bronx River Parkway extending from the New York City line to the intersection of the Sprain Brook Parkway, the maximum speed at which a motor vehicle or motorcycle may be operated shall be 45 miles per hour, or upon any drive in any other park at a rate of speed exceeding 40 miles, except where signs are displayed indicating a reduced speed; a rate of speed by a motor vehicle or motorcycle upon any drive in excess of 40 miles per hour in a 40-mile-per-hour area, or in excess of 45 miles per hour in a 45-mile-per-hour area, shall be unlawful; and where a sign is displayed indicating a reduced speed, a rate of speed by a motor vehicle or motorcycle upon any drive in excess of that indicated by such sign shall be unlawful.

(Gen. Ord. No. 5, § 61, eff. 1-1-1979; amended 9-1-1985, eff. 9-1-1985)

Sec. 765.611. - Standing, stopping and waiting.

1. A vehicle shall not stand, stop or park unless held up by traffic, on any drive and shall not stop with its left side to the curb.

2. A vehicle shall not so occupy any drive as to obstruct traffic.
3. A vehicle shall not stop so as to obstruct a crossing except in an emergency.
4. A vehicle shall not be permitted to stand backed up at an angle to the curb.
5. A vehicle shall not stop on any drive to take on or discharge passengers or merchandise, except in designated areas.

(Gen. Ord. No. 5, § 62, eff. 1-1-1979)

Sec. 765.621. - Stopping on signal.

On signal, by raising the hand or otherwise, of a person driving, leading or riding a horse or animal on any drive; the driver of any motor vehicle shall bring such vehicle immediately to a stop; and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass; and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal.

(Gen. Ord. No. 5, § 63, eff. 1-1-1979)

Sec. 765.631. - Towing and trailing.

No person shall solicit, or cause to be solicited on any drive repair or towing services. No person shall cause or permit a vehicle in tow of another vehicle to enter any drive or proceed therein except that in case of a breakdown a disabled vehicle may be towed to the nearest exit. Towing or service trucks responding to a service call shall enter the park at the entrance nearest to the disabled vehicle and shall leave at the nearest exit. A permit will be required to provide towing services on the Bronx River Parkway, however a motorist with a disabled vehicle on any park drive other than the Bronx River Parkway may call any towing or repair service of his choice.

(Gen. Ord. No. 5, § 64, eff. 1-1-1979)

Sec. 765.641. - Traffic lanes.

A vehicle on any drive shall be driven to the right and as nearly as practical entirely within a single right lane and shall not move from such lane until the driver has first ascertained that such movement can be made with safety. A vehicle shall not be driven in an adjacent left hand lane except when over-taking and passing another vehicle when the roadway is clearly visible. At no time shall a vehicle be driven across the center line or center island of any drive.

(Gen. Ord. No. 5, § 65, eff. 1-1-1979)

Sec. 765.651. - Traffic signs and signals.

No person shall fail, neglect or refuse to comply with any instruction, direction or regulation lawfully displayed upon any post, standard, sign or marking or other device installed or placed for the regulation of traffic on any drive or other park property.

(Gen. Ord. No. 5, § 66, eff. 1-1-1979)

**Cross reference**— Traffic Safety Board, Ch. 277, Art. III.

## ARTICLE V. - EQUESTRIANS

### Sec. 765.661. - Bridle paths.

Equestrians will not be allowed in any park except on bridle paths designated and posted for that purpose, and when so riding shall not cross a drive at any place except where bridle paths intersect such drives.

(Gen. Ord. No. 5, § 67, eff. 1-1-1979)

### Sec. 765.671. - Control.

No person shall use, ride, drive or lead a horse in any park except on a bridle path and unless it shall be well broken and constantly held in such control that it may easily or quickly be turned or stopped. No horse shall be left by its owner, rider, or custodian unbridled or unattended in any unenclosed space without being securely fastened. Reckless driving or riding on bridle paths is prohibited.

(Gen. Ord. No. 5, § 68, eff. 1-1-1979)

### Sec. 765.681. - Obstruction.

Equestrians shall not ride more than two abreast on the bridle paths, and in places where such practice would prevent another horse from passing, they must ride in single file keeping to the right side of the path. Riders must not obstruct in any way the free use of the bridle paths by other riders. In passing riders going in the other direction, each rider shall pass not faster than a trot and in passing in the same direction, the rider passing shall keep to the left of the horse ahead and shall pass at a slow gait.

(Gen. Ord. No. 5, § 69, eff. 1-1-1979)

### Sec. 765.691. - Pedestrians, vehicles, etc.

Pedestrians, or persons on bicycles, or dogs, or vehicles, shall not be allowed on any bridle path. Bridle paths are for the exclusive use of the equestrians.

(Gen. Ord. No. 5, § 70, eff. 1-1-1979)

### Sec. 765.701. - Speed.

Riders shall not ride or drive their horses in any park at a gait faster than a canter. At all turns where there is not clear vision ahead, the horses shall be kept at a walk.

(Gen. Ord. No. 5, § 71, eff. 1-1-1979)

### Sec. 765.711. - Stopping.

No person shall stop his or her horse within any picnic area or dismount except in case of emergency, nor allow the horse to be tethered or tied in any picnic area.

(Gen. Ord. No. 5, § 72, eff. 1-1-1979)

Sec. 765.721. - Trails.

Equestrians shall not be allowed on any trail in any park except where riding is permitted and posted for that purpose. On crossing other trails, equestrians shall not drive or ride at a pace faster than a walk. Pedestrians shall be given the right-of-way on all trails. (Gen. Ord. No. 5, § 73, eff. 1-1-1979)

ARTICLE VI. - FORMER ORDINANCES, RULES AND REGULATIONS REPEALED

Sec. 765.731. - Repeal.

All ordinances, rules and regulations and their amendments previously adopted are immediately repealed insofar as they are inconsistent with those set forth herein. The consistent ordinances, rules and regulations are to be construed as continuing in effect. The repeal of any ordinance, rule or regulation shall not affect or impair any act done, offense committed, right accruing or acquired, or liability, penalty, or forfeiture, or punishment incurred prior to the time these ordinances take effect; but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if these ordinances, rules and regulations had not been adopted.

(Gen. Ord. No. 5, § 74, eff. 1-1-1979)

ARTICLE VII. - ENFORCEMENT, PENALTY, PERMITS AND VALIDITY

Sec. 765.741. - Enforcement and penalty.

1. Any person who violates any provisions of the foregoing ordinances, rules and regulations, excepting the provisions of Article IV of these rules and regulations, shall be guilty of an offense and shall, upon conviction, be subject to a fine not exceeding \$250.00 or by imprisonment not exceeding 30 days or by both such fine and imprisonment.
2. Any person who violates any provisions of Article IV of the foregoing ordinances, rules, and regulations shall be guilty of a traffic infraction and shall, upon conviction, be subject to such fines and penalties as provided in § 1800 of the Vehicle and Traffic Law, and acts amendatory thereof and supplemental thereto.

(Gen. Ord. No. 5, § 75, eff. 1-1-1979)

Sec. 765.751. - Permits issued by commissioner.

The commissioner, upon application may at his discretion sue and permit waiving the application of the regulations contained in this ordinance for such period of time and with respect to such persons and to such places under his jurisdiction as he deems appropriate. In exercising his discretion the commissioner shall consider the purposes of the waiver, the reasons for the waiver and the bearing of other pertinent statutes, rules and regulations upon the application.

(Gen. Ord. No. 5, § 76, eff. 1-1-1979)

**Editor's note**— Former General Ordinance No. 5, approved 3-1-1962, effective 4-27-1962; as amended 3-16-1967, effective 4-26-1967; 9-27-1973; 9-10-1975, effective 12-31-1975 was superseded by this legislation.

Sec. 765.761. - Title.



The foregoing ordinances, rules and regulations shall be known and designated as General Ordinance 5.

(Gen. Ord. No. 5, § 77, eff. 1-1-1979)

Sec. 765.771. - Validity of ordinances.

If any article, section, paragraph, subdivision, clause or provision of these ordinances, rules and regulations, shall be adjudged invalid, such adjudication shall apply only to the article, section paragraph, subdivision, clause or provision so adjudged, and the rest of the ordinances, rules and regulations shall be and shall remain valid and effective.

(Gen. Ord. No. 5, § 78, eff. 1-1-1979)f

Sec. 765.781. - When effective.

These ordinances, rules and regulations known and designated as General Ordinance Number 5 shall take effect at 12:01 a.m. Eastern standard time, on the first day of January, 1979.

(Gen. Ord. No. 5, § 79, eff. 1-1-1979)

Sec. 765.01. - Definitions.

Unless otherwise expressly stated, whenever used in any park or parkway ordinance, rule or regulation, the following terms shall respectively be deemed to mean and include each of the meanings set forth:

1. *Bathing area.* Any area maintained for the use of bathers, including the water area and lands under the water adjacent to and within one thousand (1,000) feet of the bathing beaches on the bays, along the shores and Long Island Sound, together with the waters of any lake, pond or stream, including the Hudson River.
2. *Beach.* The shore and the lands contiguous thereto of any sound, bay, lake, pond, river, stream or other body of water within or abutting any park or reservation including any and all rights acquired from or granted by the State of New York in waters adjacent thereto.
3. *Bicycle.* Any two (2) or three (3) wheeled device upon which a person or persons may ride propelled by human power through a belt, a chain or gears with such wheels in a tandem or tricycle except that it shall not include such a device having solid tires intended for use only on a sidewalk by preteenage children.
4. *Bicycle path.* Any path, road or trail maintained for persons riding on bicycles.
5. *Board.* The Board of Parks, Recreation and Conservation.
6. *Boardwalks.* Any water front promenade maintained for pedestrians as an appurtenance to any beach or park.
7. *Bridle path.* Any path, road or trail in any park or reservation maintained for persons riding on horseback and so marked.
8. *Camp.* Any area specifically designated where patrons are allowed to remain overnight.
9. *Chauffeur.* Any person who is employed for the principal purpose of operating a motor vehicle or a motorcycle or who drives a motor vehicle or a motorcycle while in use as a public or common carrier of persons or property.

10. *City, town or village.* Any city, town or village wholly or partly within any portion of any park or reservation.
11. *Commissioner.* The Commissioner of Parks, Recreation and Conservation.
12. *Crossing.* That portion of a drive clearly indicated for pedestrian crossing by lines or other markings.
13. *Curb.* A vertical or sloping member along the edge of a drive or bridle path clearly defining the pavement edge or boundary.
14. *Department.* The Department of Parks, Recreation and Conservation.
15. *Drive.* Any road, street, avenue, roadway or boulevard maintained for vehicular use in any park, including the parts under or over any bridge in the park.
16. *Driver.* Any person who drives or is in actual control of a vehicle.
17. *Equestrians.* All persons on horseback.
18. *Footpath.* Any path or trail maintained for pedestrians.
19. *Hang glider.* Any heavier than air device designed to carry aloft a human being without means of power or mechanical propulsion or lift.
20. *Hitchhiking.* Standing in the parkway system or on adjacent property to solicit rides.
21. *Intersection.* Any area bounded by the side lines real or projected of two (2) or more drives, parkways, boulevards, streets or other roads or highways which meet or cross each other.
22. *Motor vehicle.* All vehicles propelled by power other than muscular power except (a) electrically driven invalid chairs being operated or driven by an invalid, (b) vehicles which run only upon rails or tracks, (c) snowmobiles, (d) and all motor scooters used exclusively by the department.
23. *Omnibus.* Any motor vehicle which is used in the business of transporting passengers for hire, and shall also include any other vehicle adapted for the transportation of more than twelve (12) persons, including the driver.
24. *One-way drive.* Any drive whereon traffic is restricted to proceeding in one (1) direction.
25. *Operator.* Any person other than a chauffeur, who operates or drives a motor vehicle or motorcycle or snowmobile.
26. *Ordinance, rule or regulation.* Any ordinance, rule or regulation duly adopted and published as provided by Chapter 679 of the Laws of 1961 and any amendatory or supplemental acts.
27. *Owner.* Any person owning, operating or having the use, title or property in and to a vehicle, animal or other property under a lease or otherwise.
28. *Park.* The term "park" or "parks" means and includes all public parks, parkways, boulevards, beaches, water rights, playgrounds, athletic fields, recreation centers, open spaces, and areas publicly owned and acquired for the conservation of natural resources, including all buildings, structures, equipment and appurtenances, also entrances and approaches thereto and streets, roads, docks and bridges between, to, in, through or connecting such park or parks and parts thereof and such other rights and appurtenances as the department shall utilize for its purposes, whether the same be now or hereafter owned or acquired in fee or otherwise by the County, or under the care or control of the County by lease or otherwise for park purposes, with the exception of Playland Park.
29. *Parking place.* Any part of any drive or space in any park, parkway or reservation designated as a place for the standing of vehicles.
30. *Park waters.* The water of any sound, bay, lake, pond, river, stream or other body of water wholly or in part, in, upon, along or in front of any park or reservation, including water rights acquired from or grants by the State of New York.

31. *Parkway policeman.* Any person employee or designated by the County of Westchester as a member of the Westchester County Parkway Police force.
32. *Pedestrians.* All persons on foot.
33. *Permit.* Any written authorization for the exercise of a specified park privilege issued by or under the authority of the commissioner permitting the performance of a specified act or acts.
34. *Person.* Any natural person, corporation, society, organization of persons, company, association, joint stock association, firm, copartnership or legal entity whatsoever.
35. *Picnic area.* Any area maintained or designated as a picnic area and used for outdoor eating and including all territory under the jurisdiction of the department adjacent to and within fifty (50) feet thereof or of any picnic table.
36. *Playground area.* Any area maintained or designated as a playground or playfield and including all territory under the jurisdiction of the department adjacent to and within twelve (12) feet thereof.
37. *Public highway.* Any drive in any park shall be considered a public highway for the purpose of prosecuting any violation of the provisions of the Vehicle and Traffic Law of the State of New York.
38. *Reservation.* All lands and the improvements thereon within any area of the Westchester County Park System or under its jurisdiction or control as herein defined.
39. *Safety zone.* Any space within any drive established for the use of pedestrians.
40. *Service road.* Any road in any park, the use of which is restricted or limited.
41. *Skateboard.* Any device consisting of a flat or curved platform mounted on ball bearing wheels designed to carry a rider without artificial power.
42. *Skiing.* The act of propelling oneself forward on one (1) or two (2) runners over snow without the assistance of artificial power.
43. *Snowmobile.* A self-propelled vehicle designed to travel on snow or ice, steered by skis or runners and supported in whole or in part by one (1) or more skis, belts, or cleats.
44. *Special Westchester County Parkway Policeman.* Any person duly appointed by the County of Westchester for a period of time to enforce law, order and the observance of the ordinances, rules and regulations established by the department.
45. *Traffic control signals.* Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
46. *Traffic infraction.* The violation of the sections contained in Article IV of these ordinances and all the provisions of the Vehicle and Traffic Law of the State of New York not inconsistent with the provisions of these ordinances.
47. *Traffic signs and signals.* All signs, markings, devices and signals for the purpose of guiding, directing, warning or regulating traffic that are located and placed by only constituted authority.
48. *Unnecessary stopping.* Bringing a vehicle to a complete stop on the drive other than in a parking place, or other than in conformity with traffic regulations, or other than any emergency caused by a defect in or breakdown of said vehicle.
49. *Vehicle.* Any device, except a baby carriage, upon, in or by which any person or property may be transported or drawn; also any horsedrawn conveyance.
50. *Westchester County parks, parkways, and reservations.* All real property acquired by or under the jurisdiction and/or control of the Department of Parks, Recreation and Conservation, or which may hereafter be acquired by or through the County of Westchester or come under its jurisdiction or control as in these ordinances, rules and regulations set forth and defined.

(Gen. Ord. No. 5, § 1, eff. 1-1-1979)

Sec. 765.11. - Construction and scope.

These ordinances, rules and regulations shall be construed as follows:

1. Any term in the singular shall include the plural.
2. Any term in the masculine shall include the feminine and neuter.
3. Any requirement or prohibition of any act, shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or the permitting or the allowing of any minor under 16 years of age in the custody of any person, doing any act prohibited by these provisions.
4. No provision shall make unlawful any act necessarily performed by any officer or employee of the County of Westchester in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the County, which is otherwise lawful.
5. Any act, provided it is not prohibited by law or local ordinances, shall be lawful if performed within the provisions of a permit and to the extent authorized by it.
6. They are in addition to and supplement all federal and state laws, ordinances, orders, rules and regulations.
7. Territorial scope. They shall be effective within and upon all other areas under the jurisdiction and/or control of the department.

(Gen. Ord. No. 5, § 2, eff. 1-1-1979)

**Cross reference**— Department of Parks, Recreation and Conservation, Ch. 134 and Ch. 249; Division of Westchester County Parkway Police, Ch. 173. Parkway Police, Ch. 620; use of County-owned property, Ch. 712; Playland Commission, Ch. 895; Playland Commission rules and regulations, Ch. 897.

Sec. 765.21. - Advertising prohibited.

No person shall post, paint, stamp, affix, distribute, display, deliver, place, cast, or leave about any bill, placard, ticket, handbill, circular or advertisement; display any flag, banner, transparency, target, sign placard, or any other matter, or operate any musical instrument or drum or cause any noise to be made for advertising purposes, or for the purpose of attracting attention to any exhibition, performance, show or other purposes.

(Gen. Ord. No. 5, § 3, eff. 1-1-1979)

Sec. 765.31. - Air rifles and spring guns.

No person shall have or carry, whether concealed or not concealed, on his or her person any pistol, air rifle, b-b gun, spring gun, pellet gun, or other instrument or weapon in which the propelling force is air or a spring except under a permit.

(Gen. Ord. No. 5, § 4, eff. 1-1-1979)

Sec. 765.41. - Alms and contributions.

No person shall solicit alms, subscriptions or contributions for any purpose.

(Gen. Ord. No. 5, § 5, eff. 1-1-1979)

Sec. 765.43-a. - Outdoor Smoking Prohibited.

No person shall smoke or carry lighted cigarettes, cigars, pipes, or any other tobacco-based products, on any trails in County parks, or in designated areas surrounding any pool, playground, or any food establishment on County parkland, or in any other area on County parkland that may be so designated by the Commissioner of the Department of Parks, Recreation and Conservation.

(Added 1-17-2002)

Sec. 765.43-b. - Violations.

Notwithstanding any other provision to the contrary, a violation of Section 43-a shall be punishable by a fine of \$100.00 for the first offense and a doubling of the fine to \$200.00 for each subsequent offense.

(Added 1-17-2002)

Sec. 765.51. - Animals at large.

No person owning or being custodian or having control of any animal shall cause or permit such animal to roam, go or be at large in any park, and any such animal found at large may be impounded. The foregoing notwithstanding, dogs properly licensed and restrained by a leash not exceeding six feet in length may, except in areas hereinafter specified, be brought into a park. In no event shall dogs be allowed in any building, picnic area, bathing area or the following park areas known and designated as: Cranberry Lake Park, Town of North Castle; Washington's Headquarters, Town of North Castle; Miller Hill, Town of North Castle; Lenoir Preserve, City of Yonkers and Village of Hastings; Silver Lake Park, City of White Plains, Town of Harrison and Town of North Castle; Playland Amusement Park, City of Rye (May through September only); Edith G. Read Natural Park and Wildlife Sanctuary at Playland, City of Rye; Mildred D. Lasdon Bird Sanctuary, Town of Somers; Mt. Lakes Camp located in the Town of North Salem; Marshlands Conservancy located in the City of Rye; part of Muscote Park in the Town of Somers, used for the children's farm as shown and indicated on a certain map of said park filed with and forming part of this ordinance; part of Blue Mountain Reservation in the Town of Cortlandt used for the Sportsman Center as shown and indicated on a certain map of said park, filed with and forming part of this ordinance, without a permit therefor. Nothing herein provided shall prohibit horses entering or being within a park provided in Article V hereof. Any animal seized as above prescribed shall be delivered to a public pound. Nothing in this section shall be construed to prohibit seeing eye dogs in these areas.

(Gen. Ord. No. 5, § 6, eff. 1-1-1979; amended 3-1-1986, eff. 3-1-1986)

Sec. 765.52. - Control and removal of dog waste. [§](#)

No person shall allow any dog in his custody or control to discharge any fecal matter unless he promptly removes and disposes of the same. This provision shall not apply to a guide dog accompanying a person with a disability.

(Gen. Ord. No. 5, § 6-a)

Footnotes:

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Editor's Note: Section was originally adopted as "765.62", but was intended to be numbered "765.52" as set out herein.

Sec. 765.61. - Aviation.

No person shall voluntarily bring, land or cause to descend or alight within or upon any park any aircraft, flying machine, balloon, parachute, hang glider or other apparatus for aviation. Voluntarily in this connection will mean anything other than a forced landing. These regulations are in addition to the provisions of Article 14 of the General Business Law which are incorporated herein and made a part hereof.

(Gen. Ord. No. 5, § 7, eff. 1-1-1979)

Sec. 765.71. - Basket parties, picnics and eating.

No person shall hold a basket party or picnic or consume any foodstuffs in any park, or on any bathing beach, except at those places specifically designated therefor. All organized picnics or outings shall obtain a permit from the department prior to their arrival at the designated area.

(Gen. Ord. No. 5, § 8, eff. 1-1-1979)

Sec. 765.81. - Camping.

No person shall tent or camp or erect a shelter in any park, except under a permit.

(Gen. Ord. No. 5, § 9, eff. 1-1-1979)

Sec. 765.91. - Coasting.

No person shall coast with hand sleds, bobs, carts or other vehicles on wheels or runners in any park except in duly designated areas.

(Gen. Ord. No. 5, § 10, eff. 1-1-1979)

Sec. 765.101. - Construction work.

No person shall perform construction work of any kind or work incidental thereto in any park without a permit.

(Gen. Ord. No. 5, § 11, eff. 1-1-1979)

Sec. 765.111. - Disorderly conduct.

Any person shall be guilty of disorderly conduct who:

1. Disobeys a lawful order of a member of the Parkway Police force or a Special Parkway Police officer.
2. Disregards the directions of any park sign.

3. Does any act tending to or amounting to a breach of the peace, including propositioning for sexual acts.
4. Climbs upon any wall, fence, shelter, seat, tree, shrub, statue, fountain or other structure.
5. Enters or leaves any park except at established entrance ways or exits.
6. Uses threatening, abusive or insulting language.
7. Does any obscene or indecent act.
8. Throws stones or other missiles annoying other persons.
9. Interferes with, encumbers, obstructs, or renders dangerous any drive, path, walk or public place.
10. Carries or fires any firecrackers, torpedoes, or fireworks.
11. Engages in, instigates, aids or encourages a contention or fight.
12. Assaults any person.
13. Plays, for gambling purposes, games of chance, participates in the conduct of a lottery, or uses or operates any slot machine, gaming table, or instrument, or brings into any park or has in his or her possession while there any implement or device commonly used or intended to be used for gambling purposes.
14. Sells fortunes or games of chance.
15. Spits upon any walk, crossing, safety zone, structure, bridge, platform or stairway.
16. Casts, throws or deposits any portion of any foodstuff, paper, litter or any other substance anywhere but the designated receptacles.
17. Makes any unreasonable noise.
18. Congregates with other persons and refuses to comply with a lawful order to disperse.
19. Without lawful authority, disturbs any lawful assembly or meeting of persons.

(Gen. Ord. No. 5, § 12, eff. 1-1-1979)

Sec. 765.121. - Drains and sewers.

No person shall discharge directly or indirectly into any opening, or into any gutter leading into any sewer, receiving basin, or drain, in or leading into any park, any sewage, oil, gas, vapor, industrial waste, or any substance which may form a deposit waste, or any substance which may form a deposit tending to choke the same, or any volatile liquid which will emit flammable vapor at a temperature below 160 degrees Fahrenheit or any steam or hot water above 100 degrees Fahrenheit.

(Gen. Ord. No. 5, § 13, eff. 1-1-1979)

Sec. 765.131. - Explosives and fireworks.

No person without permit shall bring into or have in his possession in any park any explosives or fireworks, including any substance, compound, mixture or article having properties of such a character that alone or in combination or contiguity with other substances or compounds may decompose suddenly and generate sufficient heat, gas, or pressure, or any or all of them to produce rapid flame, combustion, or administer a destructive blow to surrounding objects. Nothing in this section shall be construed to prohibit the proper use of charcoal lighter fluid in picnic grills if carried in proper containers.

(Gen. Ord. No. 5, § 14, eff. 1-1-1979)

Sec. 765.141. - Firearms and weapons.

No person, except a police officer or peace officer shall possess a firearm of any size or description or any instrument, appliance or substance designed, made or adapted and used primarily as a weapon, or ammunition for it, except when the same is held or carried for the purpose of being used to shoot a target from designated firing lines or firing positions in the Sportsmen's Center in the park known as Blue Mountain Reservation in the Town of Cortlandt and then only if he or she possesses a legal permit to carry same. No person shall discharge a firearm, air gun, spring gun or other instrument or weapon in any park or in such a manner that a projectile enters or is likely to enter any part of the park except in the performance of official duties and except when the same is discharged at a target from designated fire lines or firing positions at the Sportsmen's Center at the park known as Blue Mountain Reservation in the Town of Cortlandt. Toy, cap, blank and starter pistols are not allowed in the parks.

(Gen. Ord. No. 5, § 15, eff. 1-1-1979)

Sec. 765.151. - Fires, lighted cigars, etc.

No person shall kindle, build, maintain or use a fire in any place or portable receptacle or grill except in places provided by the department and so designated by signs or under permit. Any fire shall be continuously under the care and direction of a competent person over 18 years of age from the time it is kindled until it is completely extinguished, and no fire shall be built within ten feet of any trees, shrub, or building or beneath the branches of any tree or shrub or in any underbrush. No person shall deposit, throw away or discard any flammable material, lighted match, cigar or cigarette within, on or against any building, structure, boat, car, vehicle, or enclosure or any open area within any park.

(Gen. Ord. No. 5, § 16, eff. 1-1-1979)

Sec. 765.161. - Fund-raising activities.

Fund-raising activities by any person, group, organization, or corporation, shall be permitted only with permission of the commissioner of the department.

(Gen. Ord. No. 5, § 17, eff. 1-1-1979)

Sec. 765.171. - Games.

No person shall throw, cast, catch, kick, or strike any baseball, golf ball, tennis, football, basketball, bowling ball, croquet ball, bean bag or other object, nor shall any person engage in any sport, game or competition, except in places designated or maintained therefor.

(Gen. Ord. No. 5, § 18, eff. 1-1-1979)

Sec. 765.181. - Golf courses.

No person shall be on any part of a golf course unless that person is a duly authorized player or duly authorized caddy unless permission is granted for other specific use of the course.

(Gen. Ord. No. 5, § 19, eff. 1-1-1979)



Sec. 765.191. - Hitchhiking.

No person shall attempt to stop, or stop by any visible or audible sign or signal, any vehicle for the purpose of soliciting a ride from the driver of such a vehicle. No person shall stop a vehicle to pick up a hitchhiker.

(Gen. Ord. No. 5, § 20, eff. 1-1-1979)

Sec. 765.201. - Hours of park operation.

The hours of park operation shall be from dawn to dusk or as otherwise posted.

(Gen. Ord. No. 5, § 21, eff. 1-1-1979)

Sec. 765.211. - Hunting and fishing.

No person, except under a lawful permit from the commissioner, shall molest, kill, wound, trap, hunt, take, chase, shoot or throw missiles at, remove, or have in his possession any animal, reptile, bird, bird's nest, or squirrel's nest, or remove the young of any such animal or the eggs or young of any fish, reptile or bird; or knowingly buy, receive, have in his possession, sell or give away any fish, animal, reptile, bird or egg so killed or taken; or shoot, discharge or throw missiles at any fish in any waters, or place therein piscivorous fish, poison or other substance injurious to fish. Nothing in this section contained, however, shall prohibit fishing in any waters, except where signs are posted prohibiting the same, by persons duly licensed therefor, during the open season as provided in the Conservation Law of the State of New York, and supplemental acts. No device operated by machinery, or by power, or with the aid of power other than hand power, shall be used in taking fish of any kind from waters under the jurisdiction of the department. Commercial fishing is prohibited.

(Gen. Ord. No. 5, § 22, eff. 1-1-1979)

Sec. 765.221. - Injury to property, drives, bridges and equipment.

No person shall injure, deface, displace, remove, fill in, raise, destroy or tamper with any drive, path, walk, bridge or approach thereto, take up, remove or carry away any concrete, asphalt, flagstone, rock, stone, gravel, sand clay or earth; or make any excavation of any kind, name or nature; or harvest, cut, injure, or remove any ice; or injure, mutilate, deface, displace, remove or destroy any structure, monument, marker, wall, fence, building, post, railing, bench, shelter, seat, platform, stand, tree, guard, electric telephone, telegraph, pipe or main for conducting electricity, gas, water or wires, or any hydrant, sewer, drain, pipe, main receiving basin, covering, manhole, or vent forming a part thereof, of any appurtenance or appendage connected therewith, or any other property or equipment, real or personal, owned by or under the jurisdiction or control of the department, or appertaining to the creation, government, use or maintenance of any part of any park, or injure, deface displace, remove or destroy any sign, notice, inscription, post or monument, erected or marked for any purpose, or any mile-board, mile-stone, danger sign or signal guide sign or post, or any signaling device, sanctioned, installed or placed by the department or by the federal government, state, County or any city, town or village within any park, for the purpose of directing, restricting or regulating traffic, establishing zones, or giving information or directions to the public; or extinguish any light therein, except upon proper authority; or without a permit, attach, string, adjust or carry any wire or other object in, on or over any part of any park.

(Gen. Ord. No. 5, § 23, eff. 1-1-1979)

Sec. 765.231. - Intoxicants and alcoholic beverages.

No person shall bring into, sell, give away, display or drink, or cause, permit or procure to be sold, given away, displayed or drunk any alcoholic or spirituous liquors or beverages contained in any bulk containers such as kegs or barrels in any park, except as may be specifically permitted by the commissioner and only at the places specifically designated and approved by the commissioner. Transportation and consumption of alcoholic beverages in areas designated for food consumption by individuals shall not be prohibited provided such beverages are packaged in individual containers such as bottles or cans. The sale of alcoholic beverages is prohibited except by authorized concessionaires of the Parks Department. No deliveries of alcoholic beverages are permitted to the parks except by permit or by permission of the commissioner. Anything in this section to the contrary notwithstanding, the consumption or possession of alcoholic beverages is prohibited at Kensico Dam Plaza, the Westchester County Sportsmen's Center, and all overnight campsites, except by written permission of the commissioner.

(Gen. Ord. No. 5, § 24, eff. 1-1-1979; amended 5-17-1979, eff. 6-15-1979; 6-30-1981, eff. 7-31-1981)

Sec. 765.241. - Loitering at night.

No person shall loiter or remain within any park, in a vehicle or otherwise, between one-half hour after sunset and one-half hour before sunrise, without permission; nor shall any vehicle remain during any part of the period between one-half hour after sunset and one-half hour before sunrise except when its occupants are attending a gathering or function held under a permit or in an emergency or when written permission has been granted by the commissioner. Authorized campers are excluded from this provision.

(Gen. Ord. No. 5, § 25, eff. 1-1-1979)

Sec. 765.251. - Lost money or property.

Any person picking up or taking possession of lost or mislaid money or personal property or money or property of which such person is not the owner shall immediately deliver the same to the headquarters of the Westchester County Parkway Police force or the nearest parkway police officer. If such property, except a motor vehicle is not claimed by the owner within six months, it shall be returned to the finder upon request.

(Gen. Ord. No. 5, § 26, eff. 1-1-1979)

Sec. 765.261. - Meetings, exhibitions, parades, racing, etc.

No person in any park or park street shall erect any structure, stand or platform, exhibit, hold or sponsor any kind of public entertainment, parade, drill or war maneuver, race or athletic contest without a permit from the department. Impromptu or dramatic readings, poetry readings, or performances which do not become noisy or disruptive are allowed. However, no such reading or performances may interfere with the ordinary enjoyment of the park facilities by others. No person shall hold any meeting, or perform any ceremony, make an address, exhibit or distribute any sign, placard, declaration or appeal of any description in any park or park street, except by permit. Upon application the commissioner shall issue such permit unless; (1) the use for which the permit is sought would substantially interfere with park use and enjoyment by the public; (2) the location sought is not suitable because of special landscaping and planting; (3) the location is not suitable because it is a specialized area, including but not limited to, a zoo, swimming pool, or skating rink; (4) the date and time requested has previously been allotted by permit; (5) it would impair the public safety, health or welfare. Whenever a permit is denied, alternative suitable locations and dates shall be offered to the applicant.

(Gen. Ord. No. 5, § 27, eff. 1-1-1979)

Sec. 765.271. - Merchandise, sale, hire or lease prohibited.

No person shall sell, or offer for sale, hire, lease or let any object or merchandise or any other thing or service whether corporeal or incorporeal, except under and within the terms of a duly authorized permit issued by the commissioner.

(Gen. Ord. No. 5, § 28, eff. 1-1-1979)

Sec. 765.281. - Minors.

No parent, guardian or custodian of any minor under 16 years of age shall permit or allow such minor to do any act prohibited by any department ordinance, rule or regulation, or by any federal, state or municipal law, ordinance, order, rule or regulation. Minors under ten years of age shall at all times be under the supervision and control of the parent, guardian, or responsible custodian.

(Gen. Ord. No. 5, § 29, eff. 1-1-1979)

Sec. 765.291. - Obedience to Westchester County Parkway Police force, special parkway police officers and signs.

No person shall fail, neglect or refuse to comply with or obey the lawful direction or command of any Westchester County Parkway Police Officer, Special Parkway Police Officer, indicated by gesture or otherwise, or comply with or obey any instruction, direction, regulation, warning or prohibition written or printed, displayed or appearing on any sign or placard in any park. The directions of any such sign or placard may be disregarded only on order of a Parkway Police Officer or Special Parkway Police Officer or department employee.

(Gen. Ord. No. 5, § 30, eff. 1-1-1979)

Sec. 765.301. - Overhead wire.

No person shall attach or string any electric, telephone, telegraph, aerial or other wire, guy rope or other object or adjust or carry the same into or over any part of any park except under a permit.

(Gen. Ord. No. 5, § 31, eff. 1-1-1979)

Sec. 765.311. - Paths.

No vehicle shall be allowed on any path or trail maintained for pedestrians except baby carriages and wheel chairs and vehicles used by the department for official purposes.

(Gen. Ord. No. 5, § 32, eff. 1-1-1979)

Sec. 765.321. - Permits.

A permit to do any act, or for any purpose, issued by the commissioner, shall authorize the same only in strict accordance with its written terms and conditions. Any violation of any law, order, rule or regulation of the department, or of any federal, state or municipal law, ordinance, order, rule or regulation by the holder or the guests, agents or employees of the holder of any permit or of any term or condition thereof, shall constitute grounds for revocation by the commissioner or by his authorized representative, whose action therein shall be final. In case of revocation of any permit, all monies paid for or on account

thereof shall, at the option of the commissioner, be forfeited to and be retained by the County; and the holder of such permit, together with his agents and employees who violated such terms and conditions shall be jointly and severally liable to the County for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the County of the whole or any part of such money nor the recovery or collection thereby of such damages or loss or both, shall in any manner relieve such person or persons from liability to punishment for any violation or any provision of any department rule or regulation or of any federal, state or municipal law, ordinance, order, rule or regulation. No permit shall be assigned or transferred without the written consent of the commissioner or his duly authorized representative.

(Gen. Ord. No. 5, § 33, eff. 1-1-1979)

Sec. 765.331. - Pictures.

No person shall take photographs or moving pictures while on any drive or within the area of 50 feet from the edge of any drive under the jurisdiction of the department. No pictures shall be taken for commercial purposes without a permit from the commissioner.

(Gen. Ord. No. 5, § 34, eff. 1-1-1979)

Sec. 765.341. - Pollution of waters.

No person shall throw, cast, lay, drop or discharge into or leave in the waters within any park or any tributary, brook, stream, sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid which may or will result in the pollution of said waters.

(Gen. Ord. No. 5, § 35, eff. 1-1-1979)

Sec. 765.351. - Preservation of trees, shrubs and grass.

No person shall destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground, take or remove any plant, flower, flowerbed, shrub, tree, timber growing thing, plant growth, or any branch, stem, fruit or leaf located in any park, including Playland Park; or discard, abandon, pile or maintain any material or debris of any kind against or upon the same; or attach any rope, cable or other contrivance thereto; or set fire or assist another to set fire to any timber, trees, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend onto any park; or hitch any horse or animal to or leave the same standing near enough to injure any tree, shrub, lawn, grass plot or planted area; or go upon the same, except in designated areas and at such times when permission to do so shall have been given by the commissioner. Before granting or denying such permission with respect to the activities and items specified in section 765.354 of this chapter, the commissioner shall refer the matter to the County Parks, Recreation and Conservation Board for its recommendation.

(Gen. Ord. No. 5, § 36, eff. 1-1-1979; amended by L.L. No. 18-1993)

Sec. 765.352. - Tree preservation referrals and recommendations to Parks, Recreation and Conservation Board; purpose; legislative findings.

It is the intent of the Westchester County Board of Legislators in enacting these sections of this chapter to preserve trees located on County park property, including Playland Park. This is necessary to protect the health, safety and general welfare of the County of Westchester because trees provide shade, impede soil erosion, aid water absorption and retention, inhibit excess runoff and flooding, enhance air

quality, offer a natural barrier to noise, provide a natural habitat for wildlife, provide screening, enhance property values and add to the aesthetic quality of the community.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.353. - Definitions.

In addition to the definitions contained in section 765.01 of this chapter, the following definitions shall apply:

1. *Arborist*. Any person who has an associate of science or bachelor of science degree in arboriculture, horticulture or related fields and/or has worked in the arboriculture field for a period of not less than five (5) years.
2. *Clearing*. Any cutting of more than ten (10) trees in a quarter acre area, within a twelve (12) month period.
3. *Diameter at breast height (DBH)*. Standard measurement of trees made at four and one-half (4½) feet above ground level on uphill side; trees with multiple stems that branch out under four and one-half (4½) feet are considered multiple trees; trees with multiple stems that branch out over four and one-half (4½) feet are considered to be one (1) tree.
4. *Dripline*. The area below the furthest limit of the canopy of a tree.
5. *Excavation*. Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or spread and shall include the conditions resulting therefrom.
6. *Fill*. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, dumped, transported or moved to a new location and shall include the conditions resulting therefrom.
7. *Forester*. A person that is qualified in the development, maintenance and management of forests with the minimum of a bachelor of science degree in forestry and at least one (1) year of experience in the field.
8. *Hazardous tree*. A hazardous tree is a tree that poses an unreasonable risk to life or property as identified by a forester, arborist or landscape architect.
9. *Protected tree*. A protected tree is any species of tree determined by the Parks, Recreation and Conservation Board to be in need of protection. Such a determination shall be made upon the recommendation of the Commissioner to the Parks, Recreation and Conservation Board. Upon adoption of a resolution by the Parks, Recreation and Conservation Board, the names of the species of trees protected herein shall be contained in a list duly maintained and reviewed by the Parks, Recreation and Conservation Board on an annual basis. Any amendments to said list may from time to time be made upon the recommendation of the Commissioner to the Parks, Recreation and Conservation Board. Such changes as adopted by the Parks, Recreation and Conservation Board to the protected tree list shall be duly reflected in the list maintained by the Parks, Recreation and Conservation Board.
10. *Specimen tree*. Any tree with DBH of twenty-four (24) inches or greater.
11. *Tree*. Any living, woody plant which has a DBH of six (6) inches or more and generally forms a single stem.
12. *Tree removal*. Any act which causes a tree to die within a one (1) year period.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.354. - Regulated activities.

No person, County department, agency, official or employee shall engage in tree clearing, tree removal or the removal of a specimen tree, a protected tree, the excavation or alteration of the existing grade within the dripline of a tree or the removal of any tree(s) on slopes of 25 percent or more, unless such activity is undertaken during an actual or ongoing emergency when such tree removal is necessary for the preservation of life or property, including but not limited to the removal of a hazardous tree, except at such times and in such manner as permission to do so shall have been given by the commissioner or his authorized representative pursuant to section 765.351 of the Laws of Westchester County.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.355. - Application.

Any person, County department, agency, official or employee planning to engage in any activity referred to in section 765.354 shall submit to the commissioner a written notice advising the commissioner of such intention; the location of the property on which the trees are located; an explanation of the reasons for the proposed activity and complete plans, if appropriate, for the restoration of the site after tree clearing and tree removal which shall be certified by a landscape architect, forester or arborist.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.356. - Standards.

- A. The Parks, Recreation and Conservation Board shall consider the following factors in making its recommendations with respect to tree clearing and tree removal under this chapter:
  - (1) Whether the proposed tree clearing or tree removal is consistent with the purpose and findings set forth in section 765.352 of this chapter;
  - (2) Whether the environmental and historical impact of the proposed tree clearing or tree removal will be beneficial or adverse;
  - (3) Whether there are possible or practicable alternatives to the proposed tree clearing or tree removal.
- B. Such tree clearing or tree removal will be allowed under the following circumstances:
  - (1) The tree or trees are in poor health with an expected life span of less than two years as determined by a forester, landscape architect or arborist;
  - (2) If the tree or trees are located near the following existing or proposed improvements, where the improvements cannot be designed to protect the tree or trees:
    - (a) Within three feet of an existing or proposed sidewalk or driveway;
    - (b) Within ten feet of an existing or proposed cesspool, dry well, leaching pit, septic tank or field or other subsurface improvement;
    - (c) Within ten feet of an existing or proposed roadway;
    - (d) Within ten feet of any other existing or proposed structure.
  - (3) The tree clearing or tree will have a positive effect upon:
    - (a) Drainage patterns in the vicinity;
    - (b) Growth of existing or proposed adjacent vegetation;
    - (c) The health, safety or welfare of the residents of the County of Westchester and its neighboring communities;

- (d) Wildlife in the immediate vicinity.
  - (4) The County will undertake to plant replacement trees of a similar or different species or add other vegetative material or fencing or other similar measures to offset the negative effect of tree clearing or tree removal whenever the Commissioner or his authorized representative determines that such replacement is feasible and desirable.
  - (5) The clearing or removal of trees is pursuant to New York State Department of Environmental Conservation "Timber Harvesting Guidelines for New York" and the "Forestry Practice Standards."
- C. The Parks, Recreation and Conservation Board shall also consider:
- (1) Whether the tree or trees are of specimen quality as defined in section 765.353;
  - (2) Whether the tree clearing or tree removal(s) will have a significant negative effect upon:
    - (a) Erosion potential or drainage patterns in the vicinity;
    - (b) Growth of existing adjacent vegetation;
    - (c) Property values of nearby properties;
    - (d) The health, safety or welfare of the residents of the County of Westchester;
    - (e) Wildlife; or
    - (f) Visual quality within County property, as well as between County and nearby property.
- D. A recommendation to allow tree clearing or tree removal may be made with or without conditions.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.357. - Time limitations.

The Parks, Recreation and Conservation Board shall make its recommendations, in writing, to the commissioner with 35 days of its receipt of the referral.

(Added by L.L. No. 18-1993; amended by L.L. No. 5-1994)

Sec. 765.358. - Severability.

If any section of this law or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any other provision or any section or the application of any part thereof to any other person or circumstance.

(Added by L.L. No. 18-1993)

Sec. 765.361. - Rubbish and refuse matter.

Disposal in any park of bottles, cans, paper, garbage, rubbish or other waste materials of any kind or description is prohibited. No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on, or suffer or permit any servant, agent, employee or person in his or her charge to take into, carry through, leave in or throw, cast, lay, drop or discharge into or on any part of any park any ashes, dross, cinders, shells, paper, dirt, sand, oil, grease, clay, loam, stone or building rubbish, hay, straw, grain, sawdust, shavings or manufacturing trade or household waste, junk, old iron or other metal or objects made therefrom, or rubbish or waste material of any sort, or sick, diseased or dead animals,

organic refuse or other offensive matter, including swill, brine, urine, offal, fecal matter, garbage or rubbish except under a permit and in accordance with the terms of such permit.

(Gen. Ord. No. 5, § 37, eff. 1-1-1979)

Sec. 765.371. - Skating and sledding.

No person shall use roller skates, except at such times and upon such places as may be designated therefor, or skate, sled, walk or go upon any ice or snowshoe or ski, except at such times and at such place as may be designated therefor, and until such ice is declared by or under the authority of the commissioner to be in safe condition, nor will towing of persons on skis, sleds, skates, etc., be allowed.

(Gen. Ord. No. 5, § 38, eff. 1-1-1979)

Sec. 765.381. - Snowmobiles.

Snowmobiles may be operated only in those areas, roads and trails specified and designated by the commissioner.

(Gen. Ord. No. 5, § 39, eff. 1-1-1979)

Sec. 765.391. - Subsurface disturbances.

No person shall open, expose or interfere with any conduit, water or gas pipe, hydrant, stopcock, sewer, basin or other construction in any park, nor make any connection therewith, except under the authority of a permit and upon the deposit of such sum of money as may be required by the commissioner to ensure the restoration of the soil, sod, plants, shrub, trees, sidewalks, pavement, curb, gutter, flagging and all other facilities and equipment disturbed in making such opening or connection.

(Gen. Ord. No. 5, § 40, eff. 1-1-1979)

Sec. 765.401. - Toy aviation, kite flying, model boating, model automobiling, model rocketry.

No person shall engage in any toy or model aviation, kite flying, model boating or model automobiling, or model rocket flying except at such times and at such places designated or maintained therefor.

(Gen. Ord. No. 5, § 41, eff. 1-1-1979)

Sec. 765.411. - Uses of park property prohibited.

No person shall use in any manner whatsoever any park property, or any part thereof, or any building thereon for any illegal purpose, or for any purpose in violation of any federal, state, or municipal law, ordinance, rule, order or regulation, or of any ordinance, rule or regulation of the Department of Parks, Recreation and Conservation now in effect or hereafter enacted or adopted.

(Gen. Ord. No. 5, § 42, eff. 1-1-1979)

Sec. 765.421. - Vehicle and traffic.



All provisions of the vehicle and traffic laws of the State of New York not inconsistent with the provisions of these ordinances shall apply. (Gen. Ord. No. 5, § 43, eff. 1-1-1979)

Sec. 765.431. - Bathing.

No person shall bathe, wade or swim in any park waters, except at such times and in such places as the commissioner may designate or maintain as bathing areas. No person shall appear nude in public as defined in Penal Law Section 235.20.2.

(Gen. Ord. No. 5, § 44, eff. 1-1-1979)

Sec. 765.441. - Bathing suits.

1. No person shall dress or undress in any park except in such bathhouses maintained for such purposes, with the following exceptions: a person wearing bathing trunks or bathing suit covered by nothing more than a robe, cloak, cape, coat, sweater, sweat shirt, windbreaker, slacks or other similar beach attire may enter the beach or outdoor pool area and there remove such outdoor clothing.
2. No person dressed in street clothing shall enter a bathing beach except when accompanying children under 12 years of age who are on the bathing beach for the purpose of swimming.
3. No person dressed in street clothing shall enter a pool area.

(Gen. Ord. No. 5, § 45, eff. 1-1-1979)

Sec. 765.451. - Boating.

1. No person shall have charge of, run, operate or drive a boat on or upon the waters of the department:
  - a. Unless that person has a permit from the commissioner, except boats rented from a duly authorized concessionaire.
  - b. At a speed exceeding five miles per hour within 100 feet of shore, a dock, pier, raft, float or an anchored or moored vessel; at a speed exceeding eight miles per hour beyond 100 feet of the shore and away from the above mentioned objects.
  - c. Unless able to control the boat so that safety of all aboard and the life, limb, property and reasonable comfort of others are not endangered or disturbed. He shall see that no person shall stand up in or rock any rowboat or canoe or behave in an otherwise unsafe manner.
  - d. Within 750 feet of the water line of any bathing beach or within 50 feet of any life line.
2. Boating of any kind in any bathing area is forbidden.
3. No boat shall land upon the shores of any park except at such locations as may be designated or maintained as landing places, or in case of emergency.
4. No boat shall be laid up, stored, repaired or placed for any other purpose on any park land except under permit.

(Gen. Ord. No. 5, § 46, eff. 1-1-1979)

Sec. 765.461. - Bicycles.

No person shall ride a bicycle on any drive or footpath except where permitted.

(Gen. Ord. No. 5, § 47, eff. 1-1-1979)

Sec. 765.471. - Commercial vehicles.

No person shall drive or operate within any park any truck or trailer or vehicle constructed or adapted for, or engage in the carrying of any commercial goods, merchandise, material or machinery except for delivery and service vehicles serving park facilities and authorized concessionaires.

(Gen. Ord. No. 5, § 48, eff. 1-1-1979)

Sec. 765.472. - Pickup trucks—Prohibited operation.

No person shall operate a pickup truck on that portion of the Bronx River Parkway between its intersection with the Sprain Brook Parkway and its northern terminus. For the purposes of this section, a pickup truck is a truck with a cargo bed and sidewalls, regardless of seating capacity within the cab and regardless of registration as either a commercial or passenger vehicle.

(Gen. Ord. No. 5, § 48-a, eff. 1-1-1979)

Sec. 765.481. - Cruising.

No omnibus, taxi or other vehicle shall cruise or stop for the purpose of soliciting passengers.

(Gen. Ord. No. 5, § 49, eff. 1-1-1979)

Sec. 765.491. - Driving off pavement; disabled vehicles.

No vehicle shall enter upon or drive off the improved or paved roadway of any park, except by designated access drives or to and from a designated roadside parking area. Disabled vehicles shall be driven or moved off the paved portion of the road so as to prevent obstruction of traffic, but a disabled vehicle shall be permitted to remain on such unpaved portion only until temporary repairs are made or until power can be obtained to remove it, but not for a longer period than four hours, or closing time of the park whichever comes sooner.

(Gen. Ord. No. 5, § 50, eff. 1-1-1979)

Sec. 765.501. - Impounding of vehicles.

Vehicles illegally parked, disabled or abandoned in any park may be towed off and impounded. Such vehicles may not be removed from the designated storage compound until after the payment of towing, storage and other charges.

(Gen. Ord. No. 5, § 51, eff. 1-1-1979)

Sec. 765.511. - Insignia and signs on vehicles.

Vehicles, except taxicabs, having any name, insignia or sign painted or displayed thereon for business or advertising purposes are prohibited in any park. For purposes of identification the name and address only of the owner of a vehicle on sides thereof in letters not more than two inches in height shall not be construed as being displayed for business or advertising purposes. Vehicles owned and operated by governmental agencies are excepted from the provisions hereof.

(Gen. Ord. No. 5, § 52, eff. 1-1-1979)

Sec. 765.521. - Motor vehicles restricted.

1. No commercial vehicle with a trailer, semitractor trailer, shall be permitted in any park unless said vehicle is engaged in making authorized delivery.
2. The use of any parkway under County jurisdiction is restricted to automobiles classed as pleasure vehicles, excluding however such vehicles when adapted to or used for the carrying of commercial goods or materials. Except as otherwise provided in this section, the use of any other vehicle on a parkway as prohibited.
3. Pedestrians, horses, bicycles, motorized bicycles, including safety cycles, whizzer bikes, mopeds and similar types of vehicles, scooters, motorettes and other similar small power propelled vehicles with two or three wheels any of which has an overall diameter of less than 15 inches, excluding the tire are prohibited from using any parkway.
4. Station wagons, suburban campers, trucks and van type vehicles used as pleasure vehicles shall be permitted on parkways, subject to the following limitations and restrictions:
  - a. No such vehicle shall carry more than 14 passengers.
  - b. No such vehicle shall have overall dimensions of more than nine feet in height, seven feet in width, and 19 feet in length.
  - c. No such vehicle shall stop on or along a parkway shoulder, or parkway exit or entrance drive to discharge or pick up passengers; no such vehicle shall be used for the transportation of commercial materials.
  - d. Such vehicles shall be registered as passenger vehicles.
  - e. Suburban or van type vehicles must have at least two side body windows.
5. Omnibuses known as taxis will be permitted to (operate over a parkway to discharge or pick up passengers at a park or bathing establishment; but in no case will cruising or soliciting of passengers along parkway or in a park be permitted.
6. Outing buses will be permitted to operate by the shortest possible route from outside a park to discharge or pick up passengers from a picnic or bathing area only if a permit to enter the park has been issued by the commissioner to the organization sponsoring the outing, picnic, etc. Buses must proceed over the route and to the parking field designated in the permit.
7. Public omnibuses that have a seating capacity of no more than 14 passengers and have no more than four tires, or that do not exceed nine feet in height, seven feet in width, or 19 feet in length shall be permitted to operate on the parkway. Public omnibuses which exceed the above limits will be permitted to operate on the parkway only under special permit.
8. Licensed ambulances for sick or injured persons shall be permitted to operate over parkways on emergency service subject to all provisions of this chapter regulating traffic including limitations on the rate of speed.
9. Nothing contained in these ordinances shall apply to the vehicles, trucks and apparatus of a fire department, police department, ambulance corps, United States government and agencies, New York State government agencies, and to emergency repair vehicles properly identified by insignia when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.

(Gen. Ord. No. 5, § 53, eff. 1-1-1979; amended 1-22-1981, eff. 10-1-1981)

Sec. 765.531. - No U-turns.

No U-turn shall be made on any drive.

(Gen. Ord. No. 5, § 54, eff. 1-1-1979)

Sec. 765.541. - Obstructing traffic.

No person shall cause or permit a vehicle to obstruct traffic on any drive, or to stop such vehicle thereon except in compliance with traffic direction signs or the directions of a parkway police officer, special parkway police officer or when traffic makes such stopping necessary. No person shall drive a vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic except when such reduced speed is necessary for safe operation, mechanical breakdown, or in compliance with directions of a parkway police officer or special parkway police officer.

(Gen. Ord. No. 5, § 56, eff. 1-1-1979)

Sec. 765.551. - One-way drives.

No vehicles shall proceed in any other direction than as indicated upon signs designating drives or roadways for one-way traffic.

(Gen. Ord. No. 5, § 56, eff. 1-1-1979)

Sec. 765.561. - Parking, stopping or standing of vehicles on traffic lanes.

No vehicle in any park shall be parked, stopped, or allowed to stand on any drive, bridge, structure, access drive, or at any other place where posted to the contrary. Parking, standing, stopping on the shoulders of any drive shall be permitted only in an emergency, or when authorized by the commissioner, and then only on the shoulder to the right of the traffic lane facing in the direction of travel and only on condition that all wheels and projecting parts of the vehicle shall be completely clear of the traffic lane.

(Gen. Ord. No. 5, § 57, eff. 1-1-1979)

Sec. 765.562. - Parking on Certain County Owned Property.

1. Notwithstanding the provisions of § 134.51(5) of the Laws of Westchester County, the Commissioner shall waive the fee charged for the privilege of parking upon County owned property utilized for the purpose of commuter parking for any individual issued a monthly permit to park at such lot an electric vehicle that relies solely on an electric motor for propulsion; or a hybrid-electric vehicle that achieves a United States Environmental Protection Agency City fuel economy rating of 35 miles per gallon or more; or any other motor vehicle that achieves a United States Environmental Protection Agency City fuel economy rating of 35 miles per gallon or more. For purposes of this section, a hybrid-electric vehicle shall mean a vehicle which operates by combining an internal combustion engine powered by gasoline or diesel fuel with a battery powered electric motor.
2. Annually, on October 1, the Commissioner shall report to the Board of Legislators regarding the status of this law, specifically with respect to the number of qualified vehicles receiving a waiver pursuant to subdivision 1 herein and the resultant fiscal impact.
3. The owner and/or operator applying for a permit pursuant to subdivision 1 of this section shall provide to the Commissioner or a designee, documentation acceptable to the Commissioner demonstrating that the vehicle to be issued a permit is in fact a vehicle as defined in subdivision 1 of this section.

4. The Commissioner shall be authorized to establish rules and regulations necessary to effectuate the purpose of this section.

(Added by L.L. No. 13-2005; <sup>2</sup> amended by L.L. No. 5-2007 )

Footnotes:

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2. Editor's Note: This local law, as amended, provided that it shall expire and be deemed repealed on 12-21-2009.

3. Editor's Note: This local law provided that it shall take effect on 1-1-2008 and shall expire and be deemed repealed on 12-31-2009. However, any permit issued prior to 1-1-2008 pursuant to § 765.562(1) of the Laws of Westchester County that has not expired or been suspended or revoked shall be eligible for renewal by the permit holder, notwithstanding the amendments to § 765.562(1) of the Laws of Westchester County, effective 1-1-2008.

Sec. 765.571. - Pedestrians to use walks and paths.

Pedestrians shall use the walks and paths provided in any park, and shall not, except in cases of emergency, walk on any drive other than to cross the same at the designated crossings.

(Gen. Ord. No. 5, § 58 of eff. 1-1-1979)

Sec. 765.581. - Projecting objects.

No vehicles shall enter, operate or drive in any park with any package, object or article of any kind extending, hanging or projecting beyond sides, tops, ends of any of the limits of the vehicle itself, except that sports and recreation equipment such as skis, ski poles, fishing rods, beach chairs, beach umbrellas, tent poles, toboggans, sleds, boats, canoes and kayaks, may be carried on the rear of such vehicle or on a rack designed for the purpose and attached to the top thereof, provided that such equipment so carried shall in no case project more than 24 inches above the top or to the rear of the customary permanent equipment of such vehicle.

(Gen. Ord. No. 5, § 59, eff. 1-1-1979)

Sec. 765.591. - Repairing vehicles.

A vehicle shall not be parked on any drive for the purpose of being serviced or repaired except with permission of the commissioner or the Westchester County Parkway Police. In the absence of such permission, disabled vehicles, including those running out of gas or with a flat tire, shall be immediately removed from the traffic lanes of any drive.

(Gen. Ord. No. 5, § 60, eff. 1-1-1979)

Sec. 765.601. - Speed limits.

No chauffeur, driver, operator, owner or person shall operate or cause or permit to be operated a motor vehicle or motorcycle upon any drive on the Bronx River Parkway at a rate of speed exceeding 40 miles per hour, except that on that section of the Bronx River Parkway extending from the New York City line to the intersection of the Sprain Brook Parkway, the maximum speed at which a motor vehicle or motorcycle may be operated shall be 45 miles per hour, or upon any drive in any other park at a rate of

speed exceeding 40 miles, except where signs are displayed indicating a reduced speed; a rate of speed by a motor vehicle or motorcycle upon any drive in excess of 40 miles per hour in a 40-mile-per-hour area, or in excess of 45 miles per hour in a 45-mile-per-hour area, shall be unlawful; and where a sign is displayed indicating a reduced speed, a rate of speed by a motor vehicle or motorcycle upon any drive in excess of that indicated by such sign shall be unlawful.

(Gen. Ord. No. 5, § 61, eff. 1-1-1979; amended 9-1-1985, eff. 9-1-1985)

Sec. 765.611. - Standing, stopping and waiting.

1. A vehicle shall not stand, stop or park unless held up by traffic, on any drive and shall not stop with its left side to the curb.
2. A vehicle shall not so occupy any drive as to obstruct traffic.
3. A vehicle shall not stop so as to obstruct a crossing except in an emergency.
4. A vehicle shall not be permitted to stand backed up at an angle to the curb.
5. A vehicle shall not stop on any drive to take on or discharge passengers or merchandise, except in designated areas.

(Gen. Ord. No. 5, § 62, eff. 1-1-1979)

Sec. 765.621. - Stopping on signal.

On signal, by raising the hand or otherwise, of a person driving, leading or riding a horse or animal on any drive; the driver of any motor vehicle shall bring such vehicle immediately to a stop; and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass; and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal.

(Gen. Ord. No. 5, § 63, eff. 1-1-1979)

Sec. 765.631. - Towing and trailing.

No person shall solicit, or cause to be solicited on any drive repair or towing services. No person shall cause or permit a vehicle in tow of another vehicle to enter any drive or proceed therein except that in case of a breakdown a disabled vehicle may be towed to the nearest exit. Towing or service trucks responding to a service call shall enter the park at the entrance nearest to the disabled vehicle and shall leave at the nearest exit. A permit will be required to provide towing services on the Bronx River Parkway, however a motorist with a disabled vehicle on any park drive other than the Bronx River Parkway may call any towing or repair service of his choice.

(Gen. Ord. No. 5, § 64, eff. 1-1-1979)

Sec. 765.641. - Traffic lanes.

A vehicle on any drive shall be driven to the right and as nearly as practical entirely within a single right lane and shall not move from such lane until the driver has first ascertained that such movement can be made with safety. A vehicle shall not be driven in an adjacent left hand lane except when over-taking and passing another vehicle when the roadway is clearly visible. At no time shall a vehicle be driven across the center line or center island of any drive.

(Gen. Ord. No. 5, § 65, eff. 1-1-1979)

Sec. 765.651. - Traffic signs and signals.

No person shall fail, neglect or refuse to comply with any instruction, direction or regulation lawfully displayed upon any post, standard, sign or marking or other device installed or placed for the regulation of traffic on any drive or other park property.

(Gen. Ord. No. 5, § 66, eff. 1-1-1979)

**Cross reference**— Traffic Safety Board, Ch. 277, Art. III.

Sec. 765.661. - Bridle paths.

Equestrians will not be allowed in any park except on bridle paths designated and posted for that purpose, and when so riding shall not cross a drive at any place except where bridle paths intersect such drives.

(Gen. Ord. No. 5, § 67, eff. 1-1-1979)

Sec. 765.671. - Control.

No person shall use, ride, drive or lead a horse in any park except on a bridle path and unless it shall be well broken and constantly held in such control that it may easily or quickly be turned or stopped. No horse shall be left by its owner, rider, or custodian unbridled or unattended in any unenclosed space without being securely fastened. Reckless driving or riding on bridle paths is prohibited.

(Gen. Ord. No. 5, § 68, eff. 1-1-1979)

Sec. 765.681. - Obstruction.

Equestrians shall not ride more than two abreast on the bridle paths, and in places where such practice would prevent another horse from passing, they must ride in single file keeping to the right side of the path. Riders must not obstruct in any way the free use of the bridle paths by other riders. In passing riders going in the other direction, each rider shall pass not faster than a trot and in passing in the same direction, the rider passing shall keep to the left of the horse ahead and shall pass at a slow gait.

(Gen. Ord. No. 5, § 69, eff. 1-1-1979)

Sec. 765.691. - Pedestrians, vehicles, etc.

Pedestrians, or persons on bicycles, or dogs, or vehicles, shall not be allowed on any bridle path. Bridle paths are for the exclusive use of the equestrians.

(Gen. Ord. No. 5, § 70, eff. 1-1-1979)

Sec. 765.701. - Speed.

Riders shall not ride or drive their horses in any park at a gait faster than a canter. At all turns where there is not clear vision ahead, the horses shall be kept at a walk.

(Gen. Ord. No. 5, § 71, eff. 1-1-1979)

Sec. 765.711. - Stopping.

No person shall stop his or her horse within any picnic area or dismount except in case of emergency, nor allow the horse to be tethered or tied in any picnic area.

(Gen. Ord. No. 5, § 72, eff. 1-1-1979)

Sec. 765.721. - Trails.

Equestrians shall not be allowed on any trail in any park except where riding is permitted and posted for that purpose. On crossing other trails, equestrians shall not drive or ride at a pace faster than a walk. Pedestrians shall be given the right-of-way on all trails. (Gen. Ord. No. 5, § 73, eff. 1-1-1979)

Sec. 765.731. - Repeal.

All ordinances, rules and regulations and their amendments previously adopted are immediately repealed insofar as they are inconsistent with those set forth herein. The consistent ordinances, rules and regulations are to be construed as continuing in effect. The repeal of any ordinance, rule or regulation shall not affect or impair any act done, offense committed, right accruing or acquired, or liability, penalty, or forfeiture, or punishment incurred prior to the time these ordinances take effect; but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if these ordinances, rules and regulations had not been adopted.

(Gen. Ord. No. 5, § 74, eff. 1-1-1979)

Sec. 765.741. - Enforcement and penalty.

1. Any person who violates any provisions of the foregoing ordinances, rules and regulations, excepting the provisions of Article IV of these rules and regulations, shall be guilty of an offense and shall, upon conviction, be subject to a fine not exceeding \$250.00 or by imprisonment not exceeding 30 days or by both such fine and imprisonment.
2. Any person who violates any provisions of Article IV of the foregoing ordinances, rules, and regulations shall be guilty of a traffic infraction and shall, upon conviction, be subject to such fines and penalties as provided in § 1800 of the Vehicle and Traffic Law, and acts amendatory thereof and supplemental thereto.

(Gen. Ord. No. 5, § 75, eff. 1-1-1979)

Sec. 765.751. - Permits issued by commissioner.

The commissioner, upon application may at his discretion sue and permit waiving the application of the regulations contained in this ordinance for such period of time and with respect to such persons and to such places under his jurisdiction as he deems appropriate. In exercising his discretion the commissioner shall consider the purposes of the waiver, the reasons for the waiver and the bearing of other pertinent statutes, rules and regulations upon the application.

(Gen. Ord. No. 5, § 76, eff. 1-1-1979)



**Editor's note**— Former General Ordinance No. 5, approved 3-1-1962, effective 4-27-1962; as amended 3-16-1967, effective 4-26-1967; 9-27-1973; 9-10-1975, effective 12-31-1975 was superseded by this legislation.

Sec. 765.761. - Title.

The foregoing ordinances, rules and regulations shall be known and designated as General Ordinance 5.

(Gen. Ord. No. 5, § 77, eff. 1-1-1979)

Sec. 765.771. - Validity of ordinances.

If any article, section, paragraph, subdivision, clause or provision of these ordinances, rules and regulations, shall be adjudged invalid, such adjudication shall apply only to the article, section paragraph, subdivision, clause or provision so adjudged, and the rest of the ordinances, rules and regulations shall be and shall remain valid and effective.

(Gen. Ord. No. 5, § 78, eff. 1-1-1979)f

Sec. 765.781. - When effective.

These ordinances, rules and regulations known and designated as General Ordinance Number 5 shall take effect at 12:01 a.m. Eastern standard time, on the first day of January, 1979.

(Gen. Ord. No. 5, § 79, eff. 1-1-1979)