

TOWN OF TIOGA PLANNING BOARD
Regular Meeting – October 1st 2024

The October 1, 2024 Town of Tioga Planning Board meeting was brought to order at 7:00pm. Present were Alan Bill, Miranda Fisher, David Canale, Camille Corneby with Chairman Kerry Root presiding. Also present was Town Constable Jerry Pierce

Ms. Corneby made the motion to approve the September 2024 Planning Board minutes as presented, Ms. Fisher seconded, carried.

Proposed Local Law #3-2024 was presented to the Board to review before moving onto the Town Board for proposal.

(Proposed) Local Law #3-2024
A LOCAL LAW FOR TOWN PARKS & TOWN PROPERTIES

Be it enacted by the Town Board of the Town of Tioga as follows:

SECTION 1- TITLE

This chapter shall be known as the "Tioga Town Parks and Properties Ordinance."

SECTION 2- PURPOSE

The purpose of this chapter shall be to preserve the public peace and good order on lands owned or controlled by the Town of Tioga, and to contribute to the safety and enjoyment of the users of such properties by regulating the hours of use, the use of motorized vehicles, and by prohibiting certain activities inimical to the safe and orderly utilization of Town properties.

SECTION 3- JURISDICTION & ADMINISTRATION

The authorized Town department of the Town of Tioga is charged with the administration of this chapter and the posting of signs designating park lands within the Town of Tioga. The provisions set forth herein shall apply to and be in effect in all parks, Town-owned property, and properties under the control, supervision, and jurisdiction of the Town of Tioga.

SECTION 4- DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED TOWN OFFICIAL — A person or persons employed by the Town of Tioga so designated by the Supervisor or Town Board to perform the duties of enforcing the provisions of this chapter.

NONPROFIT SERVICE ORGANIZATION — An organization exempt from the payment of income tax under the Internal Revenue Code.

PARKS - The grounds, buildings thereon, waters therein, and any other property thereof, which is now or hereafter will be owned by, maintained by, operated by, or controlled by the Town of Tioga, including, but not restricted to, for public park purposes.

PARKS WATERS — Any waterway or body of water located within a park or on Town of Tioga property.

PERSON — Any individual, firm, partnership, corporation, or association of persons; and the singular number shall include the plural.

STORM MANAGEMENT AREA — All areas that include any retention or detention facility for the control of and management of stormwater. This includes approaches, access, or adjoining lands that are needed to access, inspect or maintain said facilities. This includes all structures, swales, and areas owned, leased or operated by the Town of Tioga. These are defined as the area encompassed by the static water level plus an additional 20 feet of horizontal projection from the static water level.

VEHICLE — Every device in, upon, or by which a person or property is or may be transported.

SECTION 5- HOURS OF OPERATION

No person shall be permitted to remain, stop, or park within the confines of any Town park or property between the hours of 10:00 p.m. and 6:00 a.m., prevailing local time in the Town of Tioga, except in an emergency or with authorization of an authorized Town official. In case of an emergency, or when, in the judgment of the authorized Town official, the public interest demands it, any portion of a park may be closed to the public or the designated persons until permission is given to reopen.

SECTION 6- PERMITS

- A. A permit must be obtained from the authorized Town department for the following uses and activities:
 1. Reserved use: the reserved use of park lodges, pavilions, formal baseball fields or athletic fields
 2. Picnicking: picnicking on park grounds, in lodges or pavilions, or the use of any playing fields or other park facilities by groups larger than 24 persons.
 3. Camping: camping within any park allowed only upon the written authorization of the authorized Town official.
 4. Vending: vending of food and drink (excluding all alcoholic beverages) by nonprofit service organizations.
 5. Those acts prohibited without a written permit as set forth in §9 of this Law.
- B. Permits shall be issued by the authorized Town department at the Tioga Town Hall, 54 Fifth Ave, Barton, NY 13734.
- C. All permit applicants must be 18 years of age or older. All permits must be signed prior to use of a park facility, or prior to the activities for which a permit is obtained. The signer of a permit shall be responsible for any and all damages to park facilities or contents thereof, and shall agree to indemnify the Town of Tioga for such damages.
- D. All permits shall be issued by the authorized Town department and shall be subject to park rules and regulations. The issued permit must be in the possession of the applicant during the permitted function or activity. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law, ordinance, rule, or regulation governing parks. Any violation of any term or condition thereof, or any law, ordinance, rule, or regulation governing parks, shall constitute grounds for revocation of said permit by the authorized Town official, whose action thereon shall be final. No permit for the same purpose shall be issued to the person whose permit has been revoked during the year in which the revocation is made.

- E. Prior to permit issuance, the applicant shall pay a permit fee to the Town of Tioga in an amount established by the Town Board of the Town of Tioga. Such fee may vary according to the activity permitted and the facilities used.
- F. All entities reserving Town facilities for use shall be required to complete a Town of Tioga application for parks and properties use.
 - 1. Established community groups and organizations sponsoring an event or activity that will be open to the general public, with the exception of a sit-down meeting or lecture whose attendees are likely to be (primarily) Tioga residents.
 - 2. Any group intending to serve food or offer food sales to the general public. This intention must be stated at the time of the permit application. Events involving food service must be in compliance with Tioga County Health Department standards and therefore may require training and certification by that entity.
 - 3. Any commercial business establishment renting the parks/pavilion facilities to conduct company-related meetings or social functions.

SECTION 7- PARK LODGES & PAVILIONS

- A. Park lodges and pavilions may only be reserved for use upon obtaining a permit as provided herein.
- B. Posted rules. Rules and regulations particular to each park's lodge or pavilion shall be established by the authorized Town official and posted within such facility.
- C. Park lodges or pavilions may be made available for overnight use upon written permission of the authorized Town official.
- D. All keys for park lodges and pavilions must be picked up at the authorized Town department during regular weekday business hours at least 24 hours prior to use.
- E. Pavilions not already reserved may be used on a first-come, first-served basis.

SECTION 8- CAMPING

When camping sites are made available within any park, as set forth in §11 of this Local Law, campers shall abide by rules and regulations particular to each site, as established by the authorized Town official.

SECTION 9- ACTS PROHIBITED WITHOUT WRITTEN PERMISSION

No person shall commit any of the following acts within any parks without a written permit from the authorized Town official:

- A. **POSTING**: post or display any sign, banner, or advertisement of any kind within any park.
- B. **NOISE**: use any loudspeaker, other sound-amplifying equipment, or band equipment.
- C. **FIRES**: picnic or cook in any area not designated by the authorized Town official for that purpose; or make or kindle any fire, except in places provided therefor, and then subject to such regulations as may be prescribed.
- D. **TEMPORARY STRUCTURES**: erect or construct any tents, canopies, or other temporary structure.
- E. **LODGING**: sleep, camp, lodge, or reside in any park building, except in such places as designated for said purpose by the authorized Town official.
- F. **STUNTS**: ascend or land with any aircraft, gliders, or parachutes, except in an emergency situation, or engage in rappelling, stunt flying, radio-controlled device usage, model airplane flying, model rocket launching, or any other equipment using liquid or solid fuel as a propellant.
- G. **DEFACING**: write, paint, or carve on any tree, bench, or park structure.

H. ALTERING: construct, repair, or relocate utility fixtures, such as sewers, hydrants, posts, lines, and conduits, or create trenches or excavations, or engage in any construction in or on park lands.

I. Damaging: plant any flower or shrubs; carry any slingshot, ax, saw, shovel, or spade within the parks; violate

J. Relocating: move or carry any tables, equipment, or any other park property found within a park for park use to a different area of the park.

K. Soliciting: beg, hawk, peddle, or solicit within any park.

SECTION 10- PARK REGULATIONS

A. Disorderly Conduct

1. Disrupting. No person shall disturb the peace and good order in any park by fighting, quarreling, or wrangling with loud voice or shouts, threatening by violence to the person or property of others, or engaging in riotous clamor or tumult.
2. Congregating. No person shall congregate with others in a public place and refuse to comply with a lawful order of the police, the authorized Town official or his authorized agents, or public safety officers to disperse or leave the park.
3. Gambling. No person shall play or bet at or against any game which is played, conducted, dealt, or carried on with cards, dice, or other device for money, chips, credit, or any other representative of value; nor shall any person be allowed to maintain or exhibit any gaming table or other instrument of gambling or gaming.
4. Profanity. No person shall use obscene, profane, or abusive language or gestures while in the parks.
5. Weapons. No person, except peace officers of the county or other law enforcement officers, shall have or carry any pistol or rifle about his/her person while in the parks.

B. Games regulated.

1. Horseplay. All games or activities of any description must be conducted in a safe and orderly manner, and no rough or boisterous practices will be allowed.
2. Competitions. A prior written permit is required for organized groups, clubs, or any other assemblage to schedule or participate in any athletic competitions, and then only subject to such rules as may be prescribed by the authorized Town official.
3. No one shall play games for which a permit or fee may be required without first obtaining such permit and paying such fee.

C. Environmental conservation.

1. No person shall take or attempt to take any fish from, or send, or throw any animal or thing into a pond or any of the waters of the parks, except that fishing may be permitted in season in certain park waters designated by the authorized Town official. No person shall kill, injure, or unnecessarily disturb any fish, waterfowl, birds, or animals. No person within the confines of a park shall hunt, pursue with dogs, trap, or in any other way molest any wild bird or animal found within the confines of a park, or rob, or molest any bird nest or take the eggs of any bird.
2. Notwithstanding the above prohibition against trapping, the Town Board is authorized to grant limited permits for the trapping of wild animals on Town-owned land to correct circumstances that caused or contributed to a threat to public health, safety or welfare.

D. Property preservation.

1. No person shall injure, deface, disturb, or defoul any part of a park, or any building, signs, equipment, or other property found therein; nor shall any tree, flower, shrub, rock, or other mineral be removed, injured, or destroyed.

E. Littering.

1. Dumping. Refuse is not to be dropped, thrown, or scattered on park property. Town of Tioga has a garbage in, garbage out policy. All refuse must be taken with you.
2. Polluting. No person shall, either within or outside of a park, discharge into, throw, cast, lay, drop, or leave in any waterway, storm sewer, or drain flowing into or through a park any substance, matter, or thing, either liquid or solid, which may result in the pollution of said waterway within a park, or interfere with the conservation of the natural resources of the park, or endanger the health of visitors in the park.

F. Alcoholic beverages.

The consumption of alcoholic liquors or beverages, including beer, and the bringing of such items into the parks are permitted under the following conditions:

1. Underage drinking. No person under the legally established drinking age shall bring into any park or drink in any park any alcoholic liquors or beverages, including beer; nor shall any person or organization sell or give away alcoholic liquors or beverages, including beer, to anyone under the legal drinking age, in any park. Proof of age may be required for purposes of enforcing this regulation.
2. Unauthorized drinking. No person shall bring into or drink any alcoholic liquors or beverages, including beer, in any park, except at picnic tables, in pavilions, in shelters, or other such areas designated by the authorized Town official; nor shall any person drink any alcoholic beverages, including beer, in any parking areas, roadways, or any rights-of-way within any park.
3. Dispensing. Beer may be brought into the parks for consumption at private family or social picnic parties approved by the authorized Town official, but may not be dispensed or displayed at temporary bars or from kegs or other bulk dispensing units unless permission is obtained from the authorized Town official. Alcohol consumption permitted by authorized Town Official.

G. Illegal Substances

1. Possession. No person shall be in possession of any quantity of illegal narcotics or drugs while in any park; nor shall any person be in possession of any devices or any other paraphernalia associated with the use or manufacture of illegal narcotics or drugs while in any park.
2. Distribution. No person shall sell or distribute any quantity of illegal narcotics or drugs while in any park; nor shall any person sell or distribute abused dosages of any legal prescription drugs while in any park.
3. Usage. No person shall, in any way, use any quantity of illegal narcotics or drugs while in any park; nor shall any person use abused dosages of any legal prescription drugs while in any park.

H. Animal Control

1. Dangerous. No person shall bring, permit, have or keep in any park any vicious or dangerous dog, cat, household pet, or any other animal that causes persons lawfully conducting themselves to be fearful of immediate bodily harm, or which is destructive to another dog, cat, household pet, birds, fish or any wildlife.
2. Unleashed. No person shall bring into, have or keep in any park a dog, cat, or other household pet unless the animal is equipped with a collar or harness to which is attached a leash or retractable lead of not more than 15 feet in length. The collar, harness, leash and lead must be of sufficient strength to control and restrain the animal and must be held by a person having the ability to do so. A dog used in law enforcement, rescue tracking, or as a service or guide dog, when working or training, may be unleashed.

3. Nuisance. No person shall permit any dog, cat, or other household pet to enter public buildings, parks waters, damage or deface property, deposit waste, or commit a nuisance in any park. The pet owner or harbinger shall clean up and remove any waste deposited by the pet on Town or other public property

I. Horseback riding. No horseback riding is permitted in any parks, except by authorization of an authorized Town official.

J. Parks waters (stormwater management areas)

1. Grass cutting within the water management area is not permitted, except by Town staff or their agents or contractors.
2. No person shall construct, repair or relocate any structure, including, but not limited to, a birdhouse, bridge, bench or shelter, unless authorized by a Town official.
3. No person shall install an aeration device, bubbler, fountain, or any other device.
4. No person shall discharge into any waterway any nontoxic chemical, colorant, herbicide or algicide.

K. Snow vehicles, motorbikes, and bicycles

1. Snowmobile operation. No motorized snow vehicles shall be operated in any park.
2. Motorbike operation. No unregistered motorbikes shall be operated in any park.
3. Bicycle operation. Riders of bicycles shall comply with the rules for the regulation of other vehicles and, in addition thereto, shall be subject to the following rules and regulations:
 - Riding. Bicycle riders shall wear protective helmets, shall proceed in the extreme right-hand lane of the roadway in single file, shall not continually ride in a manner curving or swerving across the roadway, shall not ride recklessly, and shall not take both hands off the handles or steering mechanism, at all times.
 - Towing. A bicycle shall not be towed by a rope or otherwise, nor shall any bicycle rider hold onto any moving vehicle.
 - Small bicycles. Children under the age of 12 riding small bicycles with wheels less than 20 inches in diameter may use the foot walks. All other bicycles larger in size shall not use the foot walks, except those areas as may be designated by the authorized Town official.
 - Bicycle parking. Wherever and whenever possible, bicycles shall be parked in places provided for such purpose and be kept locked.

L. Indecent acts. No person shall appear in a park in a state of nudity; nor shall any person commit, perform, or engage in any lewd, lascivious, obscene, or indecent act or behavior; nor shall any person make any indecent exposure of his/her person.

SECTION 11- TRAFFIC RULES

A. No parking. No person shall park or permit to stand any automobile, motorcycle, motorized bike, or other vehicle of traffic or burden upon the roadways, or any part thereof, so as to congest traffic or obstruct the roadway. No parking shall be allowed on the major roadways or lawn areas of any park, which will be designated by "no parking" signs. Parking areas in the parks are established for the convenience of patrons while using the facilities of the parks. It shall be unlawful for any person to park, stop, or leave standing any vehicle on any roadway or in any parking area in any park, except during the time he/she remains in the park, other than temporarily with the authorization of the authorized Town official, or while actively engaging in loading, unloading, or while standing in obedience to traffic regulations or traffic signals.

B. Attending. No person operating any taxi, bus, limousine, or other vehicle for hire shall attend upon any part of the roadways or parking areas of any parks for the purpose of soliciting, taking passengers, or persons other than those carried to the park by said vehicle.

- C. Off roadway. No person shall operate any automobile, motorcycle, motorized bike, or other vehicle of traffic or burden upon any part of the parks, or any other Town-owned property, except on the proper roadways and parking areas. Paths established as footpaths or bicycle paths shall not be used for vehicular traffic, except in the case of emergency vehicles or as otherwise authorized by the authorized Town official.
- D. Passing. No vehicle shall pass another vehicle proceeding in the same direction if the center of the roadway is marked with a double yellow line, except in the case of emergency vehicles.
- E. Traffic control. It shall be the duty of every person operating an automobile, motorcycle, motorbike, or other vehicle of traffic or burden within the parks to comply with the Vehicle and Traffic Law of the State of New York, and with all orders, directions, and regulations issued by traffic officers, public safety officers, or signage officially displayed on any post, standard, or device installed for the regulation of traffic, including but not limited to stop signs, "one way" signs, and "do not enter" signs.
- F. Speeding. No vehicle shall be operated on any roadway or in any parking area in any park at a speed exceeding 15 miles per hour, unless otherwise posted.
- G. After hours. No person shall park any vehicle or permit any vehicle to remain standing on any roadway, parking area, or any other area within the boundaries of any park, or any other Town-owned property, in excess of the length of time and between the hours hereinafter specified, except in the case of emergency vehicles or as otherwise authorized by the authorized Town official. No parking or standing shall be allowed in any parks between the hours of 10:00 p.m. and 6:00 a.m. prevailing local time in the Town of Tioga.
- H. Under the influence. No person who is under the influence of intoxicating liquor, beer, wine, illegal drugs or narcotics, or abused dosages of prescription drugs shall operate any vehicle within any park or any other Town-owned property.
- I. Reckless driving. No person shall operate a vehicle on any roadway, parking area, or any other area within the boundaries of any park, or any other Town-owned property, in a reckless manner or without due regard for the safety and the rights of pedestrians and drivers and occupants of other vehicles, so as to endanger the life, limb, or property of any person lawfully conducting himself/herself within said park or Town-owned property.
- J. Spotlighting. No person shall use or shine spotlights, other high-intensity lights, or unnecessarily shine automobile headlights onto park lands or other Town-owned property, except under the direction of a police officer, public safety officer, or the authorized Town official, except in the case of emergency vehicles.
- K. Unsafe driving. No person shall drive, move, cause, or knowingly permit to be driven or moved within any park, or any other Town-owned property any vehicle or combination of vehicles which is in an unsafe condition so as to endanger any person or cause damage to any park property; nor shall any person operate any vehicle in any park, or any other Town-owned property, with one or more other individuals hanging onto, clinging to, or otherwise riding in an unsafe manner on the outside of said vehicle; nor shall any person participate in a drag race within any park or any other Town-owned property.

SECTION 12- PARENTAL RESPONSIBILITY

No parent, guardian, or custodian of any minor shall knowingly permit or allow said minor to do any act which would constitute a violation of this chapter.

SECTION 13- COMPLIANCE WITH ENFORCEMENT OFFICIALS

A. Noncompliance. No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction, or control of traffic, or to the enforcement of this chapter, or to any other order lawfully given by any police officer, public safety officer, or Town official in the execution of his/her office or duties, in any park or any other Town-owned property.

B. Liability. No official or employee of the Town of Tioga shall, while acting pursuant to the provisions of this chapter, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided that such acts are performed in good faith and without gross negligence.

SECTION 14- ENFORCEMENT

A. This chapter shall be enforced by the authorized Town official, his/her authorized agents, any other authorized Town of Tioga officials, public safety officers, the Tioga County Sheriff's Department, the New York State Police, and any other police agency having jurisdiction within the Town of Tioga.

B. Any police officer may issue an appearance ticket, pursuant to Article 150 of the Criminal Procedure Law of the State of New York, as well as any other person authorized to issue appearance tickets under Chapter 7, Appearance Tickets, of the Town Code, to any person when he/she has reasonable cause to believe that such person has committed a violation of this chapter. Said appearance ticket shall direct the designated person to appear in the Justice Court of the Town of Tioga at a designated future date and time not later than 30 days from the issuance of the appearance ticket in connection with the alleged violation. Any police officer may, without a warrant, arrest any person in violation of any park rules or regulations as set forth in this chapter or as posted within such park, and take such person so arrested forthwith before a judge having competent jurisdiction, and he/she shall have at all times the right to enter the premises of any building, structure, or enclosure, or any park, or any other Town-owned property, including such grounds, buildings, and structures which may be leased or set aside for private or exclusive use of any individuals or group of individuals, for the purpose of arresting violators hereof, and may use all necessary means to attain that end.

SECTION 15- LIABILITY FOR DAMAGES; PENALTIES FOR OFFENSES

A. Any person damaging any park property, or any other Town-owned property, shall be liable for any and all damages incurred.

B. Failure to observe any provision of this chapter shall constitute a violation. Any person convicted of a violation of this chapter shall be subject to a fine not to exceed \$350 and/or imprisonment for a term not to exceed 15 days, or both such fine and imprisonment.

SECTION 16- EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.

Mr. Bill made the motion to approve proposed Local Law #3-2024 to move forward to the Town Board with the changes they suggested, Ms. Fisher seconded, carried.

Roll Vote:

Mr. Bill – Aye Ms. Corneby – Aye

Ms. Fisher – Aye Mr. Canale – Aye

Ms. Corneby presented the Planning Board with her letter of resignation effective December 31, 2024.

Mr. Bill made the motion to adjourn at 7:40pm, Ms. Corneby seconded, carried.

Tiffany Middendorf
Tioga Town Clerk

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