

SULLIVAN COUNTY PARK RULES AND REGULATIONS

PART 100: STATEMENT OF POLICY

101. STATEMENT OF POLICY

The County of Sullivan is abundant in natural, scenic and recreational resources. The County parks, recreational and historic sites operated and administered by the Department of Parks, Recreation and Beautification and the Sullivan County Park and Recreation Commission encourages and facilitates the use and enjoyment of such resources by the public and thereby promotes and enhances the well-being of each individual.

County parks however contain waterways, chasms, slopes and other natural features which by their nature, may constitute hazards and present dangers to persons approaching them.

In addition to dangers presented by natural hazards, the use of County parks and historic sites by the public for varied and divergent purposes may also, if not controlled, endanger the safety of members thereof and tend to deny certain individuals equality of opportunity in the use and enjoyment of these resources.

Therefore, to enhance and promote the safety, well-being and enjoyment of each individual in the use of a County park, recreational and historical sites and to assure to each individual equality of opportunity in regulations set forth in these rules are hereby established to govern the conduct of the public with respect thereto.

PART 200: DEFINITIONS

201. DEFINITION OF TERMS

Unless the context requires a different meaning, the following terms shall have the meanings set forth in this section:

- (a) "County" shall mean the County of Sullivan.
- (b) "Legislature" shall mean the County Legislature.
- (c) "Director" shall mean the Director of Parks, Recreation and Beautification whose responsibilities are established by Section A7-9B of the Sullivan County Code.
- (d) "Department" shall mean the County Department of Parks, Recreation and Beautification.

- (e) “Motor vehicle” shall mean any vehicle designated or maintained for use primarily on a highway and powered by any power other than muscular power other than a snowmobile, all-terrain vehicle and similar wheeled or air cushioned vehicle designed or equipped to operate outside of roadways.
- (f) “Personal property” shall mean any property or interest therein, other than real property.
- (g) “Property” shall mean real or personal property.
- (h) “Real property” shall mean lands, improvements and structures thereon, rights, franchises and interests therein, lands under water and riparian rights and any and all interests in lands less than full title including, without limitations, temporary or permanent easements (including scenic or conservation easements), leases, licenses, and any other estate interest or rights in lands, legal and equitable which constitute a county park.
- (i) “Rule or regulation” shall mean any rule or regulation duly adopted by the Legislature as a County Park Rule or Regulation.
- (j) “Person” shall mean a natural person, corporation, partnership, association or other entity.
- (k) “County Park” shall mean the real property and personal property appurtenant thereto owned or leased by the County under the jurisdiction of the Department and the Parks and Recreation Commission and designated as such by the Legislature and not to any other property owned by the County.

PART 300: PERMITS

301. PERMITS: The Director is hereby authorized to issue a permit to any person after approval of an application submitted to the Director with the fees charged to use, camp, occupy, reserve space or do any regulated activity upon the conditions set forth in this section:
- (a) A written permit by the Department, to do any act, shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof in a County Park.
 - (b) Any act authorized pursuant to a permit may be performed only by the person named therein, and any such permit may not be assigned, transferred or delegated to any other person unless and except as provided in such permit or in these rules.
 - (c) If any permit is revoked for cause because of a violation of these rules, any monies paid to the County shall be retained by the County. If any permit is revoked for reasons other than cause or violation of these rules by the

permit holder, monies paid to the County shall be refunded without interest as herein provided. The determination of the Director shall be final.

- (d) In any case where the holder of a permit or the agent or employee of such permit holder shall have violated a term nor condition of the permit, such holder and the agent and employee who shall have violated such terms and conditions shall be jointly and severally liable to the County for any damages or loss suffered by it in excess of money retained by the Department.
 - (e) Neither the forfeiture and retention of any money by the County nor the recovery or collection of any money damages or both shall prevent the prosecution of any person for a violation of a rule or regulation of the County or the violation of any other State or local law, ordinance, rule or regulation.
302. Fees: The Legislature shall establish fees for the issuance of permits and the use of County Parks.

PART 400: CASH DEPOSITS, BONDS, FEES AND REFUNDS

401. Cash deposits, bonds: The Director may require a cash deposit or indemnity bond as security to protect property of the County against loss or damage, or to limit the extent or duration of the use of such property, or to guarantee compensation to the County for property rented or used as follows:
- (a) Bond: If required, a surety bond shall be issued by a company licensed to do business in the State of New York and shall be in such form as the County shall approve. The acceptance of the permit shall be deemed to be an agreement between the permit holder and the County with respect to any such surety bond; or
 - (b) Cash: If required, a cash deposit shall be provided to the County by a permit holder by depositing same in a bank or trust company located in the State of New York, which account shall be under the exclusive control of the Director. If necessary the funds shall be applied to the repair of damage, loss or injury to property or as liquidated damages, for failure to vacate the premises as agreed.
402. A surety bond or cash deposit may be applied or claimed by the County:
- (a) In the event of loss or damage to property of the County to the extent of such loss or damage plus any additional fees and expenses incurred as provided in section 401.(b), but that no such claim or recovery shall prevent the County from seeking and recovering any additional damages in excess of the amount of the deposit or bond resulting from loss or damage of property; and
 - (b) In the event of a violation of any permit, agreement or condition upon which the requirement of a cash deposit or indemnity bond is based.
403. Refund of fees: In any case where the County has established a fee or charge for

use of any facility under its jurisdiction, custody or control a refund of such charge or fee shall be made under the following circumstances provided that a service charge to be established by the County shall be deducted and withheld from any refund:

- (a) Where no financial loss occurs to the County through the cancellation of reservations for the use of space or property, or when such cancellation is received by the Department 15 days in advance of occupancy;
- (b) Where, in the judgment of the Director, the cancellation is predicated on circumstances beyond the control of the permit holder;
- (c) Where, in the judgment of the Director, it is clear that there has been a misunderstanding on the part of the permit holder as to space or facilities reserved;
- (d) Where an error has been made by the Department as to the property or space reserved.

PART 500: PROHIBITED ACTIVITIES

501. Activities prohibited: The activities and uses enumerated in this section shall be prohibited on property under the jurisdiction, custody and control of the County.

- (a) No person shall solicit alms or contributions.
- (b) Pollution of waters. No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters any sewage, garbage, trash, litter, debris, waste material or any putrid or offensive matter.
- (c) Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, deceased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.
- (d) Drains and sewers. No person shall discharge into any openings or gutter leading into any sewer, receiving basin or drain in or leading into any property any gas or vapor or any substance which may form a deposit tending to choke same, or any volatile liquid which may emit an inflammable vapor; or any steam or water.
- (e) Injury to property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree or other plant life, and no person shall erect or maintain any structure except as otherwise provided in these rules.

- (f) Disorderly conduct. No person shall do any of the following:
1. Disobey a lawful order of any officer or employee of the County or the directions of any sign erected by or at the direction of the County;
 2. Use abusive or obscene language or make an obscene gesture;
 3. Throw any objects or missiles which may inflict bodily injury or damage to property;
 4. Climb upon any wall, fence, structure or monument;
 5. Obstruct vehicular or pedestrian traffic;
 6. Engage in or encourage fighting or violent or threatening behavior;
 7. Spit upon grounds or other surfaces;
 8. Make any unreasonable noise;
 9. Throw away or discard any lighted or burning object other than in a receptacle provided for that purpose;
 10. Operate any watercraft, wheeled vehicle, snowmobile, or other equipment in such a manner as to endanger other persons or property or in such a manner so as to create an unreasonable noise or disturbance;
 11. Commit an act which may result in injury to any person or damage to real or personal property or create a hazardous or offensive condition by any act which serves no legitimate purpose;
 12. Without lawful authority, disturb any lawful assembly or meeting of persons;
 13. Congregate with other persons and refuse to comply with a lawful order to disperse;
 14. Violate any provision of law.
- (g) Charges. No person shall enter upon or use any facility or property for the use of which a charge or fee is imposed, unless he shall have first paid such charge or fee.
- (h) Property closed to the public. No person shall enter or remain upon any property or within any structure during such hours, seasonal or indefinite periods that such property or structure has been designated as closed by a sign or by an employee of the County.
- (i) Use of established ways. No person shall use other than trails, overlooks, roads

and other ways established and provided for public use by the County. No liability shall attach to the County, its officers, employees or agents for injuries to persons resulting from the use of other than such established trails, overlooks, roads or ways.

- (j) Minors. No person having custody or control of a minor shall permit such minor to do any act in violation of a rule or regulation of the County. Minors under 10 years of age shall at all times be under the supervision and control of a parent, guardian or responsible custodian.
- (k) Hitchhiking. No person shall solicit a ride or hitchhike. No person shall pick up a hitchhiker.
- (l) Gambling. Gambling, lotteries, games of chance and fortune telling are prohibited.
- (m) Hunting is strictly prohibited unless specifically authorized in designated areas and only in a manner licensed by the State of New York.

Fishing is permitted in designated areas only and only with a license issued for such purposes by the State of New York..

- (n) No person shall introduce, possess or use an axe, machete or cutting tool other than a hatchet or sheath knife for the purpose of preparing wood for a cooking fire.
- (o) Animals. No person shall introduce or possess any animal except as otherwise provided in these rules.
- (p) All-terrain vehicles and snowmobiles. No person shall use or operate an all-terrain vehicle, and other similar wheeled vehicle or snowmobiles on any park property or park roadway unless said property is signed and designated for this use.
- (q) Firearms and weapons. No person other than a member of a federal, State or municipal law enforcement agency, shall introduce or possess either upon the person or within a vehicle, or use any firearm or any instrument or weapon the propelling force of which is a spring, rubber or air or any ammunition or propellant therefore, or a bow and arrow, except as permitted by a rule or regulation of the County.
- (r) Attire. No person shall appear nude in public as defined in section 235.20 of the penal law, dress or undress other than in suitable facilities. provided therefore, enter or remain in any area or facility in such attire as may be prohibited by a sign or by an employee of the County or bathe in other than a bathing suit safe and suitable for such purpose.

- (s) Artificial swimming aids. No person shall use tubes, floats swim fins, aqua lungs or skin diving equipment of any kind, or, any other inflated or buoyant objects or artificial or mechanical aids for swimming or diving, except under the following circumstances:
 - (1) when the use of skin or scuba diving equipment may be authorized in accordance with the terms of a permit issued by the Director; or
 - (2) when the use of personal flotation devices at designated facilities is specifically authorized by the Legislature. Only U.S. COAST GUARD APPROVED **TYPES I, II, AND III**; WEARABLE, PROPERLY FITTED PERSONAL FLOTATION DEVICES (PFD) MAY BE USED AT AGENCY SWIMMING FACILITIES, PROVIDED THEY ARE USED IN ACCORDANCE WITH THE MANUFACTURERS' LABEL. A **"TYPE V"** WHICH THE ATTACHED LABEL INDICATES PERFORMS AS A **"TYPE III"** MAY BE USED PROVIDED IT USED AS PER THE MANUFACTURER'S SPECIFICATIONS. ALL PERSONS USING PFDs **MUST** BE ACCOMPANIED IN THE WATER AND REMAIN WITHIN ARM'S REACH OF A PARENT, GUARDIAN OR RESPONSIBLE CUSTODIAN WHO IS NOT WEARING A PFD. WATER DEPTH IS NOT TO BE GREATER THAN CHEST DEEP ON THE ATTENDING PARENT, GUARDIAN OR OTHER RESPONSIBLE CUSTODIAN.
- (t) Protection of bathing areas. No person shall bring into or have any food or beverage in any bathing area, except those parts thereof designated for picnicking or refreshments. No person shall throw cast lay or deposit any glass or glassware or any part thereof, or metallic or any other substance that might cause injury on any bathing area in, on or adjoining any park.
- (u) No Smoking. Notice is given of the following County Policy: there shall be no smoking of any kind on any property owned or administered by the County of Sullivan. This policy shall apply to all county facilities and property including but not limited to vacant property and property administered by the County of Sullivan, such as Lake Superior State Park, subject to the following limited exceptions
 - (a) Persons may smoke in their own vehicles either parked or driving on County property. No one may smoke in a County vehicle at any time.

PART 600: ACTIVITIES OR USES PROHIBITED EXCEPT WHEN UNDERTAKEN PURSUANT TO PERMIT

- 601. Activities or uses prohibited except when undertaken by a permit. No person shall engage in any of the following activities or uses on property under the jurisdiction, custody or control of the County, except pursuant to a permit issued by the County and in accordance with the terms thereof and any other conditions contained in this section.
 - (a) Meetings, public exhibitions, etc. The holding of any meeting, ceremony, religious service, parade, procession, speech, lecture or any other form of entertainment, performance, motion picture, contest or other such event the distribution or posting of handbills or advertisements in connection therewith, or the erection of any such structure, stand or platform in connection therewith.

- (b) Fireworks and explosives. The introduction, possession or use of fireworks, gun powder, powder used in blasting, high explosives, blasting materials, detonating fuses, detonators or other detonating agents, smokeless powder or any chemical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may cause an explosion.
- (c) Commercial activities. The selling or offering for sale, hire or lease any merchandise, service or other thing of value.
- (d) The taking of moving pictures or photographs for commercial publicity or educational purposes or the purchasing or selling of negatives thereof or prints therefrom or the exhibition of same in public;
- (e) The receiving or discharge of passengers from or upon any wharf, dock or other property under the jurisdiction of the County by a vessel or aircraft which carries such passengers for hire;
- (f) Aviation. The voluntary landing of any aircraft, parachute balloon or other weight carrying machine or device designed for flight in or navigation of the air other than in an emergency;
- (g) Advertising.
 - 1. The posting or distributing of advertising matter or the oral advertising for sale of any merchandise, article service or other thing of value, or soliciting in connection with the sale of the same outside a park;
 - 2. The use of an aircraft for the purpose of advertising by means of towing banners, signs or other devices, dropping or distributing advertising materials or advertising through a loud speaker or other device.
- (h) The promotion of any event, belief or philosophy either by means of the posting or distribution of printed or written matter or orally.
- (i) Camping. Camping at authorized sites, cabins or other structures.
 - 1. No picnic table, garbage receptacle, wood pile and other equipment supplied by the Department shall be placed at any location other than those approved by an officer or employee of the Department;
 - 2. No laundry shall be hung or spread on trees, shrubs or lawns;
 - 3. No campsite or cabin shall be sublet;
 - 4. Campsites shall be kept in a neat, clean and sanitary condition;

5. No person shall wash dishes, clothes or his person at a water fountain or other outlet;
 6. Trailer campers shall provide suitable receptacles to prevent the discharge of waste from sink outlets onto real property;
 7. Ditching around tents is prohibited in grassed areas. Ditching is permitted in graveled areas, provided that such ditches are filled in upon vacating the site;
 8. No person under the age of 18 will be permitted to camp unless accompanied and supervised by a person 18 years of age or older who has been issued a permit;
 9. No person shall make any structural change or alteration in any campsite or cabin;
 10. Failure to occupy a reserved site at the time specified in the permit may result in the cancellation of such permit without refund;
 11. No person shall occupy a site after the time specified in the permit or renewal thereof;
 12. No person shall attach a rope, line or other device to a tree, shrub or structure;
 13. All temporary mirrors for extra trailers safety shall be removed immediately after detaching trailers at campsites.
- (j) Toy or model rockets or aircraft. The use or operation of toy or model rockets or aircraft. Persons may be required to produce evidence of insurance against property damage or personal injury in the discretion of the Director.
- (k) Research and educational projects. The conducting of a research or educational project.
- (l) The conducting of a picnic or outing by a group or organization in excess of 25 persons.
- (m) Private boats. Private boats, including canoes and sailboats may be used on designated park waters, subject to the following conditions;
1. Craft that meets established standards of safety and construction;
 2. The craft must be launched and removed only at designated places;
 3. All applicable State laws and rules and regulations of the County must be observed;
 4. Outboard motors are not permitted on any park lake with the exception of small, battery powered motors, capable of propelling the craft for

trolling by licensed fisherman;

5. No person shall leave any boat or canoe overnight on any lake in the park except campers or camp organizers who have obtained a permit from the Department.
- (n) Alcoholic beverages. The use and possession of alcoholic beverages, subject to the following conditions;
1. By an organized group having a permit from the Department for such use and possession, the maximum quantity to be specified in the permit, provided, however, that in the event of an organized group, such group shall have indemnified the County of Sullivan from any liability of any kind whatsoever and provided, appropriate liability insurance coverage in form satisfactory to the County, with a single limit of \$1,000,000.00 personal injury and \$100,000.00 property damage, \$150,000.00 medical payment, and for all others on such terms as the parties shall agree.
- (o) Alms. The soliciting of alms or contributions.
- (p) Archaeological excavations. The exploration for and excavation and gathering of archaeological or paleontological objects. Permits shall be subject to the approval of the Legislature.
- (q) Metal Detectors. The use or operation of a metal detector or other mechanical device to locate buried or concealed metal. Permits shall be granted for use of metal detectors designated areas only.
- (r) Bows and arrows and muzzle-loading weapons. The use or possession of any bow and arrow or muzzle-loading weapon.
- (1) The use of muzzle-loading weapons shall be limited to demonstration and interpretive programming conducted by staff members at Historic sites and to special events sponsored by the department, such as the reenactment of Revolutionary or Civil War battles. The weapons shall be loaded with blanks only.

PART 700: REGULATED ACTIVITIES

701. Regulated activities: The following activities are prohibited on property under the jurisdiction, custody and control of the County, except in areas specifically designated therefor, during such hours or seasonal periods specifically authorized and subject to such conditions as may be contained herein.
- (a) The throwing, striking, kicking or catching of any ball, horseshoe or other object or the conduct of any game or athletic activity, or the use of any device or equipment used in any such game or athletic activity.
 - (b) The engaging in toy or model boating or automobiling.
 - (c) The use or riding of saddle horses:
 1. No horse shall be left unattended or in an open area without being

securely fastened to a device provided for such purpose.

2. Saddle horses shall be used or ridden in such a manner so as not to endanger the safety of the public or interfere with the use and enjoyment of a park by others.
- (d) The building, kindling, lighting or maintaining of any fire. Fires may be built and maintained only in fireplaces, grills or stoves suitable for cooking purposes, and no fire shall be started or maintained unless under the constant supervision of a responsible person.
 - (e) The use of a sled, skis, skates or other vehicle, equipment or device used for the purpose of moving over snow or ice on runners, wheels or other means.
 - (f) Roller skating
 - (g) Kite flying
 - (h) Swimming, diving, bathing or wading in swimming pools, or other waters or walking upon the frozen surface thereof.
 - (i) The use, launching, beaching, docking, mooring or anchoring of a boat or watercraft used as a means of transportation of water:
 1. No boat or watercraft shall be operated within a bathing area;
 2. No boat or watercraft shall be operated at a speed greater than five (5) miles per hour in any area designated as a boat basin or anchorage area;
 3. If any boat or watercraft shall burn, submerge or become disabled, such boat or watercraft shall be removed immediately by its owner or other person having custody thereof. If such boat or watercraft is not removed within 24 hours, the Department may have it removed and charge the owner or other person having custody thereof with any expense incurred in relation thereto.
 - (j) The towing of persons on water skis, tubes and rafts or the use of a surfboard.
 - (k) The use or operation of a snowmobile as defined in subdivision three (3) of section 21.05 of the Parks and Recreation Law:
 1. Notwithstanding the above, the operation of a snowmobile during the period beginning one-half hour after sunset and ending at sunrise or the holding of a special event for snowmobiles, including but not limited to races and competitions, shall be permitted only pursuant to a written permit issued by the Department and subsequently approved by the Director.
 2. The operator of any snowmobile shall carry liability insurance in an

amount equal to that prescribed by law for such operation on highways and carry evidence of same.

3. No person shall operate a snowmobile in any area where the snow cover is less than three (3) inches.
 4. No person under 10 years of age may operate a snowmobile on property under the jurisdiction, custody or control of the County.
 5. No person under 16 years of age may operate a snowmobile without having received and is in possession a snowmobile safety certificate or unless such person is accompanied by a person at least 18 years of age, or accompanied by a person who holds a snowmobile safety certificate and is at least 14 years old.
- (l) Possession of pets. No person owning or being custodian or having control of any animal shall cause or permit such animal to enter the park, or any such animal found at large may be impounded except, however, that dogs properly muzzled and restrained by a leash may be brought into park areas, except buildings, camping, picnic and bathing areas, and improved walks. Riding horses may enter certain designated parks, by written permit only. Any animals seized as above provided will be delivered to a public pound.
- (m) Fishing, subject to regulations of the New York State Department of Environmental Conservation.

PART 800: HOURS OF PERMITTED USE

801. Hours of permitted use. Unless otherwise designated at certain parks or sections of parks by sign or written permit by the Director, all park, recreational or historical sites under the jurisdiction of the County shall be open from dawn to dusk. Uses before or after these times are prohibited.

PART 900: VIOLATIONS AND PENALTIES

901. Violation of any one or more of these rules and regulations shall constitute a punishable offense. Any person who violates these rules, in addition to being subject to any applicable law, shall be subject to a fine not to exceed \$100 and or may have their access to Parks and/or permit suspended or revoked.

PART 1000: MISCELLANEOUS AND EFFECTIVE DATE

1001. Construction of terms. Any term contained in these rules shall be construed as follows:
- (a) Any term in the singular shall include the plural;

- (b) Any term in the masculine shall include the feminine and neuter;
 - (c) The prohibition of any act shall extend to and include an attempt to commit such act and the causing and/or the procuring, directly or indirectly, of such act.
 - (d) No provisions contained in these rules shall cause to be deemed unlawful any act by an officer or employee of the County or the Department in the line of duty or in the scope of employment, or any act performed by a person, his agents or employees in the performance or execution of the terms of an agreement with the County or Department.
1002. Amendment. These rules may be amended by the Legislature after review by the Parks and Recreation Commission and upon recommendation of the Director. The failure to obtain such prior review and recommendation shall not affect the validity of any such amendment hereafter adopted by the County Legislature
- .
1003. Separability. If any part, section, subdivision, paragraph or provision of these rules shall be determined to be invalid, such determination shall apply to the particular part, section, subdivision, paragraph or provision, and all other provisions of these rules shall remain valid and in effect.
1004. Effective date. These rules and regulations shall take effect date of adoption of this resolution. The rules and regulations heretofore in effect are superseded by these rules and regulations.