

**Underlines is new language
and [brackets] delete
language.**

DEFINITIONS

Non-tobacco smoking product. “Non-tobacco smoking product” shall mean any product that does not contain tobacco or nicotine and that is designed for human use or consumption by the inhalation of smoke, including but not limited to (i) pipes, water pipes, rolling papers, and any other component part, or accessory of such product.

Smoking. “Smoking” means inhaling, exhaling, burning, or carrying any lit or heated cigar, cigarette, little cigar, pipe, water pipe, herbal cigarette, non-tobacco smoking product, cannabis products, or any similar form of lighted object or device designed for human use or consumption by the inhalation of smoke.

Vapor product means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine in a solution or any form [including] any electronic cigarette.

Cannabis. “Cannabis” as defined in paragraph 5 of section 3 of New York State’s Cannabis Law (as added by L 2021, c 92, § 2, eff. March 31, 2021), also known as the “Marihuana Regulation and Taxation Act” (“MRTA”); (d) Commissioner. "Commissioner" means the Commissioner of the New York

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Chapter 152 Nature Preserves

[HISTORY: Adopted by the Town Board of the Town of Clifton Park 2-26-1979 by L.L. No. 5-1979; amended in it entirety 6-18-2007 by L.L. No. 5-2007. Subsequent amendments noted where applicable.]

§ 152-1 Purpose and definition.

- A. The Town recognizes the unique characteristics and benefits to the Town of nature preserves within its borders, and wishes to establish regulations for the use of nature preserves owned or under management by the Town. These regulations shall apply to the Dwaas Kill Nature Preserve, the Vischer Ferry Nature and Historic Preserve, the North Woods Nature Preserve (former Round Lake Reservoir lands), Riverview Nature Preserve and all other nature preserves now owned, managed, or subsequently acquired, designated, or established by the Town of Clifton Park.
- B. The Town of Clifton Park finds and determines that these nature preserves offer unique combinations of undeveloped land, scenic vistas and/or open space which can provide for management and preservation of rare, threatened or endangered species of flora and fauna, provide habitat for birds, fish and other wildlife, permit the study of the natural sciences including biology, botany, ecology, entomology, ecology and geology, and to provide areas for passive, nonmotorized recreational uses including but not limited to educational activities, walking, fishing, hiking, photography, cross-country skiing and snowshoeing.
- C. Preserves may be maintained, altered or modified by the Town to preserve, improve, alter or enhance their character, desirability and usefulness to the people of the Town, consistent with the purposes stated herein.

§ 152-2 Vischer Ferry Nature and Historic Preserve.
[Amended 12-13-2021 by L.L. No. 10-2021]

- A. The Vischer Ferry Nature and Historic Preserve was originally established in 1977 on lands of the New York State Canal Corporation for nature preserve and recreational purposes, made possible by the issuance of a use and occupancy permit to the Town from the New York State Canal Corporation. Lands encompassed within the Preserve were expanded through the issuance of subsequent permits from the Canal Corporation, to the Town, and by land acquisitions made by the Town.
- B. Boundary: The Vischer Ferry Nature and Historic Preserve consists of lands encompassed by real estate permit C-OC-202100217, issued by the New York State Canal Corporation to the Town on, December 13, 2021, including 600+ acres of NYS canal lands adjacent to the Erie Canal Land generally bounded on the east by the Town of Halfmoon and on the west by Frank Street in Clifton Park, as shown on the map associated with the permit and attached hereto and incorporated into this chapter. Also included within the Vischer Ferry Nature Preserve are the following lands acquired by the Town of Clifton Park for Park and Nature Preserve purposes:
- (1) SBL 293.-2-1, 24.8 acres acquired on December 10, 2001, for nature preserve purposes (Resolution 260 of 2001).
 - (2) SBL 288.-1-76; 2.84 acres acquired for park and preserve purposes on October 27, 1997, per Resolution 214 of 1997.
 - (3) SBL 288.-1-48 .1; 15 acres acquired March 12, 2003, for park and preserve purposes per Resolution 308 of 2003.
 - (4) SBL 287.16-1-18 , acquired April 28, 2006, pursuant to Resolution 84 of 2006 for park and nature preserve purposes
 - (5) SBL 288.-2-31, acquired April 28, 2006, pursuant to Resolution 84 of 2006 for park and nature preserve purposes.
- C. Uses. The Vischer Ferry Nature Preserve lands shall be for use as a nature and historic preserve, for the purposes of recreation, historic and nature preservation, including: the maintenance of the hiking trails , footbridges, kayak launches, kiosks, parking areas and related recreational uses.
- D. Hunting and discharge of firearms restricted. Hunting shall be restricted within the Vischer Ferry Nature Preserve. Within the Vischer Ferry Nature and Historic Preserve only, hunting shall be restricted to the use of shotguns for duck hunting only, said hunting being limited to the first seven calendar days of duck hunting season as established by the State of New York. Discharge of firearms, or bows of any type, for hunting, target shooting or any other purpose during any time of the year other than as set forth above relative to waterfowl hunting, is prohibited. Hunting is allowed to the exclusion of all other uses, recreational or otherwise, during the above-described seven-day period.
- (1) Dwaas Kill Nature Preserve. The Dwaas Kill Nature Preserve shall only be used for the purposes of recreation and historic and nature preservation, is hereinafter designated as the "Dwaas Kill Preserve" and shall generally be defined as the area of land of approximately 248.485 acres that is bordered on the south by Kinns Road, north by the Canadian Pacific Railway Company (formerly the Delaware and Hudson Railroad) rail line, to the east by Pierce Road, and to the west by Carlton Road, and that is further defined by a subdivision plan/survey map on file with the Town Clerk dated July 21, 2005.
 - (2) North Woods Nature Preserve (former Round Lake Reservoir Lands). The North Woods Nature Preserve formerly known as the "Village of Round Lake Reservoir property," shall only be used for the

purposes of recreation and historic and nature preservation, is hereinafter designated as the "North Woods Nature Preserve" and shall generally be defined as the area of land of approximately 80.746 acres that is bordered on the south by West Terrace Court, Burning Bush Boulevard, and Brier Court, to the north by Shadow Wood Way, to the east by Forest Drive and to the west by South Hollow Road and Blue Spruce Lane, and that is further defined by a survey map on file with the Town Clerk dated October 25, 2003.

- (3) Riverview Nature Preserve. The Riverview Nature Preserve is approximately six acres, along the south side of Riverview Road, bounded by Riverview Orchards to the west, residences of Brian Drive to the east, and lands of New York State Canal Corporation along the southern boundary. The Mohawk River is along the strip of Canal Corporation land along the preserve's southern boundary.

§ 152-3 Hunting and discharge of firearms restricted.
[Amended 12-13-2021 by L.L. No. 10-2021]

Hunting and any discharge of firearms, or bows of any type, are prohibited within any nature preserve owned or managed by the Town of Clifton Park.

§ 152-4 Motorized vehicles restricted.

- (a) Motorized vehicles or crafts of any sort, except for emergency vehicles and vehicles operated by police, environmental conservation officers, town officials or others designated by them on official business, are banned from the nature preserves. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, motor boats or any other motor-driven craft. This shall not apply to wheelchairs or motorized vehicles designed to enable an individual with a disability.

152-4 (b) Smoking and the use of tobacco and cannabis products are prohibited at all Nature Preserves within the Town, including buildings, grounds parking lots and areas. This includes tobacco, non-tobacco smoking products, vapor products, and the use of vaping devices to inhale cannabis products.

§ 152-5 Nature preserves hours.

The nature preserves shall be open for general public use from 1/2 hour before sunrise to 1/2 hour after sunset. These hours may be varied by the Town Supervisor for special events. These hours shall not conflict with time periods set forth from time to time by the New York State Department of Environmental Conservation or the United States Fish and Wildlife Service for the regulation of waterfowl hunting seasons and hours.

§ 152-6 Prohibited acts.

It shall be unlawful and constitute an offense for any person to:

- A. Utilize or make use of any preserve within the Town except during the hours set forth in this article.
- B. Use or utilize any preserve within the Town for any act or use which is prohibited by this article.
- C. Vandalize, spray paint, break, or damage any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any nature preserve within the Town.
- D. Operate any motor vehicle of any sort on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain-motorized vehicles, snowmobiles, motorized-trail bikes, motorcycles, or any other motor-driven craft.
- E. Except for lawful hunting and fishing as permitted herein, it shall be unlawful and a violation for any person to harass or harm wildlife, or to permit his or her dog or other domestic pet to do so.

- F. Use or ignite fireworks of any kind, including sparkling devices as defined in Subparagraph (vi) of Subdivision (a) of Paragraph 1 of § 270.00 of the New York State Penal Law, as referenced in § 156-h of the New York State Executive Law. **[Added 8-17-2015 by L.L. No. 9-2015]**
- G. Except for duck hunting as described in § 152-2D, above, within the Vischer Ferry Nature Preserve, the discharge of all firearms, rifles, or bows of any type is strictly prohibited within nature preserves within the Town of Clifton Park. **[Added 12-13-2021 by L.L. No. 10-2021]**
- H. The removal, destruction, or defacement of any signs or postings prohibiting trespass or hunting with any nature preserve owned or managed by the Town of Clifton Park is strictly prohibited. **[Added 12-13-2021 by L.L. No. 10-2021]**
- I. Smoking and the use of tobacco and cannabis products are prohibited at all Parks and Preserves within the Town, including buildings, grounds, parking lots and areas. This includes tobacco, non-tobacco smoking products, vapor products, and the use of vaping devices to inhale cannabis products.

§ 152-7 Penalties for offenses.

[Amended 9-8-2020 by L.L. No. 6-2020]

Any person found to have violated any of the provisions of this chapter shall be guilty of a violation and shall be subject to the following:

- A. For a first offense, a civil penalty not to exceed \$500, in addition to restitution for damage to preserve property. **[Amended 12-13-2021 by L.L. No. 10-2021]**
- B. For a second offense committed within a period of 18 months, a civil penalty not to exceed \$1,000, in addition to restitution for any damage to preserve property.

§ 152-8 Town security officers.

[Amended 9-8-2020 by L.L. No. 6-2020]

The town security officers are authorized to provide for compliance with this chapter and hereby authorized to issue and serve appearance tickets and to participate in the prosecution of any offenses found in this chapter.

§ 152-9 Written plea agreements.

(Added 9-8-2020 by L.L. No. 6-2020)

Appearance tickets issued under this chapter may be resolved by written plea agreement lodged with the court, subject to judicial approval, for individuals represented and unrepresented by counsel. Electronic signatures, scanned or photocopied signatures on plea agreement forms shall be presumptively reliable.

Chapter 153

Parks

[HISTORY: Adopted by the Town Board of the Town of Clifton Park 6-18-2007 by L.L. No. 6-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Buildings and Grounds- See Ch. SA.

Environmental Conservation Commission - See Ch. 13.

Department of Parks, Recreation and Community Affairs - See Ch. 34.

Alcoholic beverages - See Ch. 59.

Mass public assemblies - See Ch. 64.

Burning - See Ch. 80.

Dogs - See Ch. 92.

Firearms - See Ch. 108.

Noise- See Ch. 149.

Nature preserves- See Ch. 152.

Zoning - See Ch. 208.

Article I

Parks, Park Areas and Park Districts

§ 153-1 Findings and determinations.

It is hereby the finding and determination of the Town Board that use of parks and park areas within the Town of Clifton Park beyond established times or in violation of the following prohibitions constitutes and creates disturbance for homeowners and others residing within the vicinity of town parks and park areas.

§ 153-2 Park hours.

All parks and park areas within the Town of Clifton Park, and all areas on the Clifton Common, shall be open for public use from the hours of 5:30 a.m. until 10:00 p.m. or as otherwise posted. This limitation shall apply to all exterior areas and shall not be applicable to activities inside any buildings within any of the aforesaid areas.

§ 153-3 Collins Park.

All dogs at Collins Park shall be on a leash and kept under leash control.

§ 153-4 **Prohibited acts.**

It shall be unlawful and constitute an offense for any person to:

- A. Utilize or make use of any park within the Town except during the hours set forth at § 153-2 hereinabove.
- B. Use or utilize any park within the Town for any act or use which is prohibited by this article.
- C. Vandalize, spray paint, break, or damage, any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any park or park area within the Town.
- D. Operate any motor vehicle of any sort on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, or any other motor-driven craft.
- E. Use or ignite fireworks of any kind, including sparkling devices as defined in Subparagraph (vi) of Subdivision (a) of Paragraph 1 of § 270.00 of the New York State Penal Law, as referenced in § 156-h of the New York State Executive Law. [Added 8-17-2015 by L.L. No. 9-2015]
- F. Smoking and the use of tobacco and cannabis products are prohibited at all Parks and Preserves within the Town, including buildings, grounds, parking lots and areas. This includes tobacco products, cannabis products, non-tobacco smoking products, vapor products, and the use of vaping devices to inhale cannabis products.

§ 153-5 **Parking limited to park use.**

[Amended 9-8-2020 by L.L. No. 6-2020]

It shall be unlawful and constitute a violation under this article for any person to park any motor vehicle in a town park or public park within a park district at a time when the operator of the motor vehicle is not utilizing the park or park facilities for their lawful purpose(s).

Article II Clifton Common

§ 153-6 **Determination.**

The Town of Clifton Park hereby determines that substantial moneys have been invested by the Town in the Clifton Commons, and substantial time and effort on the part of volunteers and volunteer organizations have been and continue to be provided to develop, maintain and continue the Clifton Common as a special recreational and park area for town residents. Certain activities if permitted on the Clifton Common would create risks to personal safety or property or problems with respect to the maintenance of the Clifton Common and involve uses never intended for this area of the town.

§ 153-7 **Activities specifically prohibited on Clifton Common.**

- A. Golfing on the Clifton Common is hereby prohibited.
- B. Smoking and the use of tobacco and cannabis products are prohibited at all Parks and Preserves within the Town, including buildings, grounds, parking lots and areas. This includes tobacco products, cannabis products, non-tobacco smoking products, vapor products, and the use of vaping devices to inhale cannabis products.

§ 153-8 Dogs.

All dogs upon the Clifton Common must be kept upon a leash and under leash control.

§ 153-9 Penalties for offenses.

[Amended 9-8-2020 by L.L. No. 6-2020]

- A. Any person found to have violated any of the provisions of § **153-3** and § **153-8** of this chapter shall be guilty of a violation and shall be subject to civil penalties according to the provisions of Chapter **92**, § **92-13**, of this Code.
- B. Any person found to have violated any of the remaining provisions of this Chapter **153** upon the Clifton Common shall be guilty of a violation and shall be subject to a civil penalty of up to \$250 for the first offense, and up to \$1,000 for every subsequent offense committed within 18 months, in addition to restitution for any damage to Park property.

Article III

§ 153-10 Determinations.

Clifton Park Action Park

The Town Board recognizes the popularity of skating and skateboarding as a means of active recreation for area residents and has established the Clifton Park Action Park as a members-only skate park for skateboarding and inline skating.

§ 153-11 Authority to establish membership fees.

The Director of Parks and Recreation shall establish annual membership fees for residents and for nonresidents and enter into agreements with area municipalities for reasonable membership fees for area residents as may be desirable for the maintenance and operation of the park, subject to approval by the Town Board.

§ 153-12 Rules and regulations; infractions; appeals.

- A. Rules and regulations for the Clifton Park Action Park shall be established by the Director of Parks and Recreation, subject to approval by the Town Board, and shall be posted at the park, are attached hereto and are available on the Town's website.
- B. Infractions or violations of Action Park rules and regulations established by the Director of Parks and Recreation as approved by the Board may result in a suspension or revocation of membership privileges, in addition to any other penalty as may be set forth in this article. Such suspension, revocation or limitation shall be in the discretion of the Assistant Director of Parks and Recreation ("Assistant Director") or his/her designee, subject to review upon appeal by the Director of Parks and Recreation. Appeal from such determination shall be in writing to the Director of the Department of Parks and Recreation within 30 days of the effective date of such determination and shall be heard at the Town Board meeting next following receipt of the appeal. The Director shall affirm, reverse, or modify the determination of the Assistant Director within one week of such hearing. Nothing herein shall prevent the Town Board or the Director from granting relief acceptable to the appellant prior to, or in the absence of, such written appeal or hearing.

§ 153-13 Prohibited acts.

- A. It shall be unlawful and shall constitute a trespass for any person to skate, use, or otherwise be within the park when the Action Park is closed.
- B. It shall be unlawful and shall constitute a trespass for any person to skate, use, or otherwise to be within the park without a current membership ID card or to assist another to be within the park without such membership.

- C. Dogs are prohibited within the Action Park.
- D. Smoking and the use of tobacco and cannabis products are prohibited at all Parks and Preserves within the Town, including buildings, grounds, parking lots and areas. This includes tobacco products, cannabis products, non-tobacco smoking products, vapor products, and the use of vaping devices to inhale cannabis products.

§ 153-14 Penalties for offenses.
[Amended 9-8-2020 by L.L. No. 6-2020]

Any person found guilty of § 153-13 of this article shall be guilty of a violation and shall be subject to the following:

- A. For a first offense: a civil penalty not to exceed \$250;
- B. For every subsequent offense committed within a period of 18 months: a civil penalty not to exceed \$1,000.

Article IV
Swimming Pools

§ 153-15 Clifton Park Town pools.

The Town Board recognizes the popularity of swimming and pool leisure activities as a means of active recreation for area residents. The Town of Clifton Park purchased and manages the community pools and clubhouses located on Barney Road and Locust Lane, the pool clubhouse on Burning Bush Boulevard and, in conjunction with the Longkill Park District, Country Knolls Pool located on Burning Bush Boulevard. The three Town pools have been designated as "members only."

§ 153-16 Authority to establish membership fees.

The Director of Parks and Recreation shall establish annual membership fees for residents and for nonresidents, subject to approval by the Town Board.

§ 153-17 Rules and regulations.

Rules and regulations for the three town pools and clubhouses shall be established by the Director of Parks and Recreation, subject to approval by the Town Board, and shall be posted at each pool, are attached hereto and are available on the Town's website.

§ 153-18 Suspension or revocation of membership privileges; appeals.
[Amended 12-12-2022 by L.L. No. 3-2022]

- A. Infractions or violations of the three town pools and clubhouses' rules and regulations established by the Director as approved by the Board may result in a suspension or revocation of membership privileges.
- B. Such suspension, revocation or limitation shall be in the discretion of the Assistant Director ("Assistant Director") or his/her designee, subject to review, upon appeal, by the Director. Appeal from such determination shall be in writing to the Director within 30 days of the effective date of such determination and shall be heard at the Town Board meeting next following receipt of the appeal. The Director shall affirm, reverse, or modify the determination of the Assistant Director within one week of such hearing. Nothing herein shall prevent the Town Board or the Director from granting relief acceptable to the appellant prior to, or in the absence of, such written appeal or hearing.

§ 153-19 **Prohibited acts.**

- A. It shall be unlawful and shall constitute a trespass for any person to use or otherwise be within pool and clubhouse designated areas when the pools and clubhouses are closed.
- B. It shall be unlawful and shall constitute a trespass for any person to use or otherwise to be within the pool or clubhouse area without a current membership unless he or she can be identified as a paid guest of a current member.
- C. Dogs are prohibited within pool and clubhouse designated areas.
- D. Smoking and the use of tobacco and cannabis products are prohibited at all pools and pool areas within the Town, including buildings, grounds, parking lots and areas. This includes tobacco products, cannabis products, non-tobacco smoking products, vapor products, and the use of vaping devices to inhale cannabis products.

§ 153-20 **Penalties for offenses.**

[Amended 9-8-2020 by L.L. No. 6-2020]

Any person found guilty of § **153-19** of this article shall be guilty of an offense and shall be subject to the following:

- A. For a first offense: a civil penalty not to exceed \$250;
- B. For a second offense committed within a period of 18 months: a civil penalty not to exceed \$500;
- C. For a third and any subsequent offense committed within a period of 18 months: a civil penalty not to exceed \$750;
- D. For a fourth and any subsequent offense committed within a period of 18 months: a civil penalty not to exceed \$1,000.

**Article V
Town Trails**

§ 153-21 **Motorized vehicles restricted.**

- A. Motorized vehicles or crafts of any type are prohibited and shall not be parked or operated on trails within the Town. This shall include, but not be limited to, motor vehicles, all-terrain motorized vehicles, snowmobiles, motorized trail bikes, motorcycles or any other motor-driven vehicle or craft. This provision shall not apply to emergency vehicles or vehicles operated by police, environmental officers, Town officials or others designated by them on official business, or motorized wheelchairs or other motorized vehicles designed to enable an individual with a disability.
- B. Smoking and the use of tobacco and cannabis products are prohibited on all Nature trails and multi-use pathways within the Town, including buildings, grounds, parking lots and areas. This includes tobacco products, cannabis products, non-tobacco smoking products, vapor products, and the use of vaping devices to inhale cannabis products.

§ 153-22 Penalties for offenses.
[Amended 9-8-2020 by L.L. No. 6-2020]

Any person found to have violated any provision of this Article V shall be guilty of a violation and shall be subject to a civil penalty not to exceed \$500.

§ 153-23 Town security officers.
[Amended 9-8-2020 by L.L. No. 6-2020]

The Town Security Officers are hereby authorized to provide for compliance with this Chapter **153** and are hereby authorized to issue citations, tickets, and complaints and to participate in the prosecution of any offenses charged under this chapter.

§ 153-24 Written plea agreements.
[Added 9-8-2020 by L.L. No. 6-2020]

Appearance tickets issued under this chapter may be resolved by written plea agreement lodged with the court, subject to judicial approval, for individuals represented and unrepresented by counsel. Electronic signatures, scanned or photocopied signatures on plea agreement forms shall be presumptively reliable.