

Town of Lorraine

Use of Public Facilities

§ 1-1. Purpose

This policy is established to assure that facilities owned and operated by the Town of Lorraine are utilized in a manner that has public purpose, that meets the needs and interest of the community, as well as to set clear policies, procedures, regulations, and fees regarding such uses. No Town of Lorraine public facility, regardless of its primary purpose, is exclusively reserved for the use by a single interest group, organization or population group.

§ 1-2. Definitions

Town: Town of Lorraine

Director: means the Councilperson appointed annually as the responsible party

Public facility: means an area of land and all buildings and structures located thereon, owned and operated by the Town, having facilities for rest and/or recreational use or providing open space for leisure activities, and customarily used by the general public for such uses and activities. The term includes, but is not limited to, parks, playgrounds, walkways, trails, and adjacent parking facilities. Appendix A below contains a current list of public facilities located in the Town.

Old Fire Hall: Property and facility located at parcel number 119.08-1-21 in the hamlet of Lorraine.

Lark Field: The grounds located adjacent to the Lorraine Municipal building containing a baseball diamond, playground and pavilion.

§ 2-1 – Reservation of Public Facilities

1. *General*

- a. The Town of Lorraine retains the right at all times to make individual decisions regarding the use of all public facilities.
- b. The Town Board will consider all requests for activities regularly occurring, that are not municipal or school-related regarding the use of all public facilities.
- c. The Director shall ensure the facility complies with all local, state, and or federal guidelines regarding public facility use & occupancy codes/regulations prior to issuing a permit.

2. *Permit required*

- a. All persons or groups desiring to reserve a public facility for their own exclusive use for special events (including, but not limited to, weddings, banquets, company outings, family reunions, birthday parties and similar celebrations) are required to have a permit from the Director.
- b. Permits from the Director or designee shall be required for any gathering, entertainment, game, tournament, exhibition or similar use. The Director or designee may require the applicant to provide proof of insurance in such form and in such amounts as the Director or designee deems reasonable. Permission for the above listed uses must comply with the large outdoor event and the use of Town.
- c. No permit is required for group picnics, unless the group seeks to reserve specific park areas or facilities for its own use at the exclusion of others, or intends to provide its own facilities not already present in the park, for food preparation and service (such as tents, tables, chairs, central cooking facilities and serving stations).
- d. Permits must be requested at least two (2) weeks in advance.
- e. Use of public facilities for any organization are scheduled on a first come, first served basis with consideration given to an annual repeat applicant use first. Once an application is approved, and rental obligations are met, the date and facility is considered secure.
- f. A fee for the permit shall be applied if the event using a public facility is a revenue generating event. The fee shall be established for as specified in the Fee Schedule established by the Town Board at the annual organizational meeting in January.
- g. All fees must be paid 7 days in advance. It shall be unlawful for any person to use, without payment, any facility or area for which a permit fee is required or user fee charged, unless payment has been waived.
- h. In addition to the application and permit fees, the Town may require the applicant to pay additional costs as needed for the event, including, but not limited to, the cost of providing police protection, the cost of providing restroom facilities and a maintenance service charge.
- i. A permit shall not be issued for use of the Highway Department truck bay without written consent from the Highway Superintendent. A permit shall not be issued for use of the Fire Department truck bay without written approval from the Lorraine Fire Chief.

2. *Permit applications.*

A person seeking a permit to use a public facility for a group function or event shall file an application with the Recreation Director. The application shall state:

- a. The name and address of the applicant;
- b. The name and address of the person, corporation or association sponsoring and/or conducting the activity;
- c. The day and hours for which the permit is desired;
- d. The public facility or portion thereof for which such a permit is desired;
- e. An estimate of the anticipated attendance or patronage;
- f. A statement that the applicant agrees to be responsible for any damage or loss to the public facility occurring during or resulting from the applicant's event or activity and that the applicant agrees to abide by all requirements of this Policy; and
- g. Any other information, which the Director shall find reasonably necessary to make a fair determination as to approval of the application.

3. *Deposit.*

At the time of filing the application, the applicant shall make a cash deposit for the repair of damages to the public facility and for its restoration, and sufficient to pay the expense, as estimated by the Director, of any Town employees required to supervise, inspect, setup and cleanup related to the conduct of the event or activity.

4. *Duties of applicant.*

- a. At least five (5) days before the scheduled event, the applicant shall inspect the public facility which the applicant intends to utilize and notify the Recreation Director in writing of any defects, deficiencies or apparent damage to such facilities.
- b. The applicant shall be responsible for designating a person who shall be in charge of the conduct of the event or activity and who shall be on the public facility grounds while the event or activity is being conducted.
- d. The applicant shall be responsible for keeping the public facility clean and free from debris.

- e. For events where more than two hundred (200) individuals are anticipated to gather or participate in the event or activity in the public facility, the applicant shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of New York in an amount of not less than two thousand dollars (\$2,000.00). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the town for damage to real or personal property in the public facility.
- f. The Town's property insurance and general liability insurance does not extend to individuals or groups utilizing public facilities. Therefore, for events where more than two hundred (200) individuals are expected to attend, the applicant shall procure and furnish evidence to the town of public liability insurance in amounts not less than five hundred thousand dollars (\$500,000) per person, for bodily injury, death, and property damage, protecting the applicant and the Town from such claims.
- g. The applicant shall comply with any and all other Town Ordinances, Rules and or Policies.

5. *Standards for issuance.*

The Director shall issue a permit only upon finding that:

- a. The proposed event or activity shall not endanger the health and safety of persons who visit the public facility;
- b. Adequate parking facilities exist and are available to accommodate the proposed event or activity in the public facility;
- c. Adequate sanitary facilities exist and are available to accommodate the proposed event;
- d. The event or activity shall not cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the public facility;
- e. The proposed event or activity would not unreasonably disturb persons who own and/or occupy land which is adjacent to such public facility; and
- f. The public facility or portion thereof desired has not been reserved for other use at the day and hour required in the application.
- g. The applicant has demonstrated the ability and intent to provide adequate supervision of the activity and understands the applicable rules and regulations.

When issuing the permit, the Director may designate the specific area within the public facility where the event shall be permitted to take place, based upon the foregoing criteria.

6. *Post-event examination*

Any facilities used by the applicant will be examined carefully by the Town after use. By accepting a permit to use a public facility, the applicant agrees to make full restitution for loss or damage occurring during the applicant's use of the facilities.

7. *Termination of permits*

The Director, for good cause, may withdraw his/her approval for use of any public facility by giving the applicant notice 48 hours in advance of the scheduled event or gathering. In such event, the applicant shall be entitled to full reimbursement of the deposit paid.

8. *Indemnification*

The applicant agrees to save, indemnify and hold harmless the town and all its employees, the Town Council and all its members, from and against, any and all liabilities, actions, courses of action and damages arising out of any negligent or tortious acts on the part of the applicant, employees or agents, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons by virtue of or arising from the use of said facilities, equipment, or activity participation. The foregoing entities shall also be held harmless from and against all claims, damages losses and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees arising out of or resulting from personal injury, sickness, disease or death.

§ 3-1 - Unlawful occupancy

It shall be unlawful for any person to:

- a. Enter any building or be upon any public facility after the posted closing time or before the posted opening time, or contrary to posted notice in any public facility or while any public facility is under construction.
- b. Use a public facility in a manner which requires a permit after having received a permit revocation during the time period specified.

§ 4-1 – Alcohol

Participants and spectators may not consume alcohol at any scheduled/organized activity or event. Alcoholic beverages are prohibited in public facilities.

§ 5-1 - Solicitations and concessions

It shall be unlawful for any person to:

- a. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a public facility except by authorized concession or written permission granted by the Director or designee.
- b. Expose, distribute or place any commercial sign, advertisement, notice, poster or display in a park without authorization from the Director or designee. This prohibition shall not apply to signs erected in connection with recognition of sponsorship by a business or individual of non-profit events provided that the sign has been authorized by the Director or designee.
- c. Bring in, set up, construct, manage or operate any amusement or entertainment device without a permit.

Other town permits and licenses may be required before engaging in the foregoing activities.

§ 6-1 - Dogs

Dogs are allowed at public facilities subject to the following restrictions:

- a. All dogs must be on a leash, cord or chain, not longer than ten (10) feet, held by a person physically able to control the dog, during any scheduled/organized activity or event at a public facility. Animals are not permitted in designated child play areas. Dogs are permitted to use trails and other areas designated "off-leash," as long as they are within voice command of their custodian.
- b. It is a violation of this Policy to allow a dog to disturb, harass or interfere with any employee or visitor at a public facility or to damage any visitor's property.
- c. Any animal owner whose animal destroys, damages, or injures any shrubbery, plants, flowers or anything on public property or a facility in a park or other public grounds shall be responsible for the damage caused by the animal.
- d. Pet custodians shall pick up their pet's feces and dispose of the feces in a sanitary manner, either in a designated receptacle or off the grounds of the public facility.

§ 7-1 - Littering

It shall be unlawful for any person to deposit, scatter, drop or abandon bottles, cans, broken glass, sewage, trash, waste or other material. Disposal of waste shall be in a sanitary manner off the grounds of the public facility.

§ 8-1 - Release of harmful or foreign substances

It shall be unlawful for any person to:

- a. Place any debris or other pollutant in or upon any land associated with a public facility or any body of water in or adjacent to a public facility or any tributary, stream, storm sewer or drain flowing into such waters.
- b. Discharge wastewater or any other wastes in a public facility, except into designated containers, drains or dumping stations.
- c. Release a pesticide in or upon any land associated with a public facility, except as permitted by the Town.

§ 9-1 - Destruction/defacement/alteration of public property/signs.

It shall be unlawful for any person to:

- a. Intentionally deface, vandalize or otherwise cause destruction to a public facility.
- b. Intentionally deface, destroy, cover, damage or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited by the Town.
- c. Build an encroaching structure, such as a fence or garden, on public facility property without the express written permission from the Director.

§ 10-1 - Disturbance of natural features

It shall be unlawful for any person to:

- a. Intentionally remove, alter, injure or destroy any tree, turf, other plant, rock, soil or mineral in a public facility without a permit.
- b. Dig any trenches, holes or other excavations in a public facility without a permit.
- c. Introduce any plant, animal or other agent within a public facility without a permit.
- d. Construct any building or structure or signs unless authorized to do so in writing by the Director.

§ 11-1 - Use of weapons/firearms/fireworks

It shall be unlawful for any person to:

- a. Fire or discharge, or cause to be fired or discharged across, in or into any portion of a posted public facility, any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, paintball gun, or any other dangerous weapon or projectile, except for purposes designated by the Director of in areas and at times designated by the Director.
- b. Possess, set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, or other pyrotechnics without authorization of the Director and the necessary State and local permits.

§ 12-1 - Fires

It shall be unlawful for any person to:

- a. Start an open fire at any public facility (including for cookouts and camping) except by express permission from the Director or designee. Applicants requesting permission for a fire of any type must also acquire a fire permit through the Lorraine Fire Department, Inc.

Scatter or leave unattended lighted matches, ashes, burning tobacco, paper or other combustible materials.

§ 13-1 - Personal conduct

It shall be unlawful for any person to engage in any course of conduct or participate in any activity in any public facility where such conduct or participation is unreasonably and unnecessarily hazardous to the personal safety of or impairs or limits the lawful use and enjoyment of the facility or area by other persons.

§ 14-1 - Noise/public disturbance

It shall be unlawful for any person to:

- a. Make any unnecessary noise which disturbs the peace and quiet of the park or causes discomfort or annoyance to park visitors of normal sensitivity, except for special programs at dates and times as authorized by permit.
- b. Install, use or operate or permit the use or operation within public facilities of any of the following devices:
 1. Loudspeaker or sound amplifying equipment without a permit.
 2. Radios, tape players, phonographs, television sets, musical instruments or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to persons of normal sensitivity within the area of audibility.

§ 15-1 - Movement of benches/seats or other park equipment

No benches, seats or other equipment of the town shall at any time be removed or changed from their place without permission to do so having been obtained by the Director or designee.

§ 16-1 - Parking

Parking or driving of any vehicle on a public facility, including vehicles for the purposes of loading and unloading supplies and all catered or concession vehicles, is not permitted except where specifically designated or as authorized by the Director or designee.

§ 17-1 - Interference with employee performance of duty

It shall be unlawful for any person to impersonate any employee of the Town or interfere with, harass or hinder any employee in the discharge of his/her duties.

§ 18-1 - Enforcement and penalty

This Policy may be enforced by the Director or his designee or by any duly authorized law enforcement officer. The Director may issue a written order to any person violating this policy prohibiting that person from using public facilities in the Town for a period of not more than one (1) year.

Revision History:

Adopted by the Lorraine Town Board on 10 Oct 2012.

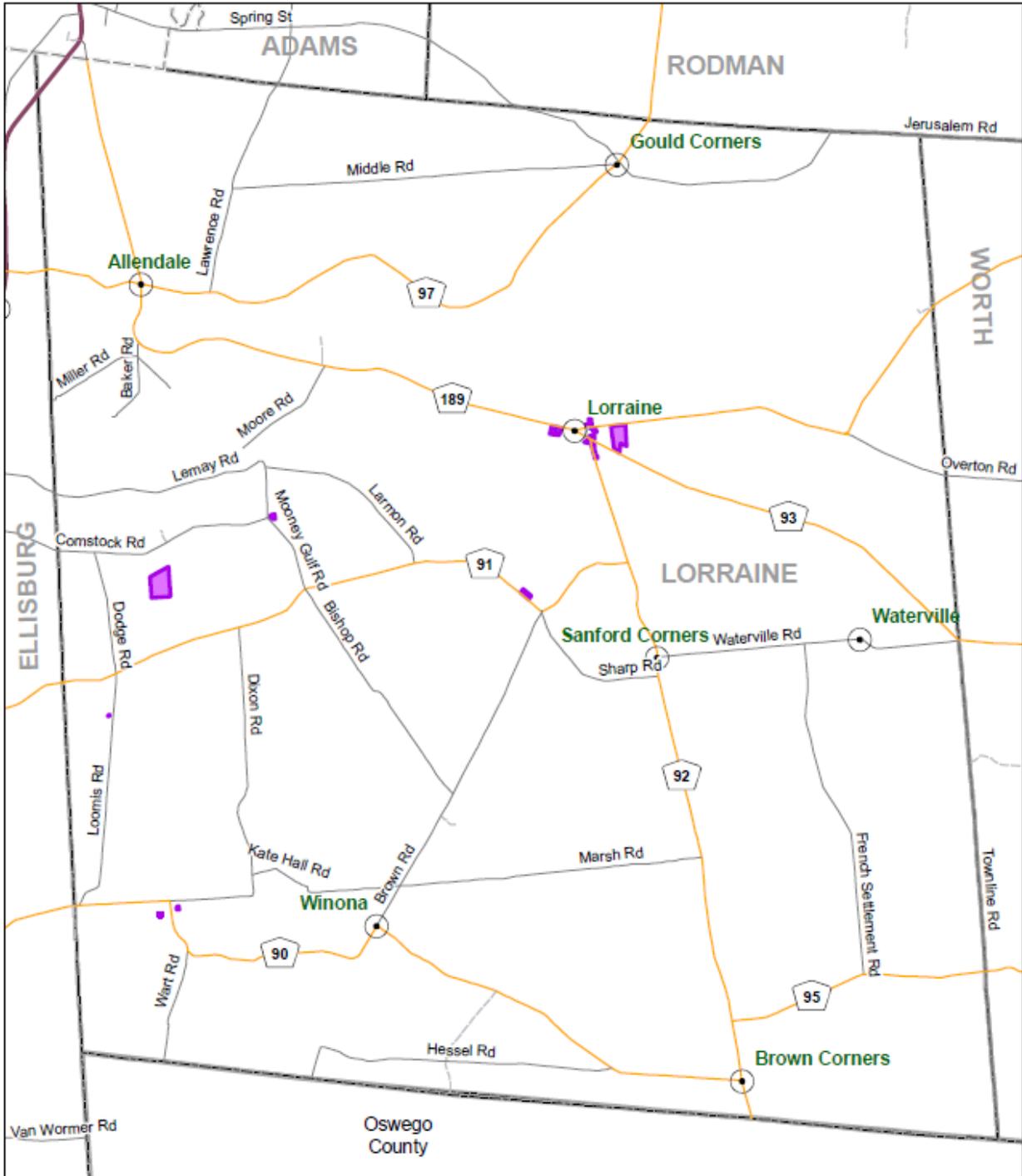
Rev 11/14/13: Added paragraph 2-1-1 (c) and 2-1-2 (i).

Rev 1/9/14: Clarified in 2 (F) that a fee is applicable for revenue generating events only.

APPENDIX #A

DESCRIPTION OF PUBLIC FACILITIES

PIN	OWNER NAME	PROPERTY ADDRESS	MUNICIPALITY	LAND USE CATEGORY	LAND USE DESCRIPTION
119.00-1-24	LORRAINE TOWN OF	MANOR RD	T-LORRAINE	COMMUNITY SERVICES	CEMETERIES
125.00-1-93	LORRAINE TOWN OF	W OF LOOMIS RD	T-LORRAINE	COMMUNITY SERVICES	CEMETERIES
125.00-1-5.2	LORRAINE TOWN OF	SW OF CO RTE 90	T-LORRAINE	COMMUNITY SERVICES	CEMETERIES
125.00-1-5.3	LORRAINE TOWN OF	E OF CO RTE 90	T-LORRAINE	COMMUNITY SERVICES	CEMETERIES
119.00-1-83	LORRAINE TOWN OF	SE OF COMSTOCK RD	T-LORRAINE	VACANT	RESIDENTIAL VACANT LAND OVER 10 ACRES
119.08-1-56	LORRAINE TOWN OF	20745 CO RTE 93	T-LORRAINE	VACANT	RESIDENTIAL LAND INCLUDING A SMALL IMPROVEMENT (NOT USED FOR LIVING ACCOMMODATIONS)
113.00-2-25	LORRAINE TOWN OF	CO RTE 189	T-LORRAINE	COMMUNITY SERVICES	CEMETERIES
119.08-1-6	LORRAINE TOWN OF	20731 CO RTE 189	T-LORRAINE	COMMUNITY SERVICES	HIGHWAY GARAGE
119.08-1-7	LORRAINE, TOWN OF	CO RTE 189	T-LORRAINE	VACANT	RESIDENTIAL VACANT LAND
119.08-1-21	LORRAINE TOWN OF	20766 CO RTE 189	T-LORRAINE	COMMUNITY SERVICES	OFFICE BUILDING
119.08-1-71	LORRAINE TOWN OF	CO RTE 189	T-LORRAINE	COMMUNITY SERVICES	CEMETERIES
119.08-1-19.2	LORRAINE TOWN OF	20876 CO RTE 189	T-LORRAINE	COMMUNITY SERVICES	HIGHWAY GARAGE
119.00-1-14	LORRAINE TOWN OF	E OF MOONEY GLF RD	T-LORRAINE	COMMUNITY SERVICES	CEMETERIES



**Town of Lorraine
New York**

<p>Legend</p> <p> Town-Owned Parcel</p>	<p>0 2,500 5,000 10,000 Feet</p>	
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Sources: CSCIC, ESRI, Jefferson County Real Property (2013)