

2021 TOWN OF MONTGOMERY PARK & PAVILION RESERVATION

**** Residents and non-residents may reserve the daily use of a Town of Montgomery Park facility in accordance with the policy of the Town of Montgomery as outlined in Local Laws #3 and #5 of 2009 and Local Law #7 of 2018 and Resolution**

**** All resident & non-resident reservations require a deposit per event. Failure to pick up and remove all garbage, litter and trash, and clean the area after use will forfeit the return of your deposit. Please see the attached Town of Montgomery Recreation Fee Schedule for prices. Please remit separate checks for fee and deposit.**

CONTACT: _____ **DATE OF RENTAL:** _____ **TIME:** _____
PHONE #(H): _____ **PHONE #(C):** _____ **PHONE# (W):** _____
HOME ADDRESS: _____ **CITY:** _____ **STATE:** _____ **ZIP:** _____
ORGANIZATION NAME: _____ **MAILING ADDRESS:** _____

Park Selection

- | | | | |
|---|--|---|---|
| <p>■ Berea Field 535 Berea Road Montgomery, NY 12549</p> | <p>■ Riverfront Park 11 Farm Meadow Lane Montgomery, NY 12549</p> | <p>■ ***Benedict Farm Park 1675 State Route 17K Montgomery, NY 12549</p> | <p>■ ***Pavilion at Benedict 1675 State Route 17K Montgomery, NY 12549</p> |
|---|--|---|---|

***PURPOSE OF USE/RENTAL:** _____

*** Groups wishing to use the park shall apply for a permit at least 20 days prior to the day requested.**

*** Certificate of Insurance is required listing the Town of Montgomery as an "additional insured."**

PLEASE COMPLETE AND RETURN WITH CHECKS TO:
TOWN OF MONTGOMERY
110 BRACKEN ROAD
MONTGOMERY, NY 12549

*****Note: Reserving at Benedict Farm Park is at the discretion of the Town Board.**

For Official Use Only

Approved: _____ **Brian Maher, Town Supervisor** **Date:** _____
Approved: _____ **Tara Stickles, Town Clerk** **Date:** _____

State of New York / County of Orange - RELEASE AND INDEMNITY

I acknowledge that by signing this document, I am releasing the Town of Montgomery, their officials and staff, from liability. This release form has legal consequences. I have read this document and Local Laws 3 & 5 of 2009 and Local Law #7 of 2018 Regulating the Use of Town Parks.

In consideration of the opportunity to use the above mentioned Town of Montgomery park facilities, I HEREBY RELEASE, DISCHARGE, HOLD HARMLESS, PROMISE NOT TO SUE, SHALL DEFEND AND INDEMNIFY, the Town of Montgomery, their officials and staff, from any and all rights and claims including arising from the negligence of the released parties, which may be sustained by directly or indirectly in connection with my participation at the Town of Montgomery parks. I acknowledge that I AM RESPONSIBLE FOR ANY DAMAGE TO THE FACILITIES that may arise from myself or members of my group. Further I acknowledge and agree that the financial value of any deposit amounts made with this application and/or coverage limits contained in any insurance certificate or policy provided in connection with this application shall not act to limit either my indemnification or responsibility for damage to the facilities.

Signature: _____

Date: _____

***RESIDENT AFFIRMATION**

I attest and affirm that I am a legal resident of the Town of Montgomery and as such am responsible for any damage to Town facilities by myself or any member of my group. Further I attest and agree that I shall be present at all times during the activities for which this application is made.

Signature: _____

Date: _____

Provide proof of residency ie: Copy of driver's license with street address, utility bill, etc.

Please review ALL of the attached park laws containing the rules before signing.

TOWN OF MONTGOMERY RECREATION FEE SCHEDULE

ALL SPORTS

| | |
|---|-------------------------|
| 1. Non-residents Town of Montgomery | \$20.00 each |
| 2. Benedict Field Camps - (Includes Bathroom and Pavilion Facilities) | |
| 4 Hours (8:00 am - Noon) | \$150.00 per week |
| (Noon - 4:00 pm) | \$150.00 per week |
| 8 Hours (8:00 am - 4:00 pm) | \$250.00 per week |
| 3. Fields for Week End Tournaments (All Day) (Includes Bathrooms, Pavilion & Garbage Pick-Up) | |
| Benedict All Purpose - Saturday | \$200.00 |
| Berea or Benedict Softball or Baseball - Saturday | \$200.00 |
| Benedict All Purpose - Sunday | \$200.00 |
| Berea or Benedict Softball or Baseball - Sunday | \$200.00 |
| Benedict All Purpose - Saturday & Sunday | \$300.00 |
| Berea or Benedict Softball or Baseball - Saturday & Sunday | \$300.00 |
| Garbage Disposal and Clean-Up | \$200.00 refundable fee |

PAVILION RENTAL

| | |
|-------------------------------|-------------------------|
| Weekdays - Residents | \$100.00 per day |
| - Non-Residents | \$150.00 per day |
| Week End (Saturday or Sunday) | |
| - Residents | \$150.00 per day |
| - Non-Residents | \$200.00 per day |
| Garbage Disposal and Clean-Up | \$200.00 refundable fee |

EQUIPMENT STORAGE - SEASONAL

| | |
|--|--------------------|
| Benedict Barn (Minimum 100 Square Feet) (For Example: 10' X 10' = \$100.00 - 10' X 15' = \$150.00) | \$1.00 per sq. ft. |
|--|--------------------|

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
 City of MONTGOMERY
 Town
 Village

Local Law No. 3 of the year 20 09

A local law REGULATING THE USE OF TOWN PARKS
(insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

- County
 City of Montgomery as follows:
 Town
 Village

Section 1. STATUTORY AUTHORITY: This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 2. LEGISLATIVE INTENT: The Town of Montgomery finds that parks and their public recreational facilities contribute to the quality of life in the Town. As the Town increases the amount of lands owned by the Town and utilized or planned to be utilized for active and/or passive recreational purposes, the Board finds that this local law is required to ensure that the use of the Towns parks is accomplished in a safe and enjoyable manner.

Section 3. APPLICABILITY: These regulations shall apply to all parks owned, operated, licensed, used or otherwise under the control or supervision of the Town of Montgomery at the time of enactment or in the future.

Section 4. DEFINITIONS. For the purposes of this article, the terms used herein are defined as follows:

PARK — A park or any other area owned or used by the Town of Montgomery devoted to active or passive recreation.

PERMIT — Any written license issued by or under the authority of the Town Board permitting the performance of a specified act or acts of the conduct of a particular function, program or activity.

PERSON — Any natural person, corporation, company, association, joint-stock association, firm, copartnership or other entity or form of association.

VEHICLE — Any vehicle propelled by power of any nature, including but not limited to, motorcars, motorcarts, motorcycles, snowmobiles, bicycles, wagons, go-carts and all-terrain vehicles.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 5. PROHIBITED ACTS:

The following acts are prohibited, and no person shall:

- A. Injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property therein, nor remove, injure or destroy any tree, flower, shrub, rock or other mineral found therein.
- B. Set fire or assist another to set fire to any trees, shrubs, grass, leaves or growth or any other combustible material or suffer any fire upon other land to extend onto any part of a park.
- C. Throw, cast, lay, drop, discharge, deposit, bring into or leave in any part of a park any garbage, sewage, refuse, waste or other obnoxious material otherwise than in receptacles or pits provided for such purpose.
- D. Operate a motorized vehicle of any type outside of clearly designated vehicular access ways. Lands of the former Wallkill Valley Railroad now designated as the Walden-Wallkill Rail Trail shall not be considered a designated vehicle access way. Prohibited motorized vehicles shall include, but shall not be limited to, passenger cars, vans, trucks, SUV's, motorcycles, mopeds, all-terrain vehicles, snowmobiles, mini-bikes, go-carts, or other means of transportation that utilizes an engine or motor for movement. Notwithstanding the above, motorized devices such as wheelchairs, utilized to transport persons with physical disabilities shall not be prohibited.
- E. Park or store any motorcar, motorcycle, snowmobile, bicycle, wagon or other vehicle within a park, except in places designated for such purposes.
- F. Use loud, boisterous or indecent language or interfere with any officer or agent of the town in the performance of their duty.
- G. Conduct themselves in such a manner as to:
 - (1) Endanger the life, limb or property of the other visitors to the park.
 - (2) Be offensive or injurious to the morals of any person frequenting the park.
- H. Introduce or carry any firecrackers, firearms or fireworks in a park or throw, cast, kick or strike any baseball, golf ball, football, basketball or other object, except in places designated therefore.
- I. Loiter or remain within the park or any part thereof in a vehicle, or otherwise, after the posted closing hours at such park without general or special permission.
- J. Possess or use alcohol beverages or be present or occupy the parks while under the influence of the same, except when and where permitted by special application made to and approved by the Town Board.
- K. Have unleashed animals or pets or animals or pets on leashes in excess of ten (10) feet in length (except when such animals or pets are present on the Walden -Wallkill Rail Trail the leash shall not be in excess of six (6) feet) and/or fail to promptly

remove and properly dispose of their wastes.

Section 6. OPERATING POLICY:

- A. Hours. Parks shall be open to the public every day of the year from 8:00 a.m. to sundown unless otherwise designated by the Town Board. Any person found in a park after sundown shall be in violation of these regulations unless permission for such has been granted through a permit issued by the Town Board.
- B. Permits to use parks.
- (1) Groups wishing to use a park shall apply for a permit at least 20 days prior to the day requested. No permit shall be issued for the conducting of a "for profit" purpose or use.
 - (2) Applications shall be filed with the Town Clerk.
 - (3) The Town Clerk shall issue a permit if the Clerk finds that:
 - (a) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park or with the health, welfare or safety of others.
 - (b) The proposed activity or use is not reasonably anticipated to incite disorderly conduct.
 - (c) The facilities desired have not been reserved for other use on the day and at the hour requested in application.
 - (d) A refundable deposit is posted as security against damage to park facilities. This deposit may be required at the discretion of the Town Board in an amount to be determined by the Town Board in view of the circumstances of the application.
 - (e) The Town Clerk may consult with the Town Board in making any of the above findings in regards to a particular permit application determination.
 - (4) Liability insurance may be required for groups using the park facilities when a permit is required. An applicant who seeks a permit for use of the park for First Amendment purposes may not be required to provide liability insurance or post another form of security deposit.
 - (5) Within fourteen (14) days after receipt of an application, the Town shall apprise an applicant, in writing, of the reason for refusing a permit.

- (6) Effect of a permit.
- (a) A permittee shall be bound by all park rules and regulations and all applicable ordinances as fully as though the same were inserted in said permit.
 - (b) The permit shall cover use of the described site only and shall not include permission to use any other area.
- (7) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of negligence of the person or persons to whom such permit has been issued.
- (8) The Town shall have the authority to revoke a permit upon finding a violation of any rule or ordinance or upon good cause shown.

Section 7. PENALTIES FOR OFFENSES:

- A. A violation of any provision of this article shall be punishable by a fine not to exceed \$500 for each violation. In addition thereto, the actual cost of any damages to town property shall be against the party responsible for the same.
- B. The Town Board also ordains that a violation of this article shall constitute disorderly conduct and the person or persons violating the same shall be a disorderly person or persons.
- C. In addition to all other remedies, the Town Board may also enforce obedience to these regulations by injunction.

Section 8. EFFECTIVE DATE:

This local law shall become effective immediately upon being filed in the office of Secretary of State.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City of MONTGOMERY

Town

Village

Local Law No. 5 of the year 20 09

A local law AMENDING THE LOCAL LAW REGULATING THE USE OF TOWN PARKS
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County

City of Montgomery

Town

Village

as follows:

Section 1. STATUTORY AUTHORITY: This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 2. LEGISLATIVE INTENT: The Town of Montgomery finds that parks and their public recreational facilities contribute to the quality of life in the Town. As the Town increases the amount of lands owned by the Town and utilized or planned to be utilized for active and/or passive recreational purposes, the Board finds that this local law is required to ensure that the use of the Towns parks is accomplished in a safe and enjoyable manner.

Section 3. APPLICABILITY: That the previously adopted Local Law Number 3 of 2009 entitled "Regulating the Use of Town Parks" is hereby amended such that Section 6 "Operating Policy" subsection "A- Hours" shall read as follows:

"A. Hours. Parks shall be open to the public every day of the year from sun up to sundown unless otherwise designated by the Town Board. Any person found in a park outside of these times shall be in violation of these regulations unless permission for such has been granted through a permit issued by the Town Board."

Section 4. EFFECTIVE DATE:

This local law shall become effective immediately upon being filed in the office of Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 09 of the ~~(County)~~(City)(Town)(Village) of Montgomery was duly passed by the Town Board on August 6 20 09, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

TOWN OF MONTGOMERY

LOCAL LAW NO. 7 OF 2018

**A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 2009
AND LOCAL LAW NO. 5 OF 2009, AS PREVIOUSLY AMENDED,
PROVIDING REGULATION FOR THE USE OF TOWN PARKS**

Be it enacted by the Town Board of the Town of Montgomery, County of Orange, State of New York, as follows:

Section 1. Background and Purpose.

Local law No. 5 of 2009 previously amended Local Law No. 3 of 2009 entitled “Regulating the Use of Town Parks”. The Town of Montgomery finds that the aforementioned local laws, which regulate the Town’s parks and public recreational facilities, are necessary to allow public parkland to further contribute to the quality of life in the Town. This newest amendment to the local law regulating the use of town parks continues that purpose and is required to ensure that the use of the Town’s parks is accomplished in a safe and enjoyable manner.

Section 2. Local Law No. 5 of 2009 entitled “Amending the Local Law Regulating the Use of Town Parks” is hereby repealed.

Section 3. That Local Law No. 3 of 2009 entitled “Local Law Regulating the Use of Town Parks” is hereby amended, such that, Section 6 “Operating Policy” of Local Law No. 3 of 2009, Subsection A “Hours” shall read as follows:

- A. Hours. Hours of operation, including seasonal or holiday closings, for all public parks and parkland within the Town of Montgomery shall be determined on an annual basis by resolution of the Town Board. Any person found in a park outside of these times and/or during any prohibited dates shall be in violation of these regulations unless permission for such has been granted through a permit issued by the Town Board.

Section 4. Effective Date.

This local law shall become effective immediately upon being filed in the Office of the Secretary of State of New York State.

**THE TOWN OF
MONTGOMERY
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By Councilwoman Melick
Sec'd by Councilman Hoyt
Date of Adoption February 7, 2019

| Names | Ayes | Noes | Abstain | Absent |
|--|----------|------|---------|--------|
| <i>Supervisor</i> Mr. Winchell | X | | | |
| <i>Councilman</i> Mr. Dempsey | X | | | |
| <i>Councilman</i> Mr. Hoyt | X | | | |
| <i>Councilwoman</i> Ms. Melick | X | | | |
| <i>Councilwoman</i> Ms. Voss | X | | | |
| TOTAL | 5 | | | |

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MONTGOMERY
SETTING THE PUBLIC PARK HOURS OF OPERATION**

WHEREAS, the Town of Montgomery (the "Town") maintains and owns parkland for public use and pleasure, which parks include Benedict Farm Park, Community Garden Park, Berea Park, Rail Trail, Riverfront Park, and Twin Islands Fishing Park; and

WHEREAS, the Town Board recognizes the substantial benefit that citizens of the Town receive from using the aforementioned parks; and

WHEREAS, the Town Board recognizes the importance of safely maintaining and operating the aforementioned public parks; and

WHEREAS, the Town Board has determined that in order to balance public safety and welfare with use and enjoyment of said public parks, all aforementioned public parks in the Town require set park hours and seasonally appropriate operational times; and

WHEREAS, the Town Board is required to set the hours of operation for Town parks by annual resolution pursuant to Local Law No. 7 of 2018; and

WHEREAS, the Town Board has determined that it is in the overall best interests of the Town to set the public park hours for all public parkland in the Town of Montgomery as follows:

ALL PARKS OPEN YEAR ROUND FROM DAWN TO DUSK

NOW THEREFORE, IT IS HEREBY

RESOLVED that the Town Board of the Town of Montgomery does hereby set the public park

Resolution No. 10 of 2019

hours of operation for all Town parks and parkland, including Benedict Farm Park, Community Garden Park, Berea Park, Rail Trail, Riverfront Park, and Twin Islands Fishing Park, as follows:

ALL PARKS OPEN YEAR ROUND FROM DAWN TO DUSK