



## **TOWN OF PENDLETON PARK POLICIES**

Approved [November 20, 2024] by the Town of Pendleton Recreation Committee.  
Approved and Adopted January 13, 2025 by the Pendleton Town Board.

### **POLICIES AND PROCEDURES FOR EVENTS IN THE TOWN OF PENDLETON PARKS**

#### **I. BACKGROUND**

The Town of Pendleton's Parks system accommodates a wide variety of recreational, educational, and entertaining events each year. Since each event is unique, there is a need to provide consistent information and direction on such events, what activities are allowed, what conditions should apply, and how much assistance the Town of Pendleton may provide.

#### **II. OBJECTIVE FOR EVENTS & EVENT POLICIES**

The Town of Pendleton endorses the promotion of events in our parks to increase the sense of community. To ensure that events in parks are compatible with the community's needs, they should:

1. Create a more livable, healthy community.
2. Encourage people to use the parks.
3. Instill and encourage community spirit, pride and self-help.
4. Benefit the community economically.

Event policies should equitably permit, assist and promote community events, ensure the events are compatible with their proposed venues and define the policies and processes in place to assist event holders.

#### **III. DEFINITIONS**

1. Recreation Committee: An appointed group of Town of Pendleton citizens by the Town of Pendleton Legislature to promote the advancement of the parks system.
2. Event: An organized celebration open to the general public.
3. Public Open Space: Town of Pendleton Parks and Recreation Areas.
4. Event Manager: The person designated by the event organizers as the prime person responsible for the event.
5. Community Group: a non-incorporated group composed of individuals joined together or a nonprofit organization.
6. Non-Profit Organization: Any organization that is registered and operates on a not for profit basis.
7. Commercial Organization: Any organization which operates on a for-profit basis.
8. Event Organizer: The organization producing the event.

#### **IV. EVENT ALLOCATION PRIORITIZATION**

The criteria and order of priority for the allocation of park and Community Center use in the Town of Pendleton will be as follows:

1. Events sponsored by the Town of Pendleton.
2. Residents of the Town of Pendleton.
3. Community Groups: When an organized Community Group which is a regular user, and an informal group of occasional users apply for use of the same space at the same time, preference may be given to the Community Group.
4. Non-Profit Organizations and other Town-approved Agencies.
5. Commercial Organizations holding non-promotional events that do not charge a fee or generate revenue.
6. Commercial Organizations within the Town of Pendleton.
7. Commercial Organizations outside of the Town of Pendleton.

#### **V. CONTRACTS AND FEES**

1. All facility users will be required to contract with the Town of Pendleton to reserve exclusive use over any facility or room.
2. Users will be required to pay the fees set forth by the Town of Pendleton as well as any additional expenses incurred to accommodate the event.
3. Liability Insurance Coverage is required, which names the event organizer and the Town of Pendleton as additional insured with risk levels set by the town when reserving the entirety of a park or the Community Center. A Town-approved Facility Use Agreement is required when reserving a shelter or a Community Center room space.

#### **VI. ROLE OF THE TOWN**

The role the Town of Pendleton may undertake in the development and support of community events are as follows:

1. Producer: The Town will direct and control all aspects of the event management.
2. Partner: The Town will enter into a joint venture with a non-profit community organization, which lacks the resources to produce an event on their own.
3. Assistant: The Town will provide specific assistance to groups requiring services related to an event in the town. Sponsorship for specific benefits normally associated with the private sector shall be negotiated. The Town will not have overall responsibility for the event.

#### **VII. EVENT MANAGEMENT**

It is important that events start and finish at reasonable times and that noise levels are compatible with the neighborhood. An Event Manager must be designated by the event organizer and be the prime contact with the Town.

The Event Manager is responsible for the event and must:

1. File a Facility Use Agreement with the Town.
2. Obtain the necessary insurance certificate for said event.
3. If food is to be served at the event, contact the Niagara County Health Department for a Temporary Food Establishment Permit application
4. Be available to meet with a Town representative no less than one month in advance of the event.
5. Be on-site during all delivery, set-up and tear-down of equipment.

## **VIII. COMMERCIAL USE**

No person shall engage in any commercial enterprise including, but not limited to, the offering of services, soliciting, selling or peddling liquids or edibles for human consumption or distribute circulars or hawk, peddle or vend any goods, ware or merchandise within a town park or recreation area, except as provided by special permission of the Recreation Director and/or the Town of Pendleton Board.

No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object within a town park or recreation area any bill, advertisement or inscription. Nor shall any person distribute, cast, throw or place any handbill, pamphlet, circular, advertisement or notice of kind within a town park or recreation area except by special permission of the Recreation Director and/or the Town of Pendleton Board. No person shall tell fortunes, play at games of chance or use any gambling device within a town park or recreation area except as provided by special permission of the Recreation Director and/or the Town of Pendleton Board.

## **IX. GROUP USE/MEETINGS/EXHIBITIONS**

No person or organization shall hold any meetings, or give any concert or public entertainment of any kind, within a Town Park without first having obtained written permission in advance from the Town no later than thirty (30) days prior to the proposed date of the event.

Public assemblies, the sale and distribution of printed matter and other public expressions of views conducted under the First Amendment of the Constitution of the United States and the State of New York upon the lands of the Town of Pendleton are permitted, provided that a written permit has been issued. To ensure public safety and the protection of park resources, and to avoid assigning the same location and time to two or more activities, the Town will regulate these activities but not the content or message.

## **X. INTOXICANTS/ALCOHOLIC BEVERAGES**

No person shall be permitted within a Town Park under the influence of drugs or narcotics. Violators will be prosecuted to the fullest extent of the law. The use of alcohol is permitted for adults 21 or over within Town Parks for personal consumption. The sale of alcoholic beverages is prohibited, except as provided by special permission of the Recreation Director and/or the Pendleton Town Board.

## **XI. ANIMALS**

Dogs and cats must be kept on a leash not exceeding six feet in length. No domestic animal shall be permitted to run at large within any Town Park. Pet owners shall be responsible for removing and properly disposing of fecal matter from park property.

No person shall ride, drive, lead or keep a saddle horse or other animal within a Town Park, except when authorized by the Town. This rule does not apply to law enforcement.

No person shall feed any wild animal, fish or waterfowl at any time in a Town park or recreation area.

## **XII. BUILDINGS/PROPERTY**

No person shall mark, soil, deface, remove or tamper with any town building or property.

## **XII. REFUSE**

No person shall leave bottles, glass or other rubbish within a Town Park except in trash receptacles provided for this purpose. No glass containers are allowed in any Town Park or recreation area. No

person shall throw or place any item in any Town body of water which may result in the pollution of said waters.

#### **XIV. NATURAL FEATURES**

No person shall pick flowers, foliage, berries or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, railing, seat picnic bench, fence, structure or any other object within a town park or recreation area.

No person shall bring into or upon a town park or recreation area any tree, shrub or plant, or any newly plucked branch or portion of a tree, shrub or plant, unless expressly permitted by the Recreation Committee and only in an area designated by the Recreation committee.

No person shall dig up or remove any dirt, stone, rock or other substance, make any excavation, quarry sand or stone, or lay or set off any blast or cause or assist in doing any of these things within a Town park or recreation area. Groups or persons who wish to improve the park need to obtain written permission from the Recreation Committee.

#### **XV. FIRES**

No person shall build, light or maintain a fire within a Town Park, except in picnic grills or fireplaces provided for such purposes by the Town. Picnic grills and fireplaces shall contain only charcoal fires. No person shall leave an area before a fire is completely extinguished.

#### **XVI. FIREWORKS**

No person shall possess, discharge or set off within a Town Park any fireworks. Public displays of fireworks as part of a special event or festival are permitted only with the express written permission of the Town.

#### **XVII. WEAPONS**

No firearms of any sort, concealed or unconcealed, are strictly prohibited on the Town's Park Grounds or Facilities. No knives exceeding six inches are permitted. Folding knives are recommended.

#### **XVIII. CAMPING**

No person shall set up tents, shacks or other temporary shelter for the purpose of overnight camping or sleep overnight in any area of a Town Park except for those areas designated by the Pendleton Town Board for such activities.

#### **XIX. PICNICKING**

No person shall picnic or lunch in a place other than those designated for that purpose. Park staff shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Personal grills and personal cooking equipment must be kept outside and away from shelters or any other Town-owned facilities. No person shall leave a picnic area before a fire, if any, is completely extinguished and before all trash and refuse is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

## **XX. Chemical Fuels**

Definitions Chemical fuels—Liquid, gaseous, or gelled fuels.

Approved chemical-fueled equipment—Commercially manufactured equipment, including stoves, grills, burners, heaters, and lanterns that are designed to be used with chemical fuels.

Prohibited chemical-fueled equipment—Equipment that is handcrafted, homemade, modified, or installed beyond the manufacturer’s stated design limitations or use. Examples include alcohol-burning “can” stoves, smudge pots, improperly installed heaters, and propane burners with their regulators removed.

Recommended chemical fuels—White gas (Coleman fuel); kerosene; liquefied petroleum gas fuels, including propane, butane, and isobutane; vegetable oil fuels; biodiesel fuel; and commercially prepared gelled-alcohol fuel in original containers.

Chemical fuels not recommended—Unleaded gasoline; liquid alcohol fuels, including isopropyl alcohol, denatured ethyl alcohol, and ethanol; and other flammable chemicals that are not in accordance with the manufacturer’s instructions for chemical-fueled equipment.

Operate and maintain chemical-fueled equipment according to the manufacturer’s instructions and in facilities or areas only where and when permitted.

Using liquid fuels for starting any type of fire—including lighting damp wood, charcoal, and ceremonial campfires or displays—is prohibited.

Store chemical fuels in their original containers or in containers designed for immediate use. Securely store any spare fuel away from sources of ignition, buildings, and shelters.

## **XXI. GAMES & ACTIVITIES**

No person shall take part in the playing of games involving thrown or propelled objects except in areas designated for such purposes. The playing of sports is prohibited except on areas designated for such purposes. Designated leagues or organizations for athletic and other activities must have the express written consent of the Town.

## **XXII. SMOKING**

Smoking is prohibited within the confines of an enclosed building or structure.

## **XXIII. RESTRICTED USE AND AREAS**

No person shall enter upon any portion or participate in an activity that is prohibited by sign or notice. No person shall bathe in any Town water area.

## **XXIV. PROHIBITED ACTIVITIES**

Flying—use of hang gliders, ultralights, or nontethered hot-air balloons is prohibited unless express written permission from the Town.

Shooting or throwing sports, examples of prohibited activities include:

- Anvil shooting, flintlocks, exploding targets, and devices regulated by the National Firearms Act
- Blow guns, boomerangs, and ballistae.

- Homemade firearms and air cannons, potato cannons, and tennis ball cannons
- Throwing of shovels, torpedoes, spikes, or stars
- Inappropriate ammunition such as pumpkins, hard slingshot ammo, and tracers
- Cannons
- Crossbows
- Reloading ammunition, and using reloaded ammunition.
- Spears, including atlatls, pole spears, and spear guns

Extreme or action sports and associated activities that involve an unusually high degree of risk and often involve speed, height, a high level of exertion, and specialized gear or equipment. These activities include but are not limited to:

- Parkour
- Tree climbing.
- Bubbleball, Knockerball®, zorbing, Battle Balls™, bubble soccer, bubble football, and
- similar orb activities where participants collide or roll around on land or water.
- XPOGO
- Trampolines and trampoline
- Using homemade or modified equipment.
- Water chugging, and eating or drinking competitions such as hot dog eating contests.

Activities where participants strike at each other, including martial arts, boxing, combat games, gladiator games, and reenactment activities such as live action role-playing games (LARP) and Society for Creative Anachronism (SCA) activities (exception: tai chi). Activities where participants shoot or throw objects at each other, such as rock-throwing, paintball, laser or archery tag, sock fights, or dodgeball. Service projects that fail to comply with federal, state, or local laws regarding the safety of youth (For more information, visit [www.youthrules.gov](http://www.youthrules.gov) and [www.dol.gov/general/topic/youthlabor/hazardousjobs/](http://www.dol.gov/general/topic/youthlabor/hazardousjobs/).)

Use of power tools by youth, including chainsaws, log splitters, wood chippers, and power saws or mills.

Fireworks, including the selling of fireworks (exception: fireworks display by a certified or licensed fireworks control expert who has prior approval of the Town to do so).

## **XXV. VEHICLES/PARKING**

All provisions of the New York State Vehicle and Traffic Law with regard to equipment, lights, licenses, brakes, operation, etc., will apply in the parks and will be strictly enforced, with also such further restrictions as may be herein stated.

No person shall use any portion of a town park or recreation area for the purpose of transport, parking areas, roadways, paths, walks and trails established for such purpose by the Recreation Committee, and footpaths or walks established for pedestrian travel shall not be used for vehicular or off-road vehicular travel. The use of mopeds or motorized vehicles will be limited to roadways, drives and parking areas as established and opened to all other vehicular traffic. Off road vehicles are not permitted in any town park or recreation area, unless specifically designated for this purpose. This includes, but is not limited to: ATVs, golf carts, snowmobiles, dirt bikes, e-bikes, scooters and pit bikes. No person shall drive or propel, or cause to be driven or propelled, along or over any road within a town park or recreation area any vehicle **at a rate of speed greater than fifteen (15) miles per hour or the speed limits as established by the Town of Pendleton Board**, and indicated by speed limit signs erected along the

right-of way. Whenever a park staff member or other park representative shall indicate or direct by gesture or otherwise, that the speed of a vehicle shall be checked or stopped, or its course altered, the driver thereof shall immediately obey such directions.

No person shall drive or propel, or cause to be driven or propelled, along or over any road, parkway, drive or parking area within a town park or recreation area any motor vehicle in a careless manner or in a manner to endanger the life, limb or property of pedestrians or the drivers or occupants of other vehicles or any other person within a town park or recreation area. The motor vehicle operator and the motor vehicle operated within a town park or recreation area shall follow New York State Vehicle and Traffic Law.

No person shall park or store any motorcar, motorcycle, bicycle, wagon or other vehicle within a town park or recreation area except in areas designated and posted for such purposes. Parking areas and thoroughfares are limited to use by park patrons only and for the purposes of driving to park a vehicle.

No person shall set or place or cause to be set or placed, any goods, wares or merchandise or property of any kind as to obstruct travel within a town park or recreation area. No person shall enter any part of a town park or recreation area, or park roads with a commercial vehicle or a vehicle with a gross weight in excess of five (5) tons except in the service of, or by permission, of the Town of Pendleton Highway Superintendent or his designee.

No person shall use park drives or parkways within a Town Park or recreation area for the purpose of demonstrating any vehicle, or for the purpose of instructing another to drive or operate any vehicle, or for learning to drive or operate any vehicle.

No person shall attempt to stop, or signal any vehicle for the purpose of soliciting a ride from the driver of such vehicles. The cleaning, waxing or repairing of vehicles is not permitted within a Town Park or recreation area, except in the case of absolute emergency.

No person shall cause or permit a vehicle in tow to enter a Town Park or recreation area or proceed therein, except in the case of a breakdown or disabled vehicle. The vehicle may be towed to the nearest exit. Nor shall any person operate or drive vehicles containing any person or object projecting or hanging outside of, clinging to or beyond the side or rear of said vehicle.

Nothing contained in this Vehicle/Parking Rule and Regulation shall apply to the vehicles, trucks and apparatus of a fire department, police department of ambulance, or to emergency vehicles of the Town of Pendleton when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.

## **XXVI. RECREATIONAL VEHICLES**

No person shall operate any snowmobile within a Town Park unless on authorized trails or areas designated and posted by the Town. Snowmobiling shall be permitted only from December 1 to April 1 when there is sufficient snow coverage in accordance with Town rules.

## **XXVII. DISORDERLY PERSONS**

No person or groups of persons shall engage in such loitering conduct as will clearly cause an immediate, actual physical violent reaction from any person or persons, which violent action will cause a threat to the peace and order of the public.

- A. Nor shall any person or group of persons engage in such loitering conduct, which shall disturb a person of ordinary sensibilities as to cause such person to react immediately in such a way as to threaten by physical violence the peace and order of the public.
- B. B. Nor shall any person or group of persons engage in such loitering conduct, which obstructs free passage of pedestrians at, in or near any building, parking lot or vehicle or the free passage of vehicles at, in or near any building, parking lot or vehicles.
- C. Nor shall any person or group of persons engage in such loitering conduct, which obstructs the free passage of persons at or near any walkway or pathway.
- D. Nor shall any person or group of persons engage in such loitering conduct which will obstruct, molest or interfere with any person lawfully in or enjoying the park.

Where there is conduct in violation of the Town of Pendleton Park Policies, or any part thereof, there must, in addition, be a refusal of the persons engaged in such conduct to obey an order by any agents or officers of the Town of Pendleton or law enforcement officers to move on before a charge under these regulations may be prosecuted.

No person shall resist any agent or officer of the Town of Pendleton in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such agent or officer, or in any way interfere with or hinder or prevent any such agent or officer from discharging their duty, or in any manner assist or give aid to any person in custody to escape or attempt to escape from custody, or rescue or attempt to rescue any person when in such custody.

No person shall falsely represent or impersonate any agent or officer or pretend to be an agent or officer of the Town of Pendleton.

No person shall interfere with or in any manner hinder any agent or officer of the Town of Pendleton while engaged in constructing, repairing or caring for any park property or interfere with any improvements being made within a town park or Recreation area.

No person shall remain within a town park or recreation area who does not abide by conditions adopted and posted by the Town of Pendleton for the preservation of good order and the protection of property within a Town park or recreation area, and no person shall remain within a Town park or recreation area who does not abide by the instructions and directions of duly authorized officers or agents of the Town of Pendleton to leave a town park or recreation area and shall do so promptly and peaceably.

No person shall harass, obstruct, molest, assault or interfere with any person lawfully within a Town park or recreation area or resist, obstruct, molest, assault or interfere with any agent or officer of the Town of Pendleton.

No person shall use threatening, abusive, boisterous, insulting or indecent language or gesture within a Town park or recreation area, nor shall any oration, harangue, public demonstration or any nuisance be made.

No person shall possess any weapon capable of lethal use or of inflicting serious bodily injury within a Town park or recreation area.

No person shall appear in a Town park or recreation area in a state of nudity or commit, perform or engage in lewd, lascivious, obscene, illicit, carnal or indecent act or behavior, and no person shall make any indecent exposure of his or her person.



## **XXVIII. HOURS OF OPERATION**

All parks will open at 7:00 AM unless otherwise specified or designated by signs. All parks will close at 9:00 PM or at sunset.

No person shall, without permission from the Recreation Director and/or the Town of Pendleton, enter into, remain or allow their vehicle to remain within a Town park or recreation area except during the hours the park or recreation area is open to the general public.

## **XXIX. SCOPE & DISTRIBUTION OF ADDITIONAL RULES AND REGULATIONS**

All resolutions and requirements enacted upon by the Town of Pendleton and/or policies and procedures implemented on its behalf shall be effective within all the parks and open spaces within the Town of Pendleton.

The Town may create and amend rules and regulations as may be necessary to effectuate or implement Town policy.

## **XXX. TOWN PARK & RECREATION AREAS**

### **THE TOWN PARK**

Pendleton Town Park is the main park, consisting of approximately 22 acres, located off Campbell Blvd., surrounding the Pendleton Town Hall. The park has several baseball diamonds, a splash pad, tennis and pickleball courts, playground and fitness equipment, covered pavilions with picnic tables and barbecue grills. The park also has permanent restroom facilities.

### **DEPEAU TOWN PARK**

Depeau Park consists of approximately 1 acre, located at the corner of Oakwood Dr. and Tonawanda Creek Road. The Park consists of tennis courts, some playground equipment and a rollerblading court, for roller hockey. The park has no restroom facilities.

### **NINE MILE ISLAND**

Nine Mile Island is approximately 31 acres of land, recently acquired by the Town of Pendleton from the NYS Canal Corporation. It is located on the southern side of Tonawanda Creek and is accessible from Orbit Road in the Town of Amherst. The land is for use as green space and passive recreational uses and contains campgrounds, nature trails and restroom facilities.

## **CAMPING GROUPS**

Facilities and camps are provided by the Town to support local outdoor programs, activities, events and community organizations. The Town's facilities and camps are a large financial obligation for the service of the Town. Enjoy these facilities, protect them, conserve and give everyone the chance to enjoy them.

A usage fee is charged to cover normal wear and tear to the facility. Rental facilities must be cleaned following the Cleaning Guidelines.

- All renters are responsible to replace or repair property, and for equipment damage or additional cleaning charges they might incur.
- Check-in and check-out of camp per the instructions for each location.
- All groups are responsible for set-up and clean-up of any facility used, following the Cleaning Guidelines published separately.
- Use only those facilities that have been reserved and paid for. Should it be found that additional facilities were used, additional charges may be incurred.

- Smoking is not allowed in any Town-owned building and only in designated smoking areas on Town property.
- No open flames in any building. Build outdoor fires only in the provided areas. Please clean up the fire scars.
- Don't dig tent trenches or keyhole fires.
- Show proper care with propane or white gas stoves and lanterns.
- No chainsaws allowed, unless provided explicit permission.
- Park all vehicles only in the provided parking lots.
- Follow any posted guidelines in any Town building or camp or verbal instructions provided by the Caretaker.
- All renters are responsible to "leave camp better than they found it". Please report any damage. Failure to comply with any of these guidelines may result in additional charges.