

Chapter 27**RECREATION COMMISSION****§ 27-1. Establishment.****§ 27-2. Composition.****§ 27-3. Terms of office of members.****§ 27-4. Powers of Commission.****§ 27-5. Reservation of powers.****§ 27-6. Annual budget and annual report.****§ 27-7. Recreation Commission.****§ 27-8. Hours of operation.****§ 27-9 Docking of Vessels.**

[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 11-25-75 as L.L. No. 2-1975. Amendments noted where applicable.]

§ 27-1. Establishment.

There is hereby established the Recreation Commission of the Village of Cold Spring in accordance with the provisions of § 243 of the General Municipal Law.

§ 27-2. Composition. [Amended 12-18-2018 by LL 03-2018]

The Commission shall consist of five (5) persons who are residents of the Village and shall be appointed by the Board of Trustees. The terms of the members of such Commission first appointed shall be so fixed that the term of one (1) Commissioner shall expire annually thereafter. The members of such Commission shall serve without compensation.

§ 27-3. Terms of office of members. [Amended 2-18-2018 by LL 03-2018]

Members shall be appointed by the Mayor and Board of Trustees for a five (5) year term. The term shall commence on the date of the appointment. Each member shall serve until the appointment of his/her successor. In the event a vacancy occurs during

the term of a member of the Recreation Commission, the Mayor shall make an interim appointment to complete the unexpired term of such member.

§ 27-4. Powers of Commission.

The following powers, subject to the provisions in § 27-5, are hereby delegated to the Recreation Commission:

- A. The complete and exclusive control, management and maintenance of all Village-owned or operated parks, playgrounds, recreational centers and recreational facilities.
- B. The employment of recreational directors, playground directors, playground assistants and supervisors, subject to the approval of the Board of Trustees.
- C. The power to use:
 - (1) Such Village property as the Board of Trustees may from time to time set apart therefor.
 - (2) With the consent of the Board of Education, such school buildings, premises and property as may be suitable and desirable therefor.
 - (3) With the consent of the owners and of the Board of Trustees, such private property as may be suitable and desirable therefor.
- D. The power to adopt and continue rules of procedure for the conduct of all business within its jurisdiction.
- E. Any other necessary powers fully and satisfactorily to carry out the purposes for which this Commission is established.

§ 27-5. Reservation of powers.

The Board of Trustees expressly reserves the following powers:

- A. The power to take any steps deemed necessary in connection with the finances of said Recreation Commission.
- B. The power to take any steps necessary in connection with the hiring of recreational directors or the appointment of other employees by the said Commission

- C. The power to assign employees to this Commission from other Village departments and to assign employees of this Commission to other Village departments.
- D. The power to purchase additional real property for use as parks.
- E. The power of general regulation which the Board may deem expedient and necessary.

§27-6. Annual budget and annual report.

The Recreation Commission shall prepare an annual budget before February 1 of each year and file an annual report at the end of each fiscal year.

§27-7. Recreation Commission. [Added 6-13-00 by L.L. 2000-1 and Amended 12-18-2018 by LL 03-2018]

The use of all Village parks is by permission of the Village Recreation Commission and Board of Trustees as follows:

- A. Permission of the Recreation Commission is required for the use of any Village park for all public events and for all private events where more than ten people are expected to attend. Application for permission to use any Village park must be made by a town or Village resident at the Village office at least four weeks prior to any requested date and is subject to the approval of the Commission and the Village Board.
- B. Application from a non-town or non-Village resident for permission to use any Village park must be received at the Village office at least eight (8) weeks prior to any requested date and is subject to the approval of the Commission and the Village Board.

§27-8. Hours of Operation. [Added 6-13-00 by L.L. 2000-1 and Amended 12-18-2018 by LL 03-2018]

Mayor's Park: 7:00 a.m. to 9:00 p.m. March 1 through December 31

Waterfront Park 7:00 a.m. to 11:00 p.m. All Year

Playground in McConville Park 8:00 a.m. to dusk March 1 through December 31

§27-9. Docking of Vessels. [Added 06-03-2009 by L.L. 2- 2009 and Amended 5-17-2011 by L.L. 1-2011]

A. Definitions.

VILLAGE DOCK - means the waterfront mooring facility located in the Village Waterfront Park on the Hudson River, Cold Spring, New York.

DOCK or DOCKING - means any non-emergency connection, by tying up or otherwise mooring to the Village Dock or anchoring within 100 feet off the Village Dock and using the same as a landing point.

VESSEL – means every description of ship, boat, barge, canoe, kayak, watercraft or other contrivance used on or capable of being used as a means of transportation in water.

- B. Docking at the Village Dock. Docking of vessels at the Village Dock shall be permitted only upon grant of a special permit called a “docking permit” from the Village Board of Trustees as provided herein.
- C. Issuance of Docking Permit. Upon written application, the Village Board may issue a docking permit allowing a vessel to dock at the Village Dock. In determining whether or not to issue a docking permit, the Village Board shall take into consideration the following:
- (1) The availability of docking space and the number of other vessels which will be docked at the Village Dock during the day or days for which the permit is sought; and
 - (2) Whether the presence of the vessel at the Village Dock presents any hazards to health, safety and welfare or would otherwise be detrimental to use and enjoyment of the Waterfront Park.
- D. Docking Fees. A fee may be charged for vessels docking for commercial purposes at a rate determined by resolution of the Village Board of Trustees. The Village Board shall have the authority to waive docking fees upon a finding that good cause exists for doing so.

E. Restrictions. All docking permits shall be subject to the following restrictions:

- (1) All docking permits shall be valid only for the dates approved by the Village Board.
- (2) Docking permits are not transferable, and shall be issued for the exclusive use of the docking permit holder for a specific vessel for specific set dates.

F. Prohibited activities. The following activities are prohibited for vessels docked at the Village Dock:

- (1) Cleaning of boats below the waterline;
- (2) Sandblasting, power sanding and painting of vessels;
- (3) Dumping, discharging or place any oil, garbage, sewage, waste or refuse matter of any kind into the Hudson River or any Village waters.

G. Modification or Revocation of Docking Permits.

- (1) All docking permits may be revoked by the Village Board any time, either for cause, such as engaging in prohibited activity or without cause.
- (2) In the event that a docking permit is revoked for cause, then the applicant shall not be entitled to return of any portion of the docking fee paid to the Village.
- (3) In the event that a docking permit is revoked without cause, the applicant shall be entitled to remittance of a portion of the docking fee paid to the Village on a pro-rated basis in accordance with the duration of the docking permit, but shall have no other remedy or claim against the Village.
- (4) All docking permits issued by the Village shall be subject to modification by any additional rules and regulations imposed upon docking permits by the Village Board of Trustees, provided that such regulations do not increase the docking permit fee and do not preclude docking upon days set forth in the docking permit.

- H. Removal of Unauthorized Vessels. Any vessels docked in violation of this section shall be removed by the owner or person in charge thereof on order of the Village Code Enforcement Officer. The said order shall be delivered to a person of suitable age and discretion on board the vessel or, if the vessel is unoccupied, by affixing a copy to the vessel. If the said vessel is not promptly removed after delivery of an order to do so, the Village Board may adopt a resolution directing an officer, employee or agent of the Village to cause the said vessel to be removed at the expense of the owner of the vessel.
- I. Penalty. In addition to any other remedies, whether civil or criminal, available to the Village, a violation of any provision of this chapter shall be punishable by a fine of \$250 for each violation. Each day of violation shall be deemed a new violation.