



Watertown City Council
Tuesday, November 12, 2013
7:00 p.m.

Work Session Agenda

Discussion Items:

1. Purchase Offer for Land Adjacent to Empsall Plaza
Kenneth A. Mix, Planning and Community Development Coordinator
2. Park Rules
Kenneth A. Mix, Planning and Community Development Coordinator
3. Discussion of Business Licenses and Permits
Ann M. Saunders, City Clerk

November 7, 2013

To: The Honorable Mayor and City Council
From: Kenneth A. Mix, Planning and Community Development Coordinator
Subject: Park Rules

Mayor Graham requested that the Park Rules that were discussed a few years ago be distributed to the City Council.

The City Council discussed amending Chapter 216 of the City Code at four meetings: July 13, 2009; May 3, 2010; May 10, 2010; and June 14, 2010. The attached draft is what I gleaned from my notes of those meetings. There is also a revised Chapter 75 that states in which parks alcohol may be consumed and who issues the permits.

Erin Gardner, Superintendent of Parks & Recreation, was not with the City during those discussions. She has reviewed the drafts and made a couple of suggestions that are noted.

Proposed Amendments to the City Code for Parks and Recreational Areas – 11/7/13

Chapter 216: PARKS, PLAYGROUNDS, AND RECREATIONAL AREAS

ARTICLE I General Provisions

§216-1. Enumeration of parks, playgrounds, and recreational areas.

The rules set forth in this chapter apply to the following parks and recreational areas:

PARKS AND RECREATIONAL AREAS

Alex T. Duffy Fairgrounds
Bicentennial Park
Factory Square Park
Fairgrounds Trail
John C. Thompson Park
John Q. Adams Recreation Fields (aka North Elementary Fields)
Marble Street Park
Route 3 Handicap Fishing and Boating Access
Veterans' Memorial Riverwalk
Waterworks Park
Whitewater Park

PLAYGROUNDS

Academy Street Playground
Emerson Place Playground
Hamilton Street Playground
Jefferson Street Playground
Kostyk Field
Portage Street Playground
Taylor Playground
Thompson Street Playground

Note: The boundaries of these parks and recreational areas need to be described somewhere.

§216-2. Driving and parking of vehicles.

- A. No person shall operate any motor vehicle, as defined in New York State Vehicle and Traffic Law § 125, as the same may be amended from time to time, within any park, playground, or recreational area, other than on asphalt or stone drives, unless authorized by the City Manager.
- B. No person shall operate any limited use vehicle, snowmobile or all-terrain vehicle, as defined in New York State Vehicle and Traffic Law §§ 121-c, 2221 or 2281, as the same may be amended from time to time, within any park, playground or recreational area.

C. No person shall park any motor vehicle other than in a designated parking area, unless authorized by the City Manager. Parking areas shall be designated by signs placed at the direction of the City Manager.

§216-3. Closing hours.

A. All playgrounds, Bicentennial Park (except for holders of camping permits), Factory Square Park, Fairgrounds Trail, John Q. Adams Recreation Fields, Marble Street Park, Route 3 Handicap Fishing and Boating Access, and Waterworks Park shall be closed to the public from 9 p.m. to 6 a.m.

B. John C. Thompson Park shall be closed from 10 p.m. to 6 a.m.

C. Veterans' Memorial Riverwalk shall be closed from 11 p.m. to 6 a.m.

D. Alex T. Duffy Fairgrounds and Whitewater Park have no closing hours.

E. Closing hours do not apply to the following:

(1) Members and guests of the Watertown Golf Club, Inc. in Thompson Park for the purpose of going to and from the golf course.

(2) Participants and spectators of ball playing on city-lit playing fields and courts, except that the lit basketball court and baseball field at John Q. Adams Recreation Fields shall be open no later than 11:00 p.m.

(3) The City Manager may waive the closing hours for special events.

§216-4. Injury or damage to plants or property.

No person shall damage, injure, remove or destroy any grass, shrubbery, plants, trees, signs, buildings, improvements or other property within any park, playground or recreational area, unless authorized by the City Manager.

§216-5. Glass containers.

No person shall possess, deliver or use any type of glass container within any park, playground or recreational area.

§216-6. Alcoholic beverages.

Consumption of alcoholic beverages within any park or recreational area shall be governed by City Code Chapter 75, as the same may be amended from time to time.

§216-7. Tobacco Products.

Use of tobacco products shall be prohibited in all playgrounds and within 100 feet of the playground structure in John C. Thompson Park any playground structure or athletic field. (Suggested by Erin Gardner.)

§216-8. Rubbish.

- A. All rubbish, as defined at City Code § 161-1.1, created from an activity with any park or recreational area shall be properly disposed of in trash receptacles provided or taken away for proper disposal.
- B. It is prohibited to throw rubbish onto the ground or into the river.
- C. It is also prohibited to bring rubbish into any park or recreational area that is not generated by activities in the park or recreational area for the purposes of disposing of it.

§216-9. Open Fires.

Open fires are prohibited, except within the confines of cooking grills, fire places, or fire pits, if provided, within any park, playground or recreational area.

§216-10. Bicycles.

No person shall operate a bicycle in any park, playground or recreational area, except on a roadway or designated bicycle path in accordance with the rules in Chapter 91 of the City Code, as the same may be amended from time to time.

Note: Chapter 91 needs to be updated.

§216-11. Fishing.

- A. Fishing is permitted in the following parks and recreational areas: Marble Street Park, Waterworks Park, Factory Square Park, Whitewater Park, Veterans' Memorial Riverwalk, Bicentennial Park, Fairground Trail, and the Route 3 Handicap Fishing and Boating Access.
- B. Fish shall not be cleaned within any park or recreational area. No dead fish or remains thereof shall be left on any park or recreational area property or discarded in the river.

§216-12. Boats.

- A. Non- motorized boats or other flotation devices may be launched or put into the river within designated areas at the following parks and recreational areas: Marble Street Park, Waterworks Park, Factory Square Park, Whitewater Park, Bicentennial Park and the Route 3 Handicap Fishing and Boating Access.
- B. Boats or other flotation devices shall not be launched at any other public park or recreational area along the river.

§216-13. Swimming.

Swimming is prohibited in the Black River at all parks and recreational areas.

§216-14. Dogs.

Dogs shall be regulated pursuant to Chapter 81 of the City Code, as the same may be amended from time to time.

§216-15. Enforcement.

This Chapter shall be enforced by the City of Watertown Police Department.

§216-16. Penalties for offenses.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$250. Each day of a continued violation is a separate and distinct offense.

Proposed Amendments to the City Code – 11/7/13

CHAPTER 75: ALCOHOLIC BEVERAGES

§75-1. Restrictions, permits.

- A. Consumption of alcoholic beverages in public places within the boundaries of the City of Watertown is prohibited unless such consumption takes place in duly licensed commercial premises which are licensed by the State of New York for the sale and consumption of alcoholic beverages or unless such consumption is pursuant to a duly authorized permit of the City of Watertown. A "public place" is defined as property, either publicly or privately owned, which is used by the public for the normal transaction of everyday business or which is held open to the public for its use.
- B. The City of Watertown shall control the issuance of permits to allow consumption of alcoholic beverages as follows:
- (1) The Parks and Recreation Department or Police Department may issue a permit to consume alcoholic beverages in the following parks and recreational areas:
 - Bicentennial Park
 - Factory Square Park
 - John C. Thompson Park
 - Marble Street Park
 - Veterans' Memorial Riverwalk
 - Waterworks Park
 - Whitewater Park
 - Pavilion in J.B. Wise Parking Lot (Suggested by Erin Gardner)
 - (2) Consumption of alcoholic beverages is prohibited in all other parks, playgrounds and recreational areas.
 - (3) The Police Department may issue a permit to consume alcoholic beverages in all other public places.

§75-2. Evidence of consumption.

The possession of an open container of any form of intoxicating beverage shall be prima facie evidence of such consumption.

§75-3. Community events waiver.

The City Council may waive the requirement to obtain a permit to consume alcohol for community events.

§75-4. Penalties for offenses.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.) nor more than two hundred fifty dollars (\$250.) Each day of a continued violation is a separate and distinct offense.



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Ann M. Saunders
City Clerk/City Historian

Date: September 26, 2013

To: The Honorable Mayor and City Council

From: Ann M. Saunders, City Clerk

Subject: Business Licenses and Permits

The purpose of this memo is to initiate a discussion with City Council regarding Chapter 112 of the City Code which dictates the businesses and trades that are required to have a permit, and the process by which the permits are obtained. As you recall in March 2012, I asked Council to approve certain changes to the Code of the City of Watertown in regards to the current fee schedule for the City Clerk's office. At that time, it was discovered that Chapter 112 Businesses and Trades listed several licenses and permits such as Amusement Devices, Dance Halls, Entertainment and Taxicabs which were repealed on December 5, 2005.

A review of this chapter, as well as other chapters referenced in Chapter 112, has revealed several provisions which, due to the passage of time and the needs of the community, are no longer necessary or have otherwise been pre-empted by State statutory provisions. I have met with Attorney James Burrows regarding this for guidance and there are several items that require Council's attention and decision. If changes are to be made, then a Local Law would need to be prepared.

Please consider the following:

Auctions and Auctioneers – Chapter 84

Current Fee – no set fee

Suggestion –

Council should consider whether it wants to continue to regulate this because it falls under NYS General Business Law Section 21-27

If kept – set fee? Amend chapter in order to ensure compliance with NYS Law

Pawnbrokers – Chapter 219

Current Fee – no set fee

Suggestion –

Council should consider whether it wants to continue to regulate this because it falls under NYS General Business Law Section 40-53

If kept – set fee? Amend chapter in order to ensure compliance with NYS Law

Poolrooms and Billiard Parlors – Chapter 226

Current Fee – no set fee

Suggestion –

Council should consider whether it wants to continue to regulate

If kept – set fee? Amend chapter in order to ensure compliance with NYS Law

Going out of Business – Chapter 244

Purpose – per NYS General Business Law Section 580, this is to prevent sales from being conducted and advertised in such a manner as to mislead and defraud the public.

Fee - \$500 for the 1st 30 days then \$50 for a 30 day renewal. If the sale is completed in 60 days, all fees described will be refunded except for \$75. (Per NYS Law)

Suggestion – Amend Section 244-3 to reflect the application requirements listed in NYS General Business Law Section 580-596

Transient Retail Business – Chapter 284

Purpose – To discourage temporary sales from competing with permanent businesses within the community

Definition per the Code - “Business conducted in a store, hotel, house, building or other structure for the sale at retail of goods, wares or merchandise, except food products, which is intended to be conducted for a temporary period of time”.

Fee - Daily license costing \$300 for the first 3 days then \$100 per additional day.

Suggestion –

- Council needs to decide if this should pertain to both private and public property - very difficult to regulate on private property
- Delete the Imposition of the Tax (Section 284-2) because it is administratively burdensome and has not been collected correctly in the past. It requires an accounting of inventory and sales after the fact relying on the honor system from the business. Based on Real Property Tax multiplied by the Gross Sales.
i.e. – Gross Sales of \$10,000 x \$0.007299 = \$72.99 tax
- May want to consider raising the fee verses collecting a tax
- If Tax is deleted, then delete sections 284-4 and 284-5 as well

Vending in Designated Places – Chapter 112

Fee – Annual Fee of \$250

Suggestion – Since this license has not been issued in several years and there is no defined list of “designated places”, Council should consider removing this type of license or determining a list of places that qualify for this type of license.

Remainder of Chapter 112 – Businesses and Trades

Suggestion – remove all references to taxicabs, amusement devices, dance halls, restaurants, theaters, video-type games arcade since these licenses were already repealed.