

**LOCAL LAW NO. \_\_\_\_ OF 2017**

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW ADOPTING CHAPTER 170  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to adopt Chapter 170 of the Code of the City of Beacon regarding Public Trail Regulations.

**BE IT ENACTED** by the City Council of the City of Beacon as follows:

**Section 1.** Chapter 170 of the City Code, entitled “Public Trail Regulations,” is hereby established as follows:

**§170-1. Purpose.** The purpose of this chapter is to provide rules and regulations for the use of public trailways in the City of Beacon, including the Fishkill Creek Greenway and Heritage Trail (“FCGHT”) extending from the Beacon Metro-North train station to the Town of Fishkill. The FCGHT and other public trails traverse public and private lands and the City finds that it is important to establish a uniform set of rules and regulations governing the use of such public trails for the protection of those using the trails as well as the private landowners whose property abuts a trail or includes a trail pursuant to an easement held by the City. In holding such easements and in establishing public trails, the City and the Grantors of the easements expressly rely upon the protection against liability contained in Section 9-103 of the New York State General Obligations Law, as the same may be amended from time to time. For such purposes, the City and Grantors of the easements, and their agents and invitees, are deemed “occupants” of the easement areas. The Council finds it appropriate for the protection of the public safety and welfare to enact legislation to establish rules and regulations for the public trails. Certain activities should be prohibited on public trails to protect the public safety and to assure eligibility for participation in the Hudson River Valley Greenway Trail Insurance program by Grantors of the easements, if desired. It is also appropriate that regulations applicable to the various trails in the City be suited to the unique characteristics of each particular trail.

**§170-2. Applicability.** This chapter shall apply to all public trails within the City of Beacon. Supplemental regulations applying to particular trails shall apply to the trails specified.

**§170-3. Definitions.** For the purpose of this chapter, the terms used herein are defined as follows:

**TRAIL** – All walkways and paths, not including sidewalks as defined in New York State Vehicle and Traffic Law, Title 1, Article 1, Section 14 and regulated in the City of Beacon under Chapter 191, which are owned by the City of Beacon, or over which the City holds an easement, and which are part of the City’s system of parks, or part of an organized system of trails, and which are open to the public for stated uses subject to City regulation, including, without limitation, the Fishkill Creek Greenway and Heritage Trail (“FCGHT”), and other trails which may be added to the City’s Trail system in the future.

A trail may be comprised of wood chips, boardwalk, stone dust, asphalt or concrete pavement or similar materials.

**PERSON** – Any individual, firm, partnership, corporation or association of persons, and the singular number shall include the plural.

#### **§170-4. Rules and regulations applicable to all City Trails.**

The following rules apply to the use of all City Trails. Supplemental rules may be established for particular trails, which are set forth in subsequent sections.

- A. Trails shall be open from sunrise to sunset and shall not be used by the public outside those time limits. In addition, the Police Chief, City Administrator or Highway Superintendent is authorized to close all or a portion of any Trail to the public for such a duration of time as warranted for the general safety and welfare of the public, such restrictions on use to be posted on the City website, with notice to be posted at trail heads to the extent practicable under the circumstances.
- B. In view of the natural and open character of Trails, and the changing character of the natural environment, the City can make no representation that any Trail is safely passable at all times when the Trail is open. All users of any Trail shall approach such Trail with caution and use it prudently and safely at the trail users own risk, in light of seasonal, weather, and other natural conditions. The City shall not be responsible for clearing snow, ice or floodwaters from the Trail.
- C. Persons shall keep to the right on all Trails, with passing on the left. Pedestrians shall be deemed to have the right-of-way, and all other users, including any permitted non-motorized bikers or cross country skiers, shall yield to pedestrians. All persons on trails shall yield to slower users. Joggers and runners shall yield to hikers and walkers.
- D. Where a trail does not have a separate lane for bicycle use, the City shall have the authority to limit use of bicycles on certain designated segments of any trail, to be marked by signage, based on all relevant conditions, including nature of the surface, slopes, potential interference with pedestrians and hikers or other users of the trail.
- E. Where bicycle usage is permitted on a trail segment, the City shall have authority to limit the permitted speed of bicycles.
- F. Persons shall stay on the marked trails and within the designated public use areas.
- G. All users of the Trail shall use the Trail safely and in accordance with the laws and ordinances of the City of Beacon and without creating a nuisance and with common courtesy to all others on the Trail.
- H. Littering is prohibited and all persons shall carry out their trash from all Trails and properly dispose of the trash in suitable containers.
- I. Pets shall be leashed at all times and persons accompanying the pet shall collect and carry out and properly dispose of the pet's waste.
- J. No person shall damage any Trail, or any building, structure, fence, picnic facility, or other improvement or amenity on or near a Trail.
- K. Without limiting the generality of the foregoing rules, or the applicability of any general law or regulation, the following activities are strictly prohibited on any Trail within the City system:
  - (1) Overnight parking in parking areas serving the Trail, including parking outside the hours from sunrise to sunset, except as otherwise permitted by the City Code.
  - (2) Use of motorized vehicles, including but not limited to, snowmobiles, motorcycles, motorbikes, motor-powered dirt bikes, motor-powered ATVs (All Terrain Vehicles) and all other motorized bicycles
  - (3) Downhill skiing, tobogganing, sledding, or snowboarding. Cross-country skiing may be permitted by the City on designated trails, or sections thereof, found to have sufficient

width for cross-country skiing without interfering with pedestrian and hiker activity on the trail.

- (4) Competitive racing, except for designated special races or events which have been permitted in advance by the City.
- (5) Skateboarding
- (6) Roller skating
- (7) Dumping or littering
- (8) Smoking
- (9) Use of alcohol or controlled substances
- (10) Playing radios or other sound-transmitting devices
- (11) Damaging or removing plant or wildlife
- (12) Feeding wildlife
- (13) Fishing
- (14) Camping
- (15) Campfires or barbequing
- (16) Swimming, diving, public bathing or sunbathing
- (17) Hunting or discharging of firearms
- (18) Any act, amusement or practice, whether listed specifically above or not, by which others on a Trail could be endangered, or which could reasonably interfere with the use of the Trail by others for recreational purposes, including, without limitation, blocking the trail, or interfering with passage of others.

#### **§170-5. Rules applicable to the Fishkill Creek Greenway Heritage Trail (FCGHT)**

- A. Findings. The Fishkill Creek Greenway Heritage Trail (FCGHT or the “Trail”) is a Trail for passive, non-motorized, pedestrian recreation in the form of walking, hiking, and visual enjoyment of the Fishkill Creek Corridor. The FCGHT Master Plan acknowledges that: “The FCGHT has been placed to fit within the existing landscape conditions with a light footprint and is intended to be active and serve uses in all four seasons. The trail has been designed to accommodate foot traffic primarily, although some sections may accommodate other uses. With the efforts of the Beacon Loop Trail, a concurrent project for the development of a city-wide pedestrian and bicycle trail, the FCGHT intends to serve a more passive purpose.” The FCGHT consists largely of easements over private property. The FCGHT is, in many cases, located in close proximity to residential dwellings and private property which is not subject to an easement allowing public access. The Trail itself is composed of varying materials and is not conducive to running or bicycling. The Trail covers long distances in remote locations which cannot be maintained to assure immediate removal of snow and ice. For all these reasons, it is appropriate that additional restrictions be imposed on the nature of the public use of the FCGHT Trail.
- B. In view of the natural and open character of FCGHT, and the changing character of the natural environment, neither the City nor the private property owners whose property is subject to a FCGHT easement can make any representation that any portion of the Trail is safely passable at all times when the Trail is open. All users of any Trail shall approach such Trail with caution and use it prudently and safely at the trail users own risk, in light of seasonal, weather, and other natural conditions. The City and private property owners whose property is subject to a FCGHT easement are not obligated to clear snow and ice from the Trail. The FCGHT shall be closed during snow and ice storms.

- C. Access to the FCGHT does not constitute permission to enter onto private property adjoining the Trail. Entry on private property adjoining the Trail is subject to prosecution as Trespass under the New York State Penal Law, in addition to constituting a violation of this section.
- D. Without limiting the generality of the regulations in Section 170-4, the following additional activities are prohibited on the FCGHT:
- (1) Riding bicycles, except in segments of the trail which have been specifically designated by the City as appropriate for joint use by bicycles and pedestrians, and signed for such dual use.
  - (2) Cross-country skiing, except as permitted by easement

#### **170-6 Penalties for offenses.**

If any person violates the provisions of this chapter or engages in conduct in violation of this chapter, that person shall be subject to the penalties set forth at Section 1-3 of the City Code. Liability under this section shall be in addition to liability under the provisions of the New York State Penal Law, including but not limited to Penal Law section 145 (Criminal Mischief), Penal Law Section 150 (Arson), Penal Law Section 240 (Offenses Against Public Order). Violations of the Penal Law shall be punishable as either a misdemeanor or felony as described under Penal Law section 55 (Classification and Designation of Offenses).

#### **§170-7. Enforcement.**

The provisions of this chapter can be enforced by the City of Beacon Police Department and any other police officer or peace officer or other person who can lawfully make an arrest.

#### **Section 2. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Chapter 190 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### **Section 3. Numbering for Codification**

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

#### **Section 4. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses,

sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 5.** This local law shall become effective immediately upon filing with the Office of the Secretary of State.

DRAFT