

CHAPTER 49

PARKS

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[HISTORY: Adopted by the Common Council of the City of Dunkirk 5-16-1967 as Chapter III of the Ordinances of the City of Dunkirk. Amendments noted where applicable. Amended 7-16-1992 as L.L. #7-1992; amended 4-25-1995 as L.L. #11-1995.]

GENERAL REFERENCES

- Dock and Harbor Use - See Ch. 24
- Solid Waste Management and Recycling - See Ch. 66
- Vehicle and Traffic - See Ch. 76

§ 49-1. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

**PARKS** - Those areas in the City of Dunkirk, New York, commonly known as Point Gratiot Park, Wright Park, Memorial Park, Washington Park and Cedar Beach. **[Amended 4-18-1972]**

**BEACH** - Park area situate adjacent to the shores of Lake Erie.

§ 49-2. Park Boundaries.

The boundaries of the respective parks of the City of Dunkirk shall be as follows:

- A. **Point Gratiot.** All that land lying south of Sycamore Street; west of the center line of West Point Avenue, unopened; north of the center line of Maple Street, unopened; west of Park Street, unopened; and north of Point Drive West. **[Amended 6-15-1978]**
  - B. **Point Gratiot Beach Area.** That area at Point Gratiot Park bounded on the west by the shore of Lake Erie; on the east by the highbanks; on the north and south by the park boundaries.
  - C. **Wright Park.** All that land east of North Ocelot Street to a point two hundred five (205) feet south of Lake Front Boulevard; north of a line drawn perpendicular to North Ocelot Street at that point extending to North Serval Street; east of North Serval Street, north of East Pine Street, unopened; west of the center line of Rabbit Street, unopened; north of the center line of East Elm Street, unopened; west of Talapoin Street, unopened; and north to the water's edge of Lake Erie.
  - D. **Wright Park Beach Area.** That area at Wright Park bounded on the north by Lake Erie; on the south by the highbanks and the lake wall; on the east by the center line of Talapoin Street, extended, and on the west by the center line of Martin Street, extended.
  - E. **Washington Park.** All of Block 519 lying north of East Sixth Street; east of Washington Avenue; west of Park Avenue; and south of East fifth Street.
  - F. **Memorial Park.** All that land lying north of Lake Shore Drive West to the lake wall beginning ninety (90) feet west of the west line of Eagle Street and westerly to the center line of Robin Street.
  - G. **Cedar Beach.** All that land lying east of Point Drive North bounded on the north by Lake Erie and on the south by Niagara Mohawk. **[Added 4-18-1972]**
- § 49-3. Park Hours. [Amended 4-21-1970, effective 5-1-1970; 6-15-1978; 7-21-1987; 4-25-1995]**
- A. All parks shall be opened to the public between the hours of 6:00 A.M. and 11:00 P.M. daily, except for Point Gratiot which shall be opened to the public between the hours of 6:00 A.M. and 10:30 P.M. and Washington Park, which shall be open to the public between the hours of 6:00 A.M. and 9:00 P.M. daily.

- B. Nothing herein shall be construed to prohibit through vehicular traffic on or over the thoroughfares in Wright Park between the hours of 11:00 P.M. and 6:00 A.M.
- C. No vehicular traffic shall be permitted in Point Gratiot Park between the hours of 10:30 P.M. and 6:00 A.M.
- D. It shall be unlawful to remain in or to enter into Point Gratiot and its beach area after 10:30 P.M., or Wright Park and its beach area, except as permitted by Subsection B above and Cedar Beach after 11:00 P.M. when the parks close, and before 6:00 A.M. when said parks open.
- E. The Common Council of the City may grant exceptions to the above subsections for activities sponsored in full or in part by City agencies or by recognized bona fide civic organizations, provided that the Council determines that the exception granted will be controlled by the sponsor and not be a nuisance.

**§ 49-4. Protection of beach areas, Promenschenkel Stadium and Koch Field. [Amended 6-17-1980; 10-16-1979; 6-15-1978]**

- A. No person shall throw, cast, discard or deposit any glass, crockery or metallic substance on any beach area or in the vicinity of the Promenschenkel Stadium or Koch Field areas.
- B. No person shall take onto, bring on or carry through or have in his possession any glass container within any beach area or within the vicinity of Promenschenkel Stadium or Koch Field. **[Amended 6-11-1985; 5-15-1984]**
- C. Alcoholic beverages in nonglass containers will be permitted in the vicinity of Promenschenkel Stadium and Koch Field, subject to the restrictions defined in § 49-6F(2). **[Amended 7-7-1987; 6-11-1985; 5-15-1984]**
- D. Alcoholic beverages shall be prohibited in the Wright Park area as defined by § 49-2D.

**§ 49-5. Refuse and rubbish.**

- A. No person shall throw, cast, lay, drop or discharge into or leave upon the waters adjacent to any park any substance, matter or thing, liquid or solid, which may or shall pollute the waters.

- B. No person shall leave in, throw, cast, lay, drop or discharge into any part of a park or beach area any garbage, sewage, refuse, wastepaper, obnoxious materials or other litter, except in receptacles provided therefore.

**§ 49-6. Regulated uses.**

- A. **Commercial enterprises.** No person shall see or offer for sale, lease, hire or let out any merchandise in any park without a permit from the Common Council.
- B. **Assemblages.** No person shall erect any structure, stand or platform, hold any meeting or perform any ceremony in any park without a permit from the Common Council. The Common Council hereby delegates to the City Clerk the power to reserve the use of the Point Gratiot pavilions for picnics. **[Amended 6-15-1978]**
- C. **Advertising.** No person shall post, affix, distribute, hand out, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular, advertisement or any matter of an advertising nature in any park.
- D. **Camping.** No person shall erect any tent or set up a camp trailer for living purposes in any park. It shall also be unlawful to camp overnight with or without a tent or to sleep in any City park when closed.
- E. **Fires.** No person shall build, make or maintain any fire in a bathing area.
- F. **Alcoholic beverages.** **[Added 9-16-1969, effective 10-1-1969; amended 4-21-1970, effective 5-1-1970; 5-19-1970; 4-18-1972; 6-15-1978]**
- (1) Alcoholic beverages are prohibited in Washington Park, Memorial Park, Cedar Beach and those sections of Wright Park and Point Gratiot defined by § 49-4 of this chapter. **[Amended 10-16-1979]**
- (2) Consumption of alcoholic beverages. **[Amended 7-7-1987]**
- (a) Any person consuming alcoholic beverages in Point Gratiot or any City of Dunkirk park, except those areas where alcoholic beverages are not permitted must first obtain a permit to do so from either the City Clerk's office during regular business hours or any

other designated agency for a fee as follows.  
**[Amended 5-1-1990]**

**[1] Individual season permit:**

Two Dollars (\$2.00) for residents;  
Five Dollars (\$5.00) for non-residents.

**[2] Group daily permits: [Amended 7-16-1992  
as L.L. #7-1992]**

Five Dollars (\$5.00) for residents;  
Ten Dollars (\$10.00) for non-residents.

- (b) The person securing such permit shall agree, in writing, that he or she is of legal age to obtain alcoholic beverages and that no one shall be served or sold any alcoholic beverages under said permit who is not of legal age.
- (c) No alcoholic beverages shall be consumed in a vehicle in any park, nor shall any alcoholic beverages be consumed within thirty (30) feet of any parking area in any park.
- (3) The Common Council of the City may grant exceptions to Subsection F(1) hereof for activities sponsored in full or in part by City agencies or by recognized bona fide civic organizations, provided that the Council determines that the exception granted will be controlled by the sponsor and not be a nuisance. **[Added 9-19-1978; Editor's Note: This resolution was vetoed by the Mayor. Council voted to override the veto 10-3-1978]**
- G.** No person shall take into, bring on or carry through or have in his possession any glass container in any park area. **[Added 4-18-1972; amended 5-15-1984; 6-11-1985]**
- H. Operation of motor vehicles.** No motor vehicle shall be operated off of the roadways or in any area of any City park. **[Added 4-18-1972]**
- I. Excessive noise. [Added 6-15-1978]**
- (1) It shall be unlawful to maintain or operate any loudspeaker or amplifier connected to any radio, phonograph, tape

recorder, microphone, musical instrument or other device by which sounds are magnified so that the resulting noise is excessively loud or is a nuisance in a City park, except provided in Chapter 47 (Noise) §47-6-C (Exceptions). **[Amended 6-20-2000 as L.L. #4 (Intro No. 6) 2000; §49-6-1(2) deleted]**

- J. Parking.** It shall be unlawful for any motor vehicle to park in any area in a City park other than in those areas designated by the Chief of Police pursuant to § 76-31N of the City Code. **[Added 6-15-1978]**

**§ 49-7. Protection of property.**

- A. No person shall willfully injure, disfigure, remove or destroy any tree, ornamental plant, bench, table, structure or building in any park.
- B. No person shall take or carry away any sand, earth or stone from any park.

**§ 49-8. Supervision and control.**

- A. The maintenance, operation and supervision of the City parks shall be under the general supervisions and control of the Director of Public Works and, more particularly the Division of Parks and Recreation in the Department of Public Works.
- B. The Police Department shall have all necessary law enforcement powers in the City parks to secure compliance with the provisions of this chapter and to ensure lawful activity in said parks. The Chief of Police of the City of Dunkirk is hereby empowered and authorized to close any park for a period not to exceed twenty-four (24) hours whenever, in his opinion, such closing is necessary to preserve the peace, safety and security of the park.

**§ 49-9. Penalties for offenses.**

The violation of any of the provisions of this chapter shall be considered an offense, and any person upon being convicted of such offense, shall be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment for a term not to exceed fifteen (15) days, or both.

**§ 49-10. Effective date.**

This chapter shall take effect upon filing with the Secretary of State.

