

LOCAL LAW OF THE TOWN OF LAKE GEORGE

FOR THE YEAR 2021

**No. 3-2021 (Resolution 90-2021)**

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**A LOCAL LAW**

**To amend the municipal code of the Town of Lake George, in relation to the Town Code, *Be it enacted by the Town Board of the Town of Lake George as follows:***

**Section 1. Chapter 117, Article 2 of the Municipal code of the Town of Lake George is amended as follows:**

Article II

**Diamond Point Beach and Playground**

**[Adopted 6-13-1983; amended in its entirety 9-10-2018 by L.L. No. 2-2018; amended 6-14-2021 by L.L. 3-2021]**

**§ 117-11 Title.**

This article shall be known as the "Diamond Point Beach and Playground Ordinance of the Town of Lake George, New York."

**§ 117-12 Purpose.**

The purposes of this article are the protection of government, order, conduct, the general welfare, safety, morals, health and well-being of the persons using Diamond Point Beach and Playground.

**§ 117-13 Construal of provisions.**

Nothing herein contained shall be construed to prevent the adoption or enforcement of a law, ordinance or regulation which is more restrictive or establishes higher standards than those provided in this article.

**§ 117-14 Applicability.**

This article shall apply to all persons present in, using the facilities of or in any way conducting themselves in any manner having relevance to Diamond Point Beach and Playground.

**§ 117-15 Rules and regulations for beach.**

- A. Hours of operation. The hours of operation of the beach shall not be earlier than 7:00 a.m. or later than 10:00 p.m.
- B. Parking. No parking shall be allowed in front of the fence or along the south side of Lake Road. Diagonal parking, restricted for beach use only, is limited to the north side of Lake Road, between the hours of 7:00 a.m. and 10:00 p.m. No cars, trucks or motorcycles shall be permitted to enter the dock area. Violators will be towed. Violations are subject to a fine of \$25, plus towing charges.
- C. Picnicking. Picnicking will be allowed in an area so designated for the same.
- D. Swimming and conduct. No one under the age of 10 years shall use the beach unless accompanied by a mature, responsible adult. Swimming is an authorized activity only when the lifeguard is on duty, between the hours of 9:30 a.m. and 6:00 p.m. Swimming is allowed inside the rope and float perimeter only. The lifeguard/attendant, when on duty, assumes responsibility for the safety and operation of the dock and beach. The lifeguard/attendant has the authority to expel a user from the dock or beach area for breach of safety or conduct that he deems contrary to the welfare of other users or if the user is in violation of any of the Diamond Point Rules and Regulations.
- E. Safety equipment and furniture must not be altered, moved or used by unauthorized persons.
- F. Emergency signals must be observed. Swimmers must leave swimming areas immediately upon the signal or request of lifeguard. Patrons are not permitted to use whistles.
- G. People under the influence of alcohol or narcotics are prohibited from using the beach. The park and beach are an alcohol- and smoke-free facility.
- H. Glass bottles or items (other than eyeglasses), sticks, stones or any object which is not part of regular equipment items are not allowed in the swimming area.
- I. Abusive or foul language is prohibited.
- J. Town residents only. Only persons with a Town issued Lake George Diamond Point Beach identification (ID) card for the Diamond Point Beach Card Reader, and no more than four (4) of their guests, may use the beach facility. Identification (ID) cards are not transferable and replacement cards shall cost \$25 each. Town staff at Diamond Point Beach may use their discretion in allowing more than four (4) guests for Town residents, based on the current capacity of the facility or other factors. Proof of residency requirements shall be as follows:

- (1) Personal visit to Town center, not phone call or mail, to obtain the ID card or key-fob
- (2) Property tax receipt (if owner) or rental lease agreement from landlord (if renter). No seasonal or short-term renters are allowed at the residents-only facility.
- (3) Driver's license or other picture ID showing Lake George address
- (4) Town of Lake George resident only, not school district.
- (5) Children under 16 must be accompanied by parent or guardian to secure card, and parent or guardian must prove residency.
- (6) Each person in household must have ID card.

K. Children under the age of 10 years of age should be accompanied in the water by a mature, responsible adult who has swimming abilities.

**§ 117-16 Ejection from beach.**

Any person directed to leave the Diamond Point Beach by the lifeguard/attendant or a law enforcement officer shall do so immediately or be in violation of this article. Such person may return to the beach only with the express permission of the lifeguard/attendant or law enforcement officer who directed said person to leave the beach, or by express permission of the Town Board.

**§ 117-17 Redress.**

Any person directed to leave the beach (see § **117-16**) shall have the opportunity to be heard by the Town Board at any regular Board meeting subject to such request being in writing and presented to the Town Clerk at least five days prior to said meeting.

**§ 117-18 Domestic animals prohibited.**

- A. It shall be unlawful for any person to bring or otherwise possess any domestic animal, leashed or otherwise, within the area designated as the Diamond Point Beach and Picnic Area. Users who bring domestic animals onto the beach will be asked to leave immediately.
- B. The only exemption from this rule is for guide dogs, service dogs and hearing dogs, per New York State Civil Rights Law, Article 4-B, and the Americans with Disabilities (ADA Act). Note that New York law applies only to dogs, not other animals.
  - (1) A service dog is a dog that has been, or is being, trained to work or perform tasks for a person with a disability (including psychiatric disabilities).

- (2) A guide dog is a dog that has been, or is being, trained to assist a person who is blind.
- (3) A hearing dog is a dog that is being or has been trained to assist a person with a hearing impairment.

C. The ADA or New York definition does not include what some call "emotional support animals": animals that provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions. Although these animals often have therapeutic benefits, they are not trained to perform specific tasks for their handlers. Under the ADA and New York law, owners of public accommodations are not required to allow emotional support animals, only service dogs (which includes psychiatric service dogs). These laws also don't apply to regular pets.

**§ 117-19 Boat launching; docking.**

The launching of boats or other motorized vessels is prohibited. Boat docking is prohibited from the last week in June to after Labor Day. Emergency docking will be allowed. Boats will not be allowed to stop and unload trash, and violations are subject to penalties. Boats will not be allowed to stop for unloading or pick up of passengers (see § 117-26).

**§ 117-20 Scuba diving.**

Scuba diving is not permitted from Memorial Day through Labor Day.

**§ 117-21 Fishing.**

No fishing will be allowed in the dock area from Memorial Day through Labor Day. Access to the lake from Diamond Point Beach for seasonal ice fishing in the winter is also prohibited.

**§ 117-22 Playing of games on beach prohibited.**

It shall be unlawful to play any ball game or any other games that may annoy or disturb users of the swimming or beach area.

**§ 117-23 Tampering with Town equipment.**

It shall be unlawful for any persons other than authorized Town personnel to turn off, move or break the dock bubbler during the winter season or tamper with any other equipment used and owned by the Town at Diamond Point Beach.

**§ 117-24 Litter.**

The dock area is not a refuse collection area. The refuse containers are for ordinary park litter

only. Each user assumes the responsibility of not creating litter and shall follow a "carry-in, carry-out" policy. The public is not allowed to use refuse containers for home garbage. Violators will be subject to penalties.

**§ 117-25 Rules and regulations for playground.**

The Diamond Point Playground is available for all game activities during the hours of 9:00 a.m. to 9:00 p.m. No activities shall be conducted after 9:00 p.m. Motorized vehicles are prohibited.

**§ 117-26 Penalties for offenses.**

Any violation of this article shall be punishable, for each violation, by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

**Section 2. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 3. Effective Date.**

This local law shall take effect once filed with the office of the New York State Secretary of State.