

PALISADES INTERSTATE PARK COMMISSION

*

Rules and Regulations

Part 403 Statement of Policy

Section

403.1 **Statement of Policy.** (a) The State of New York is abundant in natural, scenic and recreational sources. The magnificent State parks, recreational and historic sites administered by the Office of Parks, Recreation and Historic Preservation and the Palisades Interstate Park Commission encourage and facilitate the use and enjoyment of such resources by the public and thereby promote and enhance the well-being of each individual.

(b) State parks, however, contain waterfalls, waterways, chasms, slopes and other natural features which, by their nature, may constitute hazards and present dangers to persons approaching them.

(c) In addition to the dangers presented by natural hazards, the use of State parks and historic sites by the public for varied and divergent purposes may also, if not controlled, endanger the safety of members thereof and tend to deny certain individuals equality of opportunity in the use and enjoyment of these resources.

(d) Therefore, to enhance and promote the safety, well-being and enjoyment of each individual in the use of a State park, recreational and historic site and to assure to each individual equality of opportunity in the use and enjoyment of such system, the rules and regulations set forth in this Subchapter are hereby established to govern the conduct of the public with respect thereto.

PART 404 DEFINITIONS AND CONSTRUCTION OF TERMS; TERRITORIAL APPLICATION; VALIDITY

Section

404.1 **Definition of terms.** Whenever used in this Subchapter, the following terms shall mean and include the meanings expressly set forth in this section, unless otherwise expressly defined.

- (a) *Commission* shall mean the Palisades Interstate Park Commission, established by compact by the states of New York and New Jersey, approved by the Congress of the United States. See also article 9 of the Parks, Recreation and Historic Preservation Law.
- (b) *Commissioner* shall mean the Commissioner of Parks, Recreation and Historic Preservation.
- (c) *Motor vehicle* shall mean any vehicle designed or maintained for use primarily on a highway and powered by any power other than muscular power, other than a snowmobile, all-terrain vehicle or similar wheeled or air cushioned vehicle designed or equipped to operate outside of roadways.
- (d) *Office* shall mean the State Office of Parks, Recreation and Historic Preservation.
- (e) *Personal property* shall mean any property, or interest therein, other than real property.
- (f) *Property* shall mean real or personal property.
- (g) *Real property* shall mean lands, improvements and structures thereon, rights, franchises and interests therein, lands under water and riparian rights, and any and all interests in lands less than full title, including, without limitation, temporary or permanent easements (including scenic or conservation easements), divided or undivided interests, rights-of-way, uses, leases, licenses, and any other estate, interest or right in lands, legal and equitable.
- (h) *Region* or park region shall mean a park region as established by the provisions of section 7.01 of the Parks, Recreation and Historic Preservation
- (i) *Rule or regulation* shall mean any rule or regulation duly adopted as a Palisades Interstate Park Commission rule or regulation.

404.2 Construction of terms. Any term contained in this Subchapter shall be construed as follows:

- (a) Any term in the singular shall include the plural.
- (b) Any term in the masculine shall include the feminine and neuter.
- (c) The prohibition of any act shall extend to and include an attempt to commit such act and the causing and/or the procuring, directly or indirectly, of such act.
- (d) No provision contained in this Subchapter shall cause to be deemed unlawful any act performed by an officer or employee of the office or the commission in the line of duty or in the scope of employment, or any act performed by a person, his agents or employees in the performance or execution of the terms of an agreement with the office or the commission.

404.3 Territorial application. The provisions of this Subchapter shall be effective within, upon and in the airspace above all property that is presently or shall in the future be under the jurisdiction, custody or control of the commission within the eighth park region unless otherwise provided.

404.4 Validity. If any Part, section, subdivision, paragraph or provision of this Subchapter shall be determined to be invalid, such determination shall apply to

the particular Park, section, subdivision, paragraph or provision, and all other provisions of this Subchapter shall remain valid and in effect.

PART 405 PERMITS

Section

- 405.1 Permits,** (a) A written permit issued by the commission, to do any act, shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof.
- (b) Any act authorized pursuant to a permit may be performed only by the person named therein, and any such authorization may not be assigned or delegated, unless and except as provided in such permit.
- (c) Any permit may be revoked at the option of the commission, which action shall be final. In case of such revocation, all monies paid for or on account thereof shall, at the option of the commission, be forfeited to and retained by the commission.
- (d) In any case where the holder of a permit or his agent or employee shall have been found to have violated a term or condition thereof, such holder and his agent or employee who has violated such terms and conditions shall be jointly and severally liable to the State of New York (and the State of New Jersey) and the commission for any damages or loss suffered by it in excess of money forfeited and retained by the commission.
- (e) Neither the forfeiture and retention of any such money by the commission nor the recovery or collection of any damages or both shall preclude the prosecution of any person for a violation of a rule or regulation of the commission or the violation of any other State or local law, ordinance, rule or regulation.

PART 406 CASH DEPOSITS, BONDS, FEES AND REFUNDS

Section

- 406.1 Cash deposits, bonds.** In any case where the commission may require a cash deposit or indemnity bond as security to protect property of the commission against loss or damage, or to limit the extent of duration of the use of such property, or to guarantee compensation to the commission for property rented or engaged, such cash deposit or indemnity bond shall be forfeited:
- (a) in the case of loss of or damage to property of the commission, provided that no such forfeiture shall prevent the commission from recovering any damages over and above the amount of the deposit or bond resulting from loss or damage of property:
- (b) in the case of a violation of any agreement or condition upon which the requirement of a cash deposit or indemnity bond is based.
- 406.2 Refund of fees.** In any case where the commission has established a fee or charge for the use of any facility under its jurisdiction, custody or control, a refund of such charge or fee may be made under the following circumstances, provided that

a service charge to be established by the commission shall be deducted and withheld from any refund:

- (a) where no financial loss occurs to the commission through the cancellation of reservations for the use of space or property, or when such cancellation is received by the commission 30 days in advance of the occupancy;
- (b) where, in the judgment of the commission, the cancellation is predicated on circumstances beyond the control of the reserving party;
- (c) where, in the judgment of the commission, it is clear that there has been a misunderstanding on the part of the patron as to space or facilities reserved;
- (d) where an error has been made by an employee of the commission as to the property or space reserved.

PART 407 LOST ARTICLES

Section

407.1 return of lost articles. Any person, finding or taking possession of personal property not his own, of the value of \$20 or more, shall immediately return such property to its lawful owner or custodian. If the lawful owner or custodian cannot be immediately found or ascertained, the property shall be turned over to a member of the regional park police, or if no member of the regional park police can be located, an employee of the office, who shall issue a receipt therefor.

PART 408 PROHIBITED ACTIVITIES

Section

408.1 Activities absolutely prohibited. The activities and uses enumerated in this section shall be absolutely prohibited on property under the jurisdiction, custody and control of the commission.

(a) Reserved)

- (b) *Pollution of waters.* No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters any sewage, garbage, trash, litter, debris, waste material or any nauseous or offensive matter.
- (c) *Littering.* No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.
- (d) *Drains and sewers.* No person shall discharge into any openings or gutter leading to any sewer, receiving basin or drain in or leading into any property any gas or vapor, or any substance which may form a deposit tending to choke same, or any volatile liquid which may emit an inflammable vapor at temperature below 160 degree Fahrenheit, or any steam or water above 100 degrees Fahrenheit.
- (e) *Injury to property.* No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree

or other plant life. And no person shall erect or maintain any structure except as otherwise provided in this Subchapter.

- (f) *Disorderly conduct.* No person shall do any of the following:
- (1) disobey a lawful order of any officer or employee of the commission or the directions of any sign erected by or at the direction of the commission;
 - (2) use abusive or obscene language or make an obscene gesture;
 - (3) throw stones or other objects or missiles which may inflict bodily injury or damage to property;
 - (4) obstruct vehicular or pedestrian traffic;
 - (5) climb upon any wall, fence, structure or monument;
 - (6) engage in or encourage fighting or violent or threatening behavior;
 - (7) spit upon grounds or other surfaces;
 - (8) make any unreasonable noise;
 - (9) throw away or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose;
 - (10) operate any watercraft, wheeled vehicle, snowmobile or other equipment in such a manner as to endanger other persons or property or in such a manner as to create an unreasonable noise or disturbance;
 - (11) commit an act which may result in injury to any person or damage or loss to real or personal property or create a hazardous or offensive condition by any act which serves no legitimate purpose;
 - (12) without lawful authority, disturb any lawful assembly or meeting of persons;
 - (13) congregate with other persons and refuse to comply with a lawful order to disperse.
- (g) *Charges.* No person shall enter upon or use any facility or property for the use of which a charge or fee is imposed, unless he shall have first paid such charge or fee.
- (h) *Property closed to public.* No person shall enter or remain upon any property or within any structure during such hours, seasonal or indefinite periods that such property or structure has been designated as closed by assign or by an employee of the commission.
- (i) *Use of established ways.* No person shall use other than trails, overlooks, roads and other ways established and provided for public use by the commission. No liability shall attach to the State or commission, its officers, employees or agents for injuries to persons resulting from the use of other than such established trails, overlooks, roads or ways.
- (j) *Minors.* No person having custody or control of a minor shall permit such minor to do any act in violation of a rule or regulation of the commission. Minors under 10 years of age shall at all times be under the supervision and control of a parent, guardian or responsible custodian.
- (k) *Hitchhiking.* No person shall solicit a ride or hitchhike. No person shall pick up a hitchhiker.
- (l) *Gambling.*(1) Gambling, lotteries, games of chance and fortune telling are prohibited.

- (2) Notwithstanding paragraph (1) of this subdivision, the sale of tickets for the New York State Lottery by concessionaires approved by the commission shall be permitted where the approval of the commission has been given.
- (m) Deliberately left blank
- (n) No person shall introduce, possess or use any axe, machete or cutting tool other than a hatchet or sheath knife for the purpose of preparing wood for a cooking fire.
- (o) *Animals*. No person shall introduce or possess any animal except as otherwise provided in this Subchapter.
- (p) *All-terrain vehicles*. No person shall use or operate an all-terrain vehicle or other similar wheeled or air-cushioned vehicle designed or equipped to operate outside of highways. This prohibition shall not be interpreted to include snowmobiles unless equipped with a wheeled conversion to an all-terrain vehicle.
- (q) *Firearms and weapons*. No person, other than a member of a Federal, State or municipal law enforcement agency, shall introduce or possess, either upon the person or within a vehicle, or use any firearm, bow, crossbow, or any instrument or weapon the propelling force of which is a spring, rubber or air or any ammunition or propellant therefor, except pursuant to a permit issued by the commission.
- (r) *Attire*. No person shall appear nude in public as defined in section 235.20(2) of the Penal Law, dress or undress other than in facilities provided therefor, enter or remain in any area or facility in such attire as may be prohibited by a sign or by an employee of the commission or bathe in other than a bathing suit safe and suitable for such purpose.
- (s) *Artificial swimming aids*. No person shall use tubes, floats, swim fins, Aqualungs or skin diving equipment of any kind, or any other inflated or buoyant objects or artificial or mechanical aids for swimming or diving, except under the following circumstances:
- (1) when the use of skin or scuba diving equipment is authorized in accordance with the terms of a permit issued by the commission; or
 - (2) when the use of personal flotation devices at designated facilities is specifically authorized by the commission. Only United States Coast Guard-approved personal flotation devices of types 1, 11 and 111 shall be allowed.
- (t) *Protection of bathing areas*. No person shall bring into or have any food or beverage in any bathing area, except those parts thereof designated for picnicking or refreshment. No person shall throw, cast, lay or deposit any glass bottle or piece of crockery, nor any glass or glassware or any part thereof, or metallic or any other substance that might cause injury on any bathing area in, on or adjoining any park.

(u) *Stormwater Management* subject to regulations of the New Jersey Department of Environmental Protection (NJDEP), and the NJDEP Highway Agency Stormwater Permit issued to the Commission: No person shall do any of the following:

1. feed wildlife along the parkway, scenic overlooks or gas stations;
2. no pet owner shall allow improper disposal of their pet's solid waste at the Rockefeller Lookout, Alpine Lookout and the north and southbound gas stations in New Jersey. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited at Rockefeller Lookout, Alpine Lookout and the north and southbound gas stations. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

PART 409

ACTIVITIES OR USES PROHIBITED EXCEPT WHEN UNDERTAKEN PURSUANT TO A PERMIT

Section

409.1

Activities or uses prohibited except when undertaken pursuant to a permit. No person shall engage in any of the following activities or uses on property under the jurisdiction, custody or control of the commission, except pursuant to a permit issued by the commission and in accordance with the terms thereof and any other conditions contained in this section.

- (a) *Meetings, public exhibitions, etc.* The holding of any meeting, ceremony, religious service, parade, procession, speech, lecture or any form of entertainment, performance, motion picture, contest or other such event, the distribution or posting of handbills or advertisements in connection therewith, or the erection of any structure, stand or platform in connection therewith.
- (b) *Fireworks and explosives.* The introduction, possession or use of fireworks, gunpowder, powder used in blasting, high explosives, blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder or any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may cause an explosion.
- (c) *Commercial activities.* The selling or offering for sale, hire or lease of any merchandise, service or other thing of value.
- (d) The taking of moving pictures or photographs for commercial, publicity or educational purposes or the purchasing or selling of negatives thereof or prints therefrom or the exhibition of the same in public.

- (e) The receiving or discharge of passengers from or upon any wharf, dock or other property under the jurisdiction of the commission by a vessel or aircraft which carries such passengers for hire.
- (f) *Aviation.* The voluntary introduction, takeoff, or landing of any aircraft, parachute, balloon or other weight carrying machine or device designed for flight in or navigation of the air, other than in an emergency.
- (g) *Advertising.* (1) The posting or distributing of advertising matter or the oral advertising for sale of any merchandise, article, service or other thing of value, or soliciting in connection with the sale of the sale of the same outside a park.
 - (2) The use of an aircraft for the purpose of advertising by means of towing banners, signs or other devices, dropping or distributing advertising materials or advertising through a loud speaker or other device.
- (h) The promotion of any event, belief or philosophy either by means of the posting or distribution of printed or written matter or orally.
- (i) *Camping.* Camping at authorized sites, cabins or other structures, except trail shelters which are for overnight use by trail hikers only.
 - (1) No picnic table, garbage receptacle, woodpile and other equipment supplied by the commission shall be placed at any location other than those approved by an officer or employee of the commission.
 - (2) No laundry shall be hung or spread on trees, shrubs or lawns.
 - (3) No campsite or cabin shall be sublet.
 - (4) Campsites shall be kept in a neat, clean and sanitary condition.
 - (5) No person shall wash dishes, clothes or his person at a water fountain or other outlet.
 - (6) Trailer campers shall provide suitable receptacles to prevent the discharge of waste from sink outlets onto real property.
 - (7) Ditching around tents is prohibited in grassed areas. Ditching is permitted in graveled areas, provided that such ditches are filled in upon vacating the site.
 - (8) No person under the age of 18 will be permitted to camp unless accompanied and supervised by a person 18 years of age or older who has been issued a permit.
 - (9) No person shall make any structural change or alteration in any campsite or cabin.
 - (10) Failure to occupy a reserved site at the time specified in the permit may result in the cancellation of such permit without refund.
 - (11) No person shall occupy a site after the time specified in the permit or renewal thereof.
 - (12) No person shall attach a rope, line or other device to a tree, shrub or structure.
 - (13) All temporary mirrors used for extra trailering safety shall be removed immediately after unhooking trailers at campsites.

- (14) Campers shall respect the rights and privacy of others and shall maintain quiet on the campsite between the hours of 10 PM and 7 AM
- (15) Campsites shall be closed to all persons who are not registered as occupants thereof between the hours of 10 PM and 7 AM.
- (j)** *Toy or model rockets or aircraft.* The use or operation of toy or model rockets or aircraft. Persons may be required to produce evidence of insurance against property damage or personal injury in the discretion of the commission.
- (k)** *Research and educational projects.* The conducting of a research or educational project.
- (l)** The conducting of a picnic or outing by a group or organization in excess of 25 persons.
- (m)** *Private boats.* Private boats, including canoes and sailboats, may be used on designated park waters, subject to the following conditions:
 - (1) Craft that meet certain established standards of safety and construction, as determined by a physical inspection of the craft by an authorized park representative, will be issued a permit.
 - (2) The craft must be launched and removed only at designated places.
 - (3) All applicable State laws and rules and regulations of the commission must be observed.
 - (4) Outboard motors are not permitted on any park lake except small, battery-powered motors, capable of propelling the craft at no more than four miles per hour, to be used for trolling by licensed fishermen only.
 - (5) No person shall leave any boat or canoe overnight on any lake in the park, except campers or camp organizations who have obtained a permit from the commission.
- (n)** *Alms.* The soliciting of alms or contributions.
- (o)** *Archaeological excavations.* The exploration for and excavation and gathering of archaeological or paleontological objects. Permits shall be subject to the approval of the Education Department.
- (p)** *Metal detectors.* The use or operation of a metal detector or other mechanical device to locate buried or concealed metal. Permits shall be granted for use of metal detectors in designated areas only.
- (q)** *Hunting*
 - (1) No person shall kill, wound, hunt, molest or in any way take or remove or have in his or her possession any game, wildlife, shellfish, crustacean, protected insects, or the eggs of any of the above, on or from any lands under the jurisdiction of the office, except pursuant to a permit issued by the commission.
 - (2) The commission may issue permits to provide for hunting in parks. Hunting permits may include but not be limited to the following conditions: the areas designated for hunting; the species to be hunted; the implements to be used for hunting; and the dates and hours during which hunting is permitted.

- (3) Except as otherwise provided in this Part and permit conditions, the provisions of the Environmental Conservation Law and its implementing regulations in relation to hunting, open seasons, hunting hours, manner of taking, use of firearms, tagging, transportation, and other activities shall apply to hunting on the areas designated for hunting.
 - (4) Hunting blinds. The erection of permanent hunting blinds is prohibited. Permits may include a provision for a temporary hunting blind.
 - (5) Tree stands. The erection of permanent tree stands is prohibited. Portable tree stands may be allowed by permit provided that they do not damage any trees. Cutting, placing nails or screws into, or otherwise damaging trees or other vegetation is prohibited.
 - (6) No person shall hunt in an area of a park that is posted or otherwise identified as a "Restricted Area."
 - (7) A permit shall be valid only for the period for which it is issued, shall not be transferred, and may be revoked at any time.
 - (8) No person issued a permit shall:
 - (i) engage in disorderly conduct;
 - (ii) be intoxicated;
 - (iii) engage in any behavior which may endanger the safety of persons or property.
 - (9) The commission may refuse to issue a permit to any person, revoke a permit, or eject a person from a park for failure to comply with the provisions of the Environmental Conservation Law and its regulations, this Part, or a permit.
 - (10) Hunters shall also abide by instructions of commission staff or staff of the Department of Environmental Conservation.
 - (11) Hunters shall respect private landowner's rights on lands adjacent to a park.
- (r) *Trapping.*
- (1) No person shall trap any game or wildlife on or from any lands under the jurisdiction of the office, except pursuant to a permit issued by the commission under paragraph (2) of this subdivision.
 - (2) The commission may issue a permit for trapping if the Office has determined that the population of a specific species has increased to the extent that it may damage vegetation, constitute a hazard to the general public, threaten a state-listed species, or damage buildings or infrastructure.
- (s) Use of bows and arrows and muzzle-loading weapons for purposes other than hunting. The use or possession of any bow and arrow or muzzle-loading weapon for purposes other than hunting is prohibited except pursuant to a permit for that activity. The permit shall include but not be limited to the following conditions:

- (1) The use of bows and arrows shall be restricted to areas specifically designated for that purpose and conducted under the direction of a qualified supervisor.
- (2) The use of muzzle-loading weapons shall be limited to demonstrations and interpretive programming conducted by staff members at State historic sites and to special events sponsored by the office, such as the reenacting of Revolutionary or Civil War battles. The weapons shall be loaded with blanks only.

PART 410 REGULATED ACTIVITIES

Section 410.1

Regulated activities. The following activities are prohibited on property under the jurisdiction, custody and control of the commission, except in areas specifically designated therefor during such hours or seasonal periods specifically authorized and subject to such conditions as may be contained herein.

- (a) The throwing, striking, kicking or catching of any ball, horseshoe, or other object or the conduct of any game or athletic activity, or the use of any device or equipment used in any such game or athletic activity.
- (b) The engaging in toy or model boating or automobiling.
- (c) The use of riding of saddle horses.
 - (1) No horse shall be left unattended or in an unenclosed space without being securely fastened to a device provided for such purpose.
 - (2) Saddle horses shall be used or ridden in such a manner so as not to endanger the safety of the public or interfere with the use and enjoyment of a park by others.
- (d) The building, kindling, lighting or maintaining of any fire. Fires may be built and maintained only in fireplaces, grills or stoves suitable for cooking purposes, and no fire shall be started or maintained unless under the constant supervision of a responsible person.
- (e) The use of a sled, skis, skates or other vehicle, equipment or device used for the purpose of moving over snow or ice on runners, wheels or other means.
- (f) Roller skating.
- (g) Kite flying.
- (h) Swimming, diving, bathing or wading in swimming pools or other waters or walking upon the frozen surface thereof.
- (i) The use, launching, beaching, docking, mooring or anchoring of a boat or watercraft used as a means of transportation on water.

- (1) No boat or watercraft shall be operated within a bathing area.
- (2) No boat or watercraft shall be operated at a speed greater than five miles per hour in any area designated as a boat basin or anchorage area.
- (3) If any boat or watercraft shall burn, submerge or become disable, such boat or watercraft shall be removed immediately by its owner or other person having custody thereof. If such boat or watercraft is not removed within 24 hours, the commission may have it removed and charge the owner or other person having custody thereof with any expense incurred in relation thereto.
- (4) Prior to launching, or attempting to launch a boat or watercraft from a boat launch site, a fishing access site, or any other site from which a boat or watercraft can be launched, or leaving such site, the operator shall:
 - i. inspect the boat or watercraft for plants, aquatic life, animals, or parts thereof, which are visible, in, on, or attached to any part, including livewells and bilges; the motor, rudder, anchor or other appurtenants; any equipment or gear; or the trailer or any other device used to transport or launch the boat or watercraft that may come into contact with the waterbody; and
 - ii. remove any plant, aquatic life or animal, or parts thereof, observed during inspection prior to launching or leaving the site and dispose of it in designated receptacles provided at the site, or if no such receptacle is provided dispose of it in such a manner to avoid contact of the material with the waterbody.
- (5) (i) An operator of a boat or watercraft shall not arrive at a boat launch site, a fishing access site, or any other site from which a boat or watercraft can be launched, or leave such a site after exiting a waterbody, without having drained the boat or watercraft, including bilge areas, livewells, bait wells and ballast tanks.

(ii) An operator of a boat or watercraft shall drain the watercraft, including bilge areas, livewells, bait wells and ballast tanks at a distance from the waterbody and in such a manner to avoid contact of the drainage with the waterbody.

- (6) The provisions of paragraphs 4 and 5 of this subdivision shall not apply to:
 - (i) plants not otherwise defined in law or regulation as invasive species affixed to or transported in watercraft for use as camouflage for hunting or wildlife viewing purposes;
 - (ii) bait, including baitfish, legally used on a waterbody and possessed consistent with all applicable laws and regulations;
 - (iii) the use of plants or animals for habitat restoration, weed control, scientific research, or other activity approved by the office, consistent with all applicable laws and regulations;
 - (iv) a dog or other companion animal as defined in section 350 of the Agriculture and Markets Law; or (v) legally taken game as defined in section 11-0103(2) of the Environmental Conservation Law or fish as defined in section 11-0103(1)(a).
- (j) The towing of persons on water-skis, aquaplanes or the use of a surfboard.
- (k) The use or operation of a snowmobile as defined in subdivision 3 of section 21.05 of the Parks, Recreation and Historic Preservation Law.
 - (1) Notwithstanding the above, the operation of a snowmobile during the period beginning one-half hour after sunset and ending at sunrise, or the holding of a special event for snowmobiles, including but not limited to races and competitions, shall be permitted only pursuant to a written permit issued by the commission and subsequently approved by the commissioner.
 - (2) The operator of any snowmobile shall carry liability insurance in an amount equal to that prescribed by law for such operation on highways and carry evidence of same.
 - (3) No person shall operate a snowmobile in any area where the snow cover is less than three inches.
 - (4) No person under 10 years of age may operate a snowmobile on property under the jurisdiction, custody or control of the commission.
 - (5) No person under 16 years of age may operate a snowmobile without having received and in his possession a snowmobile safety certificate issued by the commissioner or unless such person is accompanied by a person at least 18 years of age.
- (1) *Golf*. Engaging in the game of golf or in practice therefor;
 - (1) Golfers and caddies must register before play.

- (2) Only registered golfers and their caddies may enter upon a golf course or practice area or search for lost balls in adjacent areas.
- (3) No person shall commence play at other than designated starting tees.
- (m) *Possession of pets.* No person owning or being custodian or having control of any animal to enter the park, and any such animal found at large may be impounded except, however, that dogs properly restrained by a leash not exceeding six feet in length, may be brought into park areas, except buildings, camping, picnic and bathing areas and improved walks. Riding horses may enter certain designated parks, by written permit only. Any animals seized as above provided will be delivered to a public pound.
- (n) *Alcoholic beverages*
 - (1) In New Jersey, alcoholic beverages, including beer, wine, whiskey or other intoxicating beverages may not be dispensed, sold or possessed with intent to consume except pursuant to a permit issued by the commission, and then only in accordance with conditions and limitations specified in the permit; and
 - (2) In New York, the provisions of Part 385 of this chapter regulate the sale, possession, consumption and transport of alcoholic beverages.

For reference, the full text of Part 385 referred to in proposed rule is provided below:

9 CRR-NY 385.1

*OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS
OF THE STATE OF NEW YORK
TITLE 9. EXECUTIVE DEPARTMENT
SUBTITLE I. OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION
CHAPTER I. PARKS
SUBCHAPTER A. STATEWIDE RULES
PART 385. ALCOHOLIC BEVERAGES
Current through August 31, 2011*

** Section 385.1.* Alcoholic beverages.*

(a) Prohibition. It is prohibited for any person to consume, possess with intent to consume, transport in an open container or sell any alcoholic beverage on property under the jurisdiction of the office.

(b) Exceptions. The prohibition in subdivision (a) shall not apply to an alcoholic beverage:

(1) sold by or purchased from a concessionaire or a lessee under the terms and conditions of a concession license, lease, or permit issued by the office, provided that the alcoholic beverage is consumed in the area delineated in the agreement;

(2) consumed or possessed by an individual or member of a group pursuant to terms and conditions of a standard permit issued by the office after receipt of an application; or

(3) consumed or possessed within an area of a State park, historic site, or other property that the commissioner has designated as exempt from the requirement for a standard permit under paragraph (2) of this subdivision. The designations may be limited to specific temporary periods of time. The exception in this paragraph does not extend to an alcoholic beverage in a container that holds more than one gallon. The commissioner shall approve a statewide list of the designated areas and update it at least annually. The list shall be published on the office's public website. Notice of the designated areas shall be posted in the appropriate regional, park and historic site offices and entrances;

(4) upon recommendation of the director of law enforcement or a regional director and when necessary to protect public health, safety and welfare during any special event or incident on property under the office's jurisdiction, the commissioner may temporarily suspend any of the exceptions listed in this subdivision and shall provide public notice of the suspension by appropriate signage.

(c) Minimum age. It is prohibited for any person under the age of 21 years to possess, possess with intent to consume, consume, or transport in an open container any alcoholic beverage on property under the jurisdiction of the office. No person shall provide, sell to, give, or otherwise transfer an alcoholic beverage to a person under the age of 21.

(d) Enforcement.

(1) On property under the office's jurisdiction a police officer, or peace officer acting pursuant to his or her special duties, as defined in section 1.20 of the Criminal Procedure Law, or park ranger delegated authority by the commissioner may confiscate an alcoholic beverage from any person if the alcoholic beverage is not authorized under this Part to be possessed, possessed with intent to consume, consumed, transported in an open container or sold. Any alcoholic beverage confiscated shall be deemed a nuisance and shall be disposed of in accordance with the established procedures of the law enforcement agency that confiscates it.

(2) Failure to comply with this Part may result in revocation of any standard permit issued under paragraph (b)(2) of this section.

(3) Failure to comply with this Part is also a violation under section 27.11 of the Parks, Recreation and Historic Preservation Law and sections 10.00(3) and 80.05(4) of the Penal Law, and a petty offense under section 1.20(39) of the Criminal Procedure Law. The uniform ticket issued to a violator is adjudicated in the local court that has jurisdiction over the geographic area where the State park, historic site or other OPRHP property is located. Upon conviction the local court may impose a sentence of up to 15 days in jail or a fine of up to \$250 and payment of any additional local surcharge required by section 27.12 of the Parks, Recreation and Historic Preservation Law.

(e) Severability. If a court of competent jurisdiction determines that any provision of this Part or its application to any person or circumstance is contrary to law that determination shall not affect or impair the validity of the other provisions of this Part or the application to other persons and circumstances.

- (o) Fishing, subject to the regulations of the New York State Department of Environmental Conservation.
- (1) Fishing is not permitted in the following lakes which are designated exclusively for water supply; Queensboro and Turkey Hill Lakes and the Letchworth Reservoirs.
- (2) Fishing is not permitted between June 15th and Labor Day in the following lakes which are designated exclusively for camping: Upper and Lower Cohasset, Upper and Lower Twin, Summit, and Breakneck Pond. In other lakes designated for camping, fishing is not permitted between June 15th and Labor Day from 10 PM to 5 AM.
- (3) Fishing or crabbing off any dock or property of the Commission shall be permitted only at points designated for that purpose.
- (4) Fishing contests and similar events shall be permitted only pursuant to a written permit issued by the commission.

(p) Climbing or descending cliffs at points other than those designated for that purpose.

(q) *Bicycling.* No person shall operate a bicycle or ride as a passenger on a bicycle unless:

- (a) such operator or passenger is wearing a helmet meeting the standards of the American National Standards Institute

(ANSI) or the Sneer Memorial Foundation Standard for protective headgear for use in bicycling:

- (b) passengers under one (1) year of age shall be carried in a pack fastened to the operator;
- (c) passengers one (1) year of age but less than five (5) years of age shall be placed in a separate seat attached to the bicycle, and such seat shall have adequate provision for retaining the passenger in place. (effective 4/1/94)

PART 411 TRAFFIC

Section 411.1

Use and operation of motor vehicles on property under the jurisdiction custody and control of the commission.

(a) No person shall cause or permit a vehicle to be towed or pushed by another vehicle, except that a disable vehicle may be towed to the nearest park or parkway exit by a tow truck operated for such purpose. Disable vehicles shall be moved off the paved portion of a parkway or road so as to prevent obstruction of traffic, but a disable vehicle shall be permitted to remain off the pavement only until temporary repairs are made or until power can be obtained to remove. If such vehicle is not removed within 24 hours, it may be removed by the commission at the expense of the owner or person in charge thereof. Any vehicle left on the paved portion of a parkway or park road may be immediately removed by the commission at the expense of the owner or person in charge thereof.

(b) No motor vehicle shall contain any person or object protruding or hanging outside or on the top thereof except that sports and recreation equipment may be carried on the rear of such vehicle or on a rack designed for such purpose and attached to the top thereof. Fastenings shall be secure and substantial, and in no case shall any such equipment be permitted to protrude to the extent it may create a hazard to other vehicles.

(c) no person shall operate a motor vehicle unless duly licensed in accordance with the laws of the State of New York, and no person having custody or control of a motor vehicle shall permit the same to be operated by another person not duly licensed in accordance with the laws of the State of New York. Persons having learner's permit issued in accordance with the provisions of section 501 of the Vehicle and Traffic Law shall be permitted to operate a motor vehicle on such parkways or park roads specifically designated for such purpose.

(d) No person shall cause or permit a motor vehicle to be closed from view, except those vehicles designed for camping

purposes and then only when being used for camping.

- (e) No person shall cause or permit a motor vehicle to be driven or otherwise moved off the improved paved portion of a parkway, park road or designated parking area except by designated access drive or except as otherwise provided in this Subchapter.
- (f) No person shall cause or permit a motor vehicle to be parked or to stand, except in designated areas. All occupied vehicles parked within the confines of the park during hours of darkness shall display parking lights at all times.
- (g) No person shall cause or permit a motor vehicle to enter or leave property under the jurisdiction, custody or control of the commission, except by designated routes.
- (h) No person shall cause or permit a motor vehicle to make a U-turn, except around a plaza or other place where designated.
- (i) No person shall cause or permit a motor vehicle to unnecessarily stop or obstruct traffic.
- (j) No person shall cause or permit a motor vehicle to be driven at such a slow Speed as to impede or block the normal and reasonable movement of traffic, except where such reduced speed is necessary for safe operation or in compliance with the directions of an employee of the commission.
- (k) No person shall cause or permit a motor vehicle to cross a solid longitudinal traffic line, except when directed to do so by an employee of the commission.
- (l) No person shall cause or permit a motor vehicle to weave in and out of traffic, change its course, enter or change traffic lanes in such a manner or at such a speed as to unreasonably interfere with the operation of any other vehicle.
- (m) No person shall cause or permit a motor vehicle to be driven or backed on a traffic lane opposite to that of the movement of traffic in such lane.
- (n) No person shall cause or permit a motor vehicle to be stopped on the improved or paved portion of any parkway or other road for the purpose of removing or replacing a tire or making any repair to a vehicle.
- (o) During any period declared to be a snow emergency by the commission, any motor vehicle determined by the commission to be abandoned shall be removed by the commission at the expense, including towing and storage, of the owner or other person in charge of such vehicle.
- (p) During any period declared to be a snow emergency by the commission, no person shall cause or permit a vehicle to be operated, unless the powered wheels of such vehicle are equipped with chains or snow tires which no longer provide effective traction or which fail to meet the requirements of the Commissioner of Motor Vehicles established pursuant to the Vehicle and Traffic Law shall not constitute snow tires regardless of their original classification.
- (q) All persons shall heed and comply with the directions of the regional park police and other employees of the commission and the directions of all traffic signs and signals.

- (r) no driver of a vehicle shall follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of the preceding vehicle and the traffic upon, and condition of, the highway or road.
- (s) no person shall so turn any vehicle without giving an appropriate signal in the event any other traffic may be affected by such movement. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.
- (t) no driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at an unsafe distance to the left thereof and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. If vehicles on the roadway are moving in two or more substantially continuous lines, the provisions of this paragraph shall not be considered as prohibiting the vehicles in one line overtaking and passing the vehicles in another line either upon the right or left, nor shall those provisions be construed to prohibit drivers overtaking and passing upon the right another vehicle which is making or about to make a left turn. The driver of a vehicle may overtake and pass another vehicle upon the right as provided in this section only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.
- (u) Upon the parkway, the driver of a vehicle shall drive it on the right half of the roadway. He shall drive a vehicle as closely as possible to the right-hand edge or curb of the roadway, unless it is impracticable to travel on that side of the roadway, and except when overtaking and passing another vehicle subject to the provisions of section (t).
- (v) a driver of a vehicle on a highway, about to be overtaken and passed by another vehicle, approaching from the rear, shall give way to the right in favor of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (w) no person shall drive a vehicle carelessly, or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a person or property.
- (x) no driver of a vehicle upon a road or parkway shall fail to yield the right of way to any authorized emergency vehicle when it is operated on official business, or in the exercise of the driver's profession or calling, in response to an emergency call or in the pursuit of an actual or suspected violator of the law and when an audible signal is sounded from the authorized emergency vehicle and when the authorized emergency vehicle, except a police vehicle, is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of at least five hundred feet to the front of the vehicle. Upon the immediate approach of an authorized emergency vehicle giving audible signal, and equipped as required by this section, and unless otherwise directed by a police or traffic officer, the driver of every vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of an exit on the highways, and shall give way until the authorized emergency vehicle has

passed, and no driver of any vehicle other than one on official business shall follow any authorized emergency vehicle, traveling in response to an emergency call, closer than 300 feet, or drive nearer to, or park the vehicle within 200 feet of, where any fire apparatus has stopped in answer to a fire alarm. The operator of a motor vehicle approaching a stationary authorized emergency vehicle that is displaying a flashing, blinking or alternating red or blue light or any configuration of lights containing one of these colors, or a stationary tow truck that is displaying a flashing amber light or a stationary highway maintenance or emergency service vehicle that is displaying flashing yellow, amber, or red lights, shall approach the authorized emergency vehicle with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:

- (1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions; or
- (2) If a lane change pursuant to paragraph (1) of this section would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

PART 412 VEHICLES

Section 412.1

Vehicles permitted to use parkways and park roads.

- (a) Passenger cars, commonly known as pleasure vehicles.
- (b) Motorcycles, providing they have no wheel which has an overall diameter of less than 15 inches, excluding the tire.
- (c) A vehicle known as a "jeep" if it is equipped with a passenger seat in the rear of the driver's seat.
- (d) Licensed ambulances, police, fire and civil defense vehicles when responding to or returning from an emergency or when acting in the line of duty.
- (e) Suburban type vehicles, including van types, provided they have side windows, rear seats and the passenger carrying capacity as defined in subdivision (e) of section 412.3 of this Part is not exceeded and the vehicle displays no advertising.
- (f) Subject to subdivision (i) of section 412.2 and subdivision (e) of section 412.3 of this Part, an omnibus, known as a taxi or limousine, providing that in no case will cruising or soliciting of passengers be permitted.

- 412.2 Vehicles not permitted to use parkways and park roads.** The following are prohibited from using park roads, except as specifically authorized in this section:
- (a) Any motor vehicle, trailer or semitrailer designed, used or maintained for the transportation of commercial goods or materials, or drawing a semitrailer, or designed, constructed or adapted primarily for use as a dwelling or sleeping quarters, including but not limited to vehicles designated as: commercial; agricultural; truck, including pickup truck, panel truck, and van truck, hearse, trailer or semitrailer; boat or snowmobile trailer; coach or house trailer; camp or travel trailer; self-propelled motor home; fifth wheel travel trailer; and utility trailer;
 - (b) pedestrians, except at designated crossings;
 - (c) riders and drivers of horses;
 - (d) animal-drawn vehicles;
 - (e) motorized bicycles; scooters, motorettes and other similar small power-propelled vehicles of two or three wheels, any of which has an overall diameter of less than 15 inches, excluding the tires;
 - (f) bicycles, except on designated bikeways;
 - (g) all terrain vehicles or similar vehicles designed to be used outside of roadways;
 - (h) snowmobiles, except where an unplowed parkway or road has been designated for such use; and
 - (i) any vehicle displaying any advertising matter.

- 412.3 Vehicles permitted to use parkways or park roads by written permit only.**
- (a) Outing or recreational buses, which make no intermediate stops from their point of origin to their destination, for the purpose of receiving or discharging passengers at a park under the jurisdiction of the commission
 - (b) Other public omnibuses operating under a franchise or permit, for the purpose of receiving or discharging passengers at a park under the jurisdiction of the commission.
 - (c) School buses when transporting students or children to and from a school or children's camp or during an educational or cultural field trip.
 - (d) A vehicle designed or equipped for towing or pushing of disabled vehicles.
 - (e) Any vehicle owned and operated by a utility and used in the construction, maintenance or repair of its facilities when actually engaged in the construction, maintenance or repair of facilities located on property under jurisdiction of the commission.
 - (f) Any vehicle carrying, or adapted for carrying, more than 15 passengers in addition to the driver.

**PART 413
VEHICLE SPEED LIMITS**

Section

413.1

413.2

Vehicle speed limits.

- (a) A rate of speed in excess of 55 miles an hour on the Palisades Interstate Parkway from the north side of the Governor E. Dewey Thruway (interchange 9) to the Bear Mountain Bridge circle is prohibited.
- (b) A rate of speed in excess of 50 miles an hour on the Palisades Interstate Parkway from the New York-New Jersey state line to the north side of the Governor Thomas E. Dewey Thruway (interchange 9) is prohibited.
- (c) A rate of speed in excess of 40 miles an hour on park roads is prohibited.
- (d) On park roads, parkways, entrance or exit roads, traffic circles, approaches, and in parking areas where different speed limits are determined to be appropriate by the commission, and signs are posted indicating such speed, a rate of speed greater than that indicated on such signs is prohibited.
- (e) In bad weather or when special hazards exist, signs may be posted indicating lower allowable speeds. A rate of speed greater than that indicated on such signs is prohibited.

Penalties in New York State

(Section 27.11 of the NYS Parks , Recreation and Historic Preservation Law)

1. Unless otherwise specifically provided, any person who violates any provision of this chapter, or of any law, ordinance, rule , regulation or order adopted pursuant thereto, shall be guilty of a
 - (a) traffic infraction, if such provision, law, ordinance, rule, regulation or order is on which regulates traffic as specified in section one hundred fifty-five of the vehicle and traffic law, but does not regulate snowmobiles.
 - (b) violation, for any other offense.
2. A traffic infraction shall be punishable as provided in paragraph (b) of section one thousand eight hundred of the vehicle and traffic law in the same manner as if the offense were a violation of the vehicle and traffic law. A violation shall be punishable as provided in the penal law, except that the maximum fine may not exceed one hundred dollars.
L.1972, c. 660 s1, eff Sept. 1, 1972.

**ANNOTATIONS PERTAINING TO THE NEW JERSEY SECTION OF
THE PALISADES INTERSTATE PARK**

- 407.1** *Return of lost articles.* Any Person finding or taking possession of personal property not his own, shall immediately return such property to its lawful owner or custodian. If the lawful owner or custodian cannot be immediately found or ascertained, the property shall be turned over to the nearest headquarters or the park police or other park headquarters designated for such purpose.
- 408.1(1)** (2) Notwithstanding paragraph (1) of this subdivision, the sale of tickets for the New Jersey State Lottery by concessionaires approved by the commission shall be permitted where the approval of the commission has been given.
- 408.1(r)** *Attire.* No person shall appear nude in public, dress or undress other than in facilities provided therefor, enter or remain in any area or facility in such attire as may be prohibited by a sign or by an employee of the commission or bathe in other than a bathing suit safe and suitable for such purpose.
- 408.1(u)** *Stormwater Management* subject to regulations of the New Jersey Department of Environmental Protection (NJDEP), and the NJDEP Highway Agency Stormwater Permit issued to the Commission: No person shall do any of the following:
1. feed wildlife along the parkway, scenic overlooks or gas stations;
 2. no pet owner shall allow improper disposal of their pet's solid waste at the Rockefeller Lookout, Alpine Lookout and the north and southbound gas stations in New Jersey. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited at Rockefeller Lookout, Alpine Lookout and the north and southbound gas stations. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.
- 410.1(o)** *Fishing*, subject to regulations of the New Jersey Department of Environmental Protection, except as follows:
- No person shall, without a permit from the commission, fish or crab off any dock or property of the commission except at points designated for that purpose.
- 411.1(c)** No person shall operate a motor vehicle unless duly licensed in accordance with the laws of the State of New Jersey, and no person having

custody or control of a motor vehicle shall permit the same to be operated by another person not duly licensed in accordance with the laws of the State of New Jersey. Persons having a learner's permit issued in accordance with the provisions of Title 39 of the New Jersey Revised Statutes shall be permitted to operate a motor vehicle on such parkways or park roads specifically designated for such purpose.

413.1 Vehicle speed limits. (as approved 2/26/01)

(b) A rate of speed in excess of 50 miles an hour on the Palisades Interstate Parkway from the New York – New Jersey State Line to the southern terminus of the Parkway is prohibited. Every person who shall violate any of the provisions of such rules and regulations shall be liable to a penalty for each offense to a fine as follows:

| | | |
|-----|------------------|---------------------------|
| (1) | 51 – 59 | \$78.00 |
| (2) | 60 – 64 | \$88.00 |
| (3) | 65 – 69 | \$98.00 |
| (4) | 70 – 74 | \$193.00 |
| (5) | 75 – 79 | \$213.00 |
| (6) | 80 – 84 | \$233.00 |
| (7) | 85 mph and over, | Court Appearance Required |

(c) A rate of speed in excess of 25 miles an hour on park roads (not including Palisades Interstate Parkway) is prohibited. Every person who shall violate any of the provisions of such rules and regulations shall be liable to a penalty for each offense to a fine as follows:

| | | |
|-----|------------------|---------------------------|
| (1) | 26 – 34 | \$78.00 |
| (2) | 35 – 39 | \$88.00 |
| (3) | 40 – 44 | \$98.00 |
| (4) | 45 – 49 | \$193.00 |
| (5) | 50 – 54 | \$213.00 |
| (6) | 55 – 59 | \$233.00 |
| (7) | 60 mph and over, | Court Appearance Required |

414 Penalties for violations of rules and regulations.

414.1 Every person who shall violate any of the provisions of such rules and regulations shall be guilty of a petty disorderly persons offense and liable to a civil penalty for each offense to a fine of not less than \$50 nor more than \$1,500, plus restitution if applicable, other than as set forth in 413.1 b & c. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense. If the violation results in pecuniary gain to the violator, or the violator

willfully or wantonly causes injury or damage to property, including but not limited to natural resources, the violator shall be liable to an additional civil penalty equal to three times the value of the pecuniary gain or injury or damage to property.

415 **Public Defender Application Fee**

The court may require a person applying for representation by a municipal public defender or court approved counsel to pay an application fee of not more than \$200.00, but only in an amount necessary to pay the costs of public defender services. In accordance with guidelines promulgated by the Supreme Court, the court may waive any required application fee, in whole or in part, only if the court determines, in its discretion, upon a clear and convincing showing by the applicant that the application fee represents an unreasonable burden on the person seeking representation. Additionally, the court may permit a person to pay the application fee over a specific period of time not to exceed four months.