

TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK
LOCAL LAW No. 8 of 2022

**A LOCAL LAW AMENDING LOCAL LAW 1 OF 2021 AND
REGULATING USE OF TOWN OWNED REAL PROPERTY**

Be it enacted by the Town Board of the Town of Ticonderoga as follows:

Section 1. Title and Authority.

This Local Law shall be known as “A Local Law Regulating Use of Town Owned Real Property” and shall amend Local Law 1 of 2021. It is adopted pursuant to Section 10 of Municipal Home Rule Law.

Section 2. Purpose.

This Town Board finds that certain uses of, or activities on, Town owned real property constitute a serious threat to the health, safety, and general welfare of Town employees and other persons lawfully on the property of the Town or may cause unpermitted damage to property of the Town which activities which may seriously impair the performance of essential government functions by way of threat or intimidation to Town employees or others. Therefore, the purpose of this Local Law is to provide for the safety, health, protection and general welfare of people in the Town of Ticonderoga by prohibiting certain uses of, or activities on, all real property owned by the Town of Ticonderoga.

Section 3. Definitions.

“Camping” means the act of sleeping, setting up a tent, camp, camper, or other temporary or permanent improvement, intended to be used or used to stay, sleep or reside at or on Town Property.

“Hunting” means the act of killing or attempting to kill any animal by way of use of a firearm such as a handgun or rifle, bow including compound or long, knife, cross bow, traps or any similar device or weapon, or any trapping of animals. The killing, attempting

to kill or trapping of a wild animal on Town Property by a police officer, or any other duly appointed officer under New York law acting within the scope of employment shall not be considered hunting. Fishing in waters adjacent or within Town property shall not be considered hunting.

“Town Property” means both real and personal property owned by the Town and located in the municipal bounds of the Town of Ticonderoga, Essex County, New York.

Section 4. Prohibited Acts.

- a. No Hunting shall be permitted on any Town Property.
- b. No Camping shall be permitted on any Town Property.
- c. The use of metal detectors or any excavation equipment or tools is prohibited on any Town Property. No person shall make any excavation by tool, equipment, or utilize metal detectors of whatever kind, across, over or on any Town Property.
- d. No person shall make or cause any fire to occur on any Town Property, including but not limited to campfires or any other fire.

Section 5. Exceptions.

- a. Hunting on Town Property may only be permitted by (i) resolution of the Town Board of the Town of Ticonderoga for purposes of prevention of damage or destruction to property as may be determined in the sole and absolute discretion of the Town Board, or (ii) by the Ticonderoga Highway Superintendent for purposes solely of protection of Town highways and solely limited to lawful trapping permits.
- b. Camping on Town Property may only be permitted by resolution of the Town Board in connection with any event held on such Town Property for which the Camping shall be incidental to such event, such as Fourth of July or similar festivities as the Town Board may require.
- c. Excavations or exploration of Town Property for purposes of any Town Board sponsored project shall be authorized but limited to the individuals or entities authorized by the Town Board.
- d. The use of Town installed barbeque grills or pits shall be permitted during daytime hours from sunrise to sunset provided that any person using such barbeque grills or pits shall keep and maintain the usage of same in a safe manner and not permit unattended fires or large fires to exceed the confines of such barbeque grills or pits, and further provided that only charcoal manufactured for use in barbeque grills or pits shall be used in such barbeque grills or pits. No firewood shall be used in any barbeque grills or pits.

Section 6. Penalties.

A violation of any provision of this section shall be an unclassified misdemeanor, punishable by a fine not to exceed \$1000 or by imprisonment for a term not to exceed one year, or by both such fine and imprisonment. Each day or part of a day on which a violation continues shall constitute a separate violation.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law 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 law, or in its application to the person, individual, corporation, firm partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 8. Interpretation and Intent.

It is not the intent of the Town Board to supersede any New York State or Federal Law, rule or regulation regarding the contents of this local law. In the event of a conflict between this law and any such New York State or Federal law, rule or regulation, the more restrictive shall control within the limits of the Constitution of the State of New York or the Constitution of the United States of America.

Section 9. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.