

Battery Park City Parks Rules and Regulations

Section 9003.1. Definitions

(a) **Battery Park City** means the mixed use development consisting of residential and commercial development, public parks property, infrastructure, civic and other facilities located at the southwest area of Manhattan, as defined in the Act, generally bounded by West Street on the east, the Hudson River on the west, Battery Place and Battery Park on the south and the westerly extension of Jay Street on the north.

(b) **BPCA** means the Battery Park City Authority, a public benefit corporation established pursuant to chapter 343 of the Laws of 1968, as amended and set forth in title 12 of the New York Public Authorities Law (the "Act"), or its successors, or assigns; where these rules refer to action by the BPCA, such action shall mean that taken by the president of the BPCA or his or her designee(s).

(c) **Esplanade** means the waterfront esplanade portion of the parks adjacent to the Hudson River, and which, South of the Plaza, consists of two levels, an inland "upper level" and a "lower level" closer to the Hudson River.

(d) **Motor vehicle** refers to any automobile, motorcycle, moped, or other vehicle propelled by a motor.

(e) **Owner** or **owning** refers to any person owning, operating, or having the use or control of an animal, a vehicle or any other personal property.

(f) **Park, parks** or **park property** signifies any or all of the mapped public parks, waters and land under water, pools, esplanades, playgrounds, recreation centers of, and adjacent to, Battery Park City and all other property, equipment, buildings and facilities, including park streets, related thereto now or hereafter under the jurisdiction, charge or control of ParksCorp.

(g) **ParksCorp** refers to the Battery Park City Parks Corporation incorporated under the New York State Not-for-Profit Corporation Law, tax-exempt under section 501(a), as an organization described in section 501(c)(3), of the United States Internal Revenue Code, and which is responsible for the operation and maintenance of the parks, acting for and on behalf of the BPCA pursuant to a management agreement or otherwise; where these rules refer to action by ParksCorp, such action shall mean that taken by the president or executive director of the ParksCorp or his or her designees. In the event ParksCorp fails or is unable for any reason to take any action it is specifically authorized to take under these rules, or ceases to exist, the BPCA may (but shall not be required to) take such action in lieu of ParksCorp, and where BPCA takes such action, the term **ParksCorp** shall mean BPCA.

(h) **Park sign** means any placard, notice or sign duly posted by or on behalf of ParksCorp.

(i) **Park street** means the greater of the full width of all streets abutting any park, or, for any street which terminates at any of the parks 350 linear feet along such street up to the building line, including all sidewalks and areas between the sidewalks and curbs.

(j) **Permit** unless otherwise specified, means any written authorization issued by or under the authority of ParksCorp for a specified privilege, permitting the performance of a specified act or acts in any park or on any park street.

(k) **Person** means any natural person, corporation, society, organization, company, association, firm, partnership, or other entity.

(l) **Plaza** means that portion of the mapped parks within Battery Park City adjacent to the World Financial Center, known as the Battery Park City Plaza, more fully described in the plaza regulations.

(m) **Plaza regulations** means the rules and regulations, as may be adopted and modified from time to time, of the BPCA and/or ParksCorp, including the events regulations as defined in the plaza regulations, which are or may be from time to time in effect for the plaza.

(n) **Police officer** refers to any member of the Police Department of the City of New York and any other city employee who is a special patrolman or officer appointed pursuant to procedures established by that police department, any other special patrolman or New York State police officer assigned to and under the direction of ParksCorp, the BPCA, and any other peace officer.

(o) **Regulations or rules** unless otherwise specified, refers to these rules and regulations and the plaza regulations together.

(p) **Sexual activity** means any activity by a person that reasonably appears to be intended to sexually arouse that person or another person, and in which such person exposes his or her buttock or genitalia, or the area of the female breast below the top of the areola.

(q) **Sound reproduction device** includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette or disc player, speaker device or system and any sound amplifier.

(r) **Sound system** means any device or devices for reproduction or amplification intended to increase the volume or change the pitch of the human voice, music or other sound tone, vibration or waves.

(s) **WFC** means the World Financial Center, a commercial, office and retail development located in Battery Park City and adjacent to the plaza, consisting of four office towers with principal addresses of One, Two, Three and Four World Financial Center, the Winter Garden, pedestrian passageways, and related facilities.

Section 9003.2. Construction and scope of rules; variances

(a) *Construction.* These rules shall be construed as follows:

(1) any term in the singular includes the plural;

(2) any term in the masculine includes the feminine and neuter;

(3) any rule or regulation relating to any act covers: the causing, procuring, aiding or abetting, directly or indirectly, of that act; and allowing a minor child to do that act;

(4) no provision herein shall make unlawful any act necessarily performed by any officer or employee of ParksCorp or the BPCA in the line of duty or work, or by any person, his agents or employees, in the proper and necessary execution of the terms of any permit, contract, agreement or other direct authorization from ParksCorp or the BPCA;

(5) these rules are in addition to and supplement all municipal, state and Federal laws and ordinances.

(b) *Territorial scope.* The rules shall be effective within and upon all areas under the jurisdiction, charge or control of ParksCorp.

(c) *Variance.* Any act or activity prohibited solely by these rules shall be lawful if performed in strict compliance with the terms and conditions of a variance issued by ParksCorp and/or the BPCA. ParksCorp or the BPCA may issue a variance where there are significant practical difficulties, or unnecessary hardships, not created or caused by the applicant, which might, in the sole judgment of ParksCorp and/or the BPCA, result from carrying out the rules, or where the beauty and utility of property within the jurisdiction of ParksCorp would be preserved by compliance with the terms and conditions of such variance.

Section 9003.3. Hours of operation

(a) Persons may enter and use the parks from 6 a.m. until 1 a.m. at all times unless other open hours are posted by a park sign at any park or any portion thereof. No person shall enter, loiter or remain in any park without the permission of ParksCorp or the BPCA except during open hours.

(b) Whenever a threat to public health or safety exists in any park resulting from any natural cause, explosion, accident or any other cause, or by riot or other significant civil disturbance or unlawful assembly or activity, ParksCorp or the BPCA may close the parks or any portion thereof to all unauthorized persons for such duration as it deems necessary to ensure the safety and well-being of the public.

Section 9003.4. Permits

(a) When any provision of these rules requires a permit as a condition to the performance of an act or activity, no such act or activity shall be implemented or commenced prior to the receipt of a written permit authorizing such activity, from ParksCorp or from its authorized designee or representative with respect to such activities.

(b) A permit may be granted upon such terms and conditions as ParksCorp shall reasonably impose, and shall authorize the permitted acts or activities only insofar as they are performed in strict accordance with the terms and conditions thereof. All such permits are terminable at will by ParksCorp or the BPCA upon notice to the permit holder.

(c) Permits shall be applied for on forms prepared and provided by ParksCorp, which forms shall require such information as ParksCorp may deem appropriate for the review and evaluation of the permit application. ParksCorp may require a permit fee established in accordance with section 9003.45 of this Part. Applications for permits shall be evaluated based on:

(1) whether the activity is consistent with these rules, the plaza regulations and the policies of ParksCorp and BPCA;

(2) whether the activity may interfere with the general public's use and enjoyment of the parks or adjacent areas, the repair, maintenance, construction, reconstruction, operation, or the staging of work for the parks, and other matters related to the sound operation of the parks; and

(3) any additional matters referred to in section 9003.25(d)(1) through (8) of this Part as may be applicable to this activity.

(d) Depending on the type of activity which the permit application involves, considering such factors as the number of persons likely to be involved, likelihood of maintenance and operations costs, whether a commercial enterprise or substantial fund raising is involved, risks of damage, potential for liability, and other matters related to the sound operation of the parks, ParksCorp may require the permit holder to post an undertaking and/or to provide surety or insurance. Such undertaking shall be in an amount sufficient to ensure full compliance with the terms and conditions of the permit, and the surety or insurance shall be of a type and in an amount reasonably necessary to protect the ParksCorp, the BPCA, and other appropriate parties from claims. If, upon expiration or termination of the permit, it is determined that a permit holder has not complied with the terms and conditions of the permit, or has violated any law, ordinance, statute or rule, then the following rules shall apply:

(1) any undertaking provided to ParksCorp as security for a permit holder's performance shall be forfeited and retained by ParksCorp to the extent necessary to remedy, or compensate ParksCorp, the BPCA or such other parties for the damages caused by such acts, omissions, or violations;

(2) the permit holder, together with his agents and employees who violated such terms and conditions or provisions of the permit or law, ordinance, statute or rule, shall be jointly and severally liable for any additional sum necessary to correct or compensate ParksCorp, the BPCA or such other parties for such damages; and

(3) neither forfeiture of any security nor payment nor recovery for such damages shall in any way relieve the permit holder of civil or criminal liability arising from the violation of the terms and conditions of the permit or of any law, ordinance or rule.

Section 9003.5. Directions of police officers or parks corporation employees; park signs

(a) No person shall fail, neglect or refuse to comply with the lawful direction or command of any police officer or designated employee of ParksCorp or the BPCA, indicated by gesture or otherwise.

(b) No person shall fail to comply with or obey any instruction, direction, regulation, warning, or prohibition, written or printed, displayed or appearing on any park sign, except such sign may be disregarded upon order by a police officer or designated ParksCorp or BPCA employee.

Section 9003.6. Property and equipment

(a) No person shall injure, deface, alter, write upon, destroy, remove or tamper with, in any way, any real or personal property or equipment in or being used in connection with the parks owned by or under the jurisdiction or control of ParksCorp or the BPCA.

Section 9003.7. Trees, plants, flowers, shrubs and grass

(a) No person shall deface, write upon, injure, sever, mutilate, kill, or remove from the ground any trees, plants, flowers, shrubs or other vegetation in the parks or otherwise under the jurisdiction of ParksCorp without permission of ParksCorp or the BPCA.

(b) No person shall go upon or allow any animal or child in his custody to go upon either any newly-seeded lawn or grass plot or any lawn or planted area where access is prohibited.

(c) No person shall go upon or allow any animal or child in his custody to go upon any area enclosed by fencing, temporary or permanent, where such fencing or signs posted thereon reasonably indicate that entry into such area is forbidden.

(d) No person shall possess any tools commonly used for gardening or any plant, tree, shrub or other vegetation, in any park except where such possession is specifically designated to be permissible by ParksCorp or the BPCA.

(e) No person shall use a metal detector in any park except under a permit issued by ParksCorp or BPCA.

Section 9003.8. Littering, refuse, pollution of waters

(a) No person shall litter in any of the parks. All persons shall use receptacles provided for the disposal of refuse. No refuse generated or collected on property outside the jurisdiction of ParksCorp may be taken into, dumped within, or carried through any park, or deposited in any park receptacle.

(b) No person shall throw, drop, allow to fall, or discharge into or leave in the waters within or adjacent to any park (including pools and fountains), or any drain flowing into said waters, any substance, liquid or solid, or any litter, debris or refuse which may or will result in the pollution or fouling of said waters.

Section 9003.9. Restriction on glass

ParksCorp may, in its discretion, designate certain parks, or portions thereof, as restricted areas wherein no glass bottles or other glass containers will be permitted. This section shall not apply to glass bottles or containers used in the care and feeding of infant children.

Section 9003.10. Aviation

No person shall voluntarily bring, land or cause to alight within or upon any park, any airplane, balloon, parachute, hang glider, or other aerial device, except that certain areas may be designated appropriate landing places for medical evacuation helicopters. For the purposes of this section, *voluntarily* shall mean anything other than a forced landing caused by mechanical or structural failure of the aircraft or other aerial device.

Section 9003.11. Explosives, firearms and weapons

No person, except a police officer or other peace officer, shall bring into or have in his possession in any park, any firearms, slingshots, firecrackers, missile propelling instruments, air rifles, air pistols, paintball guns, or explosives, including any substance, compound, or mixture having properties or such a character that alone or in combination with other substances, compounds, mixtures, propel missiles, explode or decompose to produce flames, combustion, noise or noxious or dangerous odors, except as specifically permitted by ParksCorp or BPCA. Nothing in this section shall be construed to prohibit the proper use of matches or of charcoal lighter fluid in proper containers in picnic grills where permissible pursuant to the provisions of these rules.

Section 9003.12. Park animals

(a) No person shall within any park molest, chase, wound, trap, hunt, shoot, throw objects at, kill, or remove any animal or have in his possession any undomesticated animal, or any significant portion of the remains of any animal, or any nest, or the eggs of any amphibian, reptile or bird; or knowingly buy, receive, have in his possession, sell or give away any such animal or egg taken from or killed within any park.

(b) No person shall feed animals in any park except where specifically authorized by ParksCorp. ParksCorp may also designate certain areas where all feeding of animals is prohibited. It is a violation

of this section to feed animals in any area where such feeding is prohibited.

Section 9003.13. Commercial fishing

Commercial fishing is prohibited in waters, in, at or adjacent to all parks.

Section 9003.14. Pets, animals at large

No person owning or being custodian or having control of any animal shall cause or allow such animal to be unleashed in any park, except under the express terms of a permit granted by ParksCorp. or within designated animal run areas. Any such animal found at large may be seized and impounded. Properly licensed dogs and cats, restrained by a leash not exceeding six feet in length may be brought into the parks, except in no event are dogs or other animals be allowed to enter any playground, park building, dog free zone or any other area where they are prohibited by ParksCorp. Nothing in this section shall be construed to prohibit persons with disabilities from bringing into such areas service animals, including guide dogs, signal dogs, or other animals individually trained to do work or perform acts for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Nothing herein shall limit the rights of persons with disabilities under City, State, and Federal law.

Section 9003.15. Animal waste

(a) No person shall allow any animal which he owns or which is in his custody or control to discharge any urine or fecal matter in any park, except curbed in park streets.

(b) Notwithstanding subdivision (a) of this section it shall be the further duty of each dog owner to immediately remove any fecal matter left by his dog in any park, including park street, and to assure that his dog does not urinate on or otherwise damage any tree or other plant in any park, or park street, including such trees or plants on the sidewalks and any area between the sidewalks and curbs of park streets.

Section 9003.16. Horses

Horses shall be allowed in the parks only if specifically approved pursuant to a permit, or if used by a police officer in the exercise of his duties.

Section 9003.17. Disorderly behavior

It is prohibited for any person to engage in disorderly behavior in any park. Any person in any park, including any park street, shall be guilty of disorderly behavior who:

(a) enters or leaves any park except by designated entrance ways or exits, or enters or attempts to enter any facility, area or building sealed, locked or otherwise restricted from public access; or

(b) climbs upon any wall, fence, shelter, tree, shrub, statue, artwork, fountain, decorative improvement, or other vegetation, or any structure not specifically intended for climbing purposes; or

(c) gains or attempts to gain admittance to the facilities in any park for the use of which charge is made without paying such charge; or

(d) engages in any form of gambling or game of chance, sells fortunes, or brings into any park or has in

his possession while in any park any device commonly used for gambling; or

(e) interferes with, encumbers, obstructs or renders dangerous any part of a park or park street; obstructs vehicular or pedestrian traffic; or

(f) engages in fighting or assaults any person; or

(g) engages in a course of conduct or commits acts that unreasonably alarm or seriously annoy another person; or

(h) engages in any form of sexual activity; or

(i) violates any federal, state or local law, rule, regulation or ordinance; or

(j) engages in a course of conduct or commits acts that endanger the safety of others.

Section 9003.18. Loitering

It is prohibited for any person to engage in loitering for illegal purposes in any park. Any person in any park, including any park street, shall be guilty of loitering who:

(a) loiters or remains in a park for the purpose of engaging, or soliciting another person to engage in sexual activity; or

(b) loiters or remains in any park with one or more persons for the purpose of unlawfully using, possessing, distributing, selling or soliciting marijuana or a controlled substance, as defined in section 220.00 of the New York State Penal Law.

Section 9003.19. Use of benches

No person shall use a bench so as to interfere with its use by other persons.

Section 9003.20. Camping, shelters

No person shall engage in camping, or erect or maintain a tent, other structure for shelter, or camp in any park without a permit.

Section 9003.21. Spitting

It shall be unlawful for any person to spit or expectorate in any park or in or upon any park building, monument, structure or equipment.

Section 9003.22. Unhygienic use of fountains and pools

No person shall use any water fountain, drinking fountain, pool, sprinklers, or any other water contained in or adjacent to any park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings. This section shall not apply to those areas within the parks which are specifically designated for personal hygiene purposes (*i.e.*, bathrooms, shower rooms, or similar facilities), provided, however, that no person shall wash his or her clothes or personal belongings in such area, nor shall any person who has not been using a facility under the jurisdiction of ParksCorp for recreational purposes be permitted to use such an area within such facility for personal hygiene purposes.

Section 9003.23. Commercial activities, solicitation

(a) No person shall engage in any commercial activity or commercial speech in any park, including any park street, except pursuant to a permit issued under section 9003.31 and/or section 9003.32 of this Part.

(b) No person shall solicit money or other property in any park, including any park street, from persons unknown to such persons, for any noncommercial purpose, unless such person possesses a permit for noncommercial solicitation issued by ParksCorp.

Section 9003.24. Panhandling

Panhandling is prohibited in all parks, including any park streets adjacent to or abutting a park and sidewalks of such abutting streets.

Section 9003.25. Urination and defecation in parks

No person shall urinate or defecate in any park, or in or upon any park building, monument or structure, except in a facility which is specifically designed for such purpose.

Section 9003.26. Unlawful exposure

It shall be a violation of these rules to appear in public on property under the jurisdiction of ParksCorp in such a manner that one's genitalia are unclothed or exposed.

Section 9003.27. Smoking

Smoking is prohibited in all public areas within any park, except as may be designated by ParksCorp or BPCA.

Section 9003.28. Marijuana; controlled substances

No person shall bring, possess, distribute, sell, solicit or consume marijuana or any controlled substance, as defined in section 220.00 of the New York State Penal Law, in any park or other park property or facility.

Section 9003.29. Unlawful distribution of products and materials

No person shall engage in the non-commercial distribution of products and/or material (other than printed or similarly expressive material) without a permit issued by ParksCorp or BPCA. A permit shall be issued only upon ParksCorp's or BPCA's determination that said distribution will be conducted in a manner consistent with the public's use and enjoyment of the park or park facility in question. In making this determination, ParksCorp or BPCA will consider the nature of the product or material; whether the product or material is compatible with customary park uses; whether the product or material is intended to be used in the park or park facility; the age of the targeted audience for the product or material; and whether the area in the park or park facility where the distribution will take place is appropriate for such distribution, considering, e.g., its proximity to areas designed for children, quiet zones or other areas designed for activities not compatible with such distribution. In connection with the foregoing, ParksCorp may consult with parental or other groups that are involved with the park or park facility where a permit for distribution is requested. ParksCorp or BPCA may also impose conditions upon the distribution of products and materials consistent with the concerns reflected by the factors listed above.

Products and/or materials may be distributed only upon an indication of interest by the recipient, and only from a fixed location specified in the permit.

Section 9003.30. Geocaching; treasure hunting games

Geocaching or other treasure hunting games, activities, devices, logbooks, trinkets, or other materials, are not allowed within any park except as may be expressly permitted by ParksCorp.

Section 9003.31. Assemblies, meetings, exhibitions, etc.

(a) No person shall hold or sponsor any contest, exhibit, public entertainment, parade, parade review, athletic contest, dramatic reading, storytelling, poetry reading, picnic, or other similar activity, in any park, including any park street, without a permit, unless fewer than 20 individuals may reasonably be expected to be in attendance.

(b) No person shall hold any public meeting or assembly or perform any ceremony or make a speech, address or oration, or other similar activity when more than 20 persons may reasonably be expected to be in attendance in any park, including any park street, without a permit.

(c) No person shall erect any structure, stand, booth, platform, or exhibit in connection with any assembly, meeting, exhibition or other event without approval of ParksCorp or the BPCA.

(d) Upon application, ParksCorp may deny a permit for such assembly, meeting, exhibition, speech, ceremony, contest, public entertainment, picnic, parade, parade review or other similar activity or event if:

(1) the proposed event is not consistent with these rules, the plaza regulations or policies of ParksCorp or the BPCA for events or activities;

(2) the proposed event would interfere with the use and enjoyment of any of the parks, including any park street, or the plaza or adjacent public areas by the public, or property immediately adjacent to the parks;

(3) the location sought is not suitable because of landscaping, planting, or other environmental conditions reasonably likely to be harmed by the proposed event;

(4) the location sought is not suitable because it is a specialized area, because of the design or structure of any of the parks, including any park street, including fountains, artworks or other decorative improvements, facilities, fixtures or equipment, or because the proposed event is of such nature or duration that it cannot reasonably be accommodated in that location;

(5) the date and time requested have previously been allotted by permit or an activity or event, or work, including construction, reconstruction, restoration, staging of work, repairs and maintenance, is scheduled for any area in or adjacent to any of the parks, including any park street, or the plaza or in the WFC at a time when there would be interference or operational difficulties caused by the occurrence simultaneously or at approximately the same time of such events;

(6) the proposed event will present a clear and present danger to the public health and safety;

(7) within the preceding four years, the applicant has been granted a permit or the equivalent with respect to any park, including any park street, or park of the City or State of New York and did, on that prior occasion, knowingly violate a material term or condition of the permit or equivalent, or any

law, ordinance, statute or regulation relating to the use of the parks or any such other parks;

(8) there are substantially similar alternatives elsewhere in the parks, or the parks of the city of New York; or

(9) there are other areas reasonably available for such use in parks under the jurisdiction of the New York City Department of Parks and Recreation or the New York State Office of Parks, Recreation and Historic Preservation.

(e) Whenever a permit application is granted or denied, ParksCorp shall notify the applicant of its decision within 30 days prior to the requested date of the event if the application was filed more than 60 days prior to the request date, and if the application was filed less than 60 days prior to the requested date, ParksCorp shall notify the applicant of its decision as soon as is reasonably practicable. If the permit is denied, ParksCorp shall state in writing the paragraph of subdivision (d) of this section under which the permit was denied and where appropriate shall employ reasonable efforts to offer the applicant suitable alternative locations and/or times and/or dates for the proposed event. After a permit has been denied the applicant may appeal the determination within 10 days of receipt of notice of such determination by a written request to the designated permit appeals officer of ParksCorp who shall be a senior member of ParksCorp staff not directly involved with the permit application review process, who may reverse, affirm or modify the original determination, providing a written explanation of his findings.

Section 9003.32. Vendors

No person in any park, including any park street and all public sidewalks of such abutting streets, shall sell, offer for sale, hire, lease or let anything whatsoever, tangible, intangible or any service or engage in any other commercial activity, including commercial, still, video, cinema or audio reproduction of events or activities occurring in the parks except under and within the terms of a permit, or except as otherwise provided by law.

Section 9003.33. Posting of notices, advertising, display

(a) No person shall post, paint, display, affix, construct or carry any placard, flag, banner, sign, or model or other similar item or display any such item by means of aircraft, kite, balloon or other similar aerial device, in, on, or above the surface of any park, including any park street, for any purpose whatsoever without a permit issued by ParksCorp.

(b) Notwithstanding subdivision (a) of this section, any person may display or carry any item described in subdivision (a) of this section, without the aid of any aircraft, kite, balloon or other similar aerial device, where the space on which the message of such item is contained has a height no greater than two feet and a length no longer than three feet, and that such item takes up a total area of no more than six square feet.

(c) Any person who posts or paints a sign upon park property, including any park street and the perimeters of any park, whether or not pursuant to a permit issued under this section, shall be responsible for removal of such sign pursuant to the conditions in such permit, or immediately if no such permit has been issued. Failure to remove any sign that is painted or posted on such park property, or that remains on such property, other than in compliance with such permit, shall constitute a violation of these rules.

(d) In the event that a sign is, in violation of this section, posted or painted on any park property, including any park street and the perimeters of any park, there shall be a rebuttable presumption that any person whose name appears on such sign, and whose interest such sign reasonably appears to be

intended to further, has caused such sign to be posted or painted.

Section 9003.34. Noise; musical instruments

(a) No person shall make or cause any excessive, unreasonable, or unusually loud noise in any park, including any park street, which causes public inconvenience, annoyance or harm or otherwise disturbs, injures or endangers the comfort, peace, health or safety of any person, or disturbs or causes injury to plant or animal life, or damage to business or property.

(b) No person shall play or operate any sound system, without a permit from ParksCorp. No person shall operate any sound reproduction device, provided that this subdivision shall not apply to the regular and customary use of portable radios, record players, compact disc players, television receivers, tape recorders or other similar devices played or operated in full accordance with these Rules so as not unreasonably to disturb other persons in their permitted uses of the parks, including any park street, except that in areas designated by ParksCorp as "quiet zones" such regular and customary use of sound reproduction devices shall be prohibited. Signs shall be posted in all quiet zones advising the public of such prohibition. Use of radios and other sound reproduction devices listened to solely by headphones or earphones, and inaudible to others, is permitted in all areas of the parks.

(c) No person shall play or operate any musical instrument, drum or sound reproduction device or other device for producing sound between the hours of 10 p.m. and 8 a.m. except under the express terms of a permit. ParksCorp or the BPCA may, in its discretion, further restrict such hours in specific parks, including any park street, where such operation would disturb or damage the comfort, peace, health or safety of persons or business.

(d) No person shall play or operate any musical instrument, drum sound system or sound reproduction device or cause any sound or noise for advertising or commercial purposes except as otherwise permitted in these rules.

Section 9003.35. Photographs and cinematic productions

No person shall take any photograph or engage in any cinematic production for commercial purposes in any park, including any park street, without a permit. The permit holder shall be responsible to restore any park property altered or damaged in connection with the exercise of such permit.

Section 9003.36. Alcoholic beverages

(a) No person shall bring, possess, distribute, sell, solicit or consume alcoholic beverages, in any park, including any park street, playground, or other park property or facility, except where specifically permitted by the ParksCorp or BPCA and applicable law.

(b) No person shall appear in any park under the influence of alcohol, any controlled substance, or other drug to the degree that he may endanger himself, other persons or property, or unreasonably annoy persons in its vicinity.

Section 9003.37. Adjacent waters, fountains and pools

No swimming or bathing shall be permitted in waters in or adjacent to the parks or other property under the jurisdiction of ParksCorp. Young children's use of sprinkler fountains as permitted by park signs is not prohibited by this section.

Section 9003.38. Fishing for sport

Fishing for sport is allowed only at such places and times as designated by ParksCorp. No fish may be taken from the waters in or adjacent to the parks under the jurisdiction of ParksCorp with the aid of power, other than hand power, unless under the express terms of a permit.

Section 9003.39. Bicycling, roller skating, skateboards, roller blades

(a) Any person bringing a bicycle, scooter, skateboard, roller skates or roller blades into any park shall obey all park signs pertaining to the use of such bicycles, scooters, roller skates, skateboard or roller blades. No bicycle, scooter, roller skates, skateboard or roller blades shall be ridden, skated, operated or otherwise used on the grass, or on the upper level of the esplanade, or between the rail and the immediately adjacent benches of the esplanade, or in any sitting or play area, or playground. Bicycles, scooters, roller skates, skateboards and roller blades may be ridden, skated, operated and used in the parks, but only at the times, and in the areas, specifically designated by ParksCorp. No person shall ride, skate, operate or use a bicycle, scooter, roller skates, skateboard or roller blades in a reckless manner. Skateboards or scooters shall not be skated or operated or used on park property, fixtures or equipment in a manner likely to cause damage or injury to persons or property.

(b) Persons operating or using bicycles, scooters, skateboards, roller skates or roller blades shall yield to pedestrians in any part of the parks.

(c) It is prohibited for any person to ride or operate a bicycle to carry more persons at one time than the number for which it is designed and equipped, except that children may be carried in seats securely attached to a bicycle. It is prohibited for any person riding a bicycle to attach himself or his bicycle to the outside of any motor vehicle being operated in any park.

Section 9003.40. Boating

No person shall land a boat of any kind on any park shore or facility except at designated landing areas or in a case of an emergency, and except for the boats of ParksCorp or the BPCA utilized in the operation of the parks or adjacent areas or for the conduct of other BPCA business (or specifically authorized by ParksCorp or the BPCA pursuant to permit, contract or otherwise). No person shall operate a boat of any kind upon any waters which are a part of or adjacent to the parks, including the south cove and the north cove of Battery Park City, and under the jurisdiction of ParksCorp or BPCA, in a reckless manner so as to endanger the life, limb or reasonable comfort of his passengers or other persons.

Section 9003.41. Ice skating

(a) Ice skating is permitted only at skating areas or rinks maintained by ParksCorp for such use, at such times, and subject to the regulations prescribed and posted at each facility.

(b) No person shall go upon the ice of any fountain, pond or stream in any park except at such places and at such times as may be designated by ParksCorp.

Section 9003.42. Planting

No tree, plant, flower, shrubbery or other vegetation shall be planted in any area under the jurisdiction of ParksCorp without a permit. No such planting shall be undertaken on or adjacent to any park street, under circumstances where there is likely to be any activity related thereto within such park street, without a permit for such activity from the New York City Department of Transportation. Trees in the

parks planted pursuant to permits shall become the property of the BPCA after a guarantee period of one year has been satisfactorily completed.

Section 9003.43. Fires

(a) No person shall kindle, build, maintain, or use a fire in any place, portable receptacle, or grill. In no event shall open or ground camp fires be allowed in any park.

(b) No person shall leave, deposit, throw away, toss or discard any lighted match, cigar, or cigarette, hot coals, or other flammable material within, on, near, or against any tree, building, structure, boat, vehicle or enclosure, or in any open area.

Section 9003.44. Motor vehicles

(a) Motor vehicles may not be brought into or operated in any area of a park except for the vehicles of ParksCorp or the BPCA utilized in the operation of the parks and adjacent areas or the conduct of other BPCA business, and except for the vehicles of others pursuant to authorization by ParksCorp or the BPCA under a permit, contract or other written authorization and only at such times and in such places designated by ParksCorp or the BPCA.

(b) A person shall not park any motor vehicle in any park except in areas designated by ParksCorp pursuant to a permit or pursuant to a contract or other specific authorization for work or services in the parks, and then, unless specifically authorized, only during the hours of operation of such park.

Section 9003.45. Construction work

No person shall perform construction work of any kind or any work incidental thereto in any park except pursuant to, and in full compliance with, the terms and conditions of a permit or pursuant to a contract with ParksCorp or the BPCA, or other duly authorized order of ParksCorp or the BPCA.

Section 9003.46. Dumping, excavations and landfill

No person shall perform, cause, suffer or allow to be performed any dumping, excavations or landfill operations on, within or adjacent to any park property without a permit.

Section 9003.47. Unattended personal belongings

No person shall store or leave personal belongings unattended within or adjacent to any park. Personal property left unattended within any park in violation of this section is subject to removal by ParksCorp. ParksCorp will give notice to the owner of the property prior to such removal if the identity of and an address for such person are reasonably ascertainable. The cost of the removal and storage of such property will be charged to the owner and must be paid prior to release of the property. Any personal property that is unclaimed after 30 days will be deemed to be abandoned and will be turned over to the police property clerk for disposal pursuant to law.

Section 9003.48. Projections

(a) ParksCorp may order the removal, abatement or other modification of any projection on, over or under any park, or on, over or under any area adjacent to any park, or any sign on or over any street within a distance of 350 feet of any park in the case that:

- (1) no permit has been issued by ParksCorp, the BPCA or other appropriate agency of the City of

New York having jurisdiction; or

(2) such projection or sign is inconsistent with the use and enjoyment of any park, with regard to maintaining the beauty and utility of such park.

Section 9003.49. Uses restricted to designated areas

(a) No person shall throw, catch, kick or strike any baseball, football, basketball, soccer, golf or tennis ball, or similar object, nor shall any person engage in any sort, game or other competition except in areas designated and maintained therefor. No such use will be allowed at any time if the desired area has previously been allotted by permit issued pursuant to the provisions of these rules.

(b) No person shall engage in any toy or model aviation, kite-flying, model boating or model automobiling except at such times at such places designated or maintained therefore.

(c) No person shall roller skate, roller blade, ski, skateboard, sled or coast on any kind of vehicle except in areas designated and maintained for such use.

Section 9003.50. Exclusive areas

Areas within the parks designated by the ParksCorp for exclusive use shall include:

(a) *Exclusive children's playgrounds.* Adults, and persons older than the age of 12, allowed in playground areas only when accompanying a child under the age of 12 under circumstances where adult(s) are responsible for the care of the child.

(b) *Exclusive senior citizens areas.* Areas of any park set aside exclusively for persons aged 65 and older, for their quiet enjoyment and safety.

(c) *Quiet play areas.* Areas where no vigorous recreational activity is allowed.

(d) *Quiet zones.* Areas where no loud noise, music or other sounds are permitted.

(e) *Dog free zones.* Areas where dogs are not permitted.

(f) *Keep off the grass zones.* Lawn areas where pedestrian use or traffic is not permitted.

(g) *Bicycle free, roller skate free, skateboard free and/or roller blade free zones.* Areas where bicycles, roller skates and/or roller blades are not permitted.

(h) *Glass free zones.* Areas where glass is not permitted pursuant to section 9003.9 of this Part.

All such areas and zones will be specifically designated as such and signs will be posted informing the public of this designation.

Section 9003.51. Fees

ParksCorp shall periodically establish any fees it deems necessary or appropriate for the administration, maintenance and use by the public of such park facilities, including fees incident to the administration of the application for and the issuance of a permit, and/or based on consideration of such factors as impact of activities on the general public's use of the parks, costs and other factors affecting parks maintenance and operation, fair value when a commercial enterprise or substantial fund

raising is involved, risks of damage, potential for liability, and other matters related to sound operation of the parks, subject to the approval of the BPCA. Fee schedules for such facilities shall be published and posted at the offices of ParksCorp.

Section 9003.52. Waiver

These rules or one or more specific provision(s) of these rules may be waived by ParksCorp or the BPCA pursuant to the specific terms of a permit where activities necessary or appropriate for the maintenance, operation, construction, public enjoyment, restoration or upkeep of the physical condition of the parks or adjacent areas are involved, as determined by ParksCorp or the BPCA, each in its sole discretion, provided that such waiver shall not be contrary to law.

Section 9003.53. Penalties

Any violation of these rules, provided such violation would also violate any of the provisions of the Administrative Code of the City of New York or the rules and regulations in effect for the parks of the City of New York, shall be a misdemeanor triable in a court with competent jurisdiction and punishable by not more than 90 days imprisonment or by a fine of not more than \$1,000, or by both in accordance with section 533(a)(9) of chapter 21 of the New York City Charter, and the violator of these rules shall also be subject to criminal prosecution and civil penalties as permitted by law and the penalties imposed pursuant to section 202(d) and (e) of the New York Not-for-Profit Corporation Law.

Section 9003.54. Severability

If any of these rules, or application thereof to any person or circumstances, is held invalid, the remainder of the rules and application of such provision to other persons or circumstances shall remain in full force and effect.

Section 9003.55. Interpretation

In case of any conflict or inconsistency in interpretation of the rules between ParksCorp and BPCA, the interpretation of the BPCA shall prevail.

Section 9003.56. Amendments

These rules may be amended from time to time by ParksCorp, subject to the approval of BPCA, or by BPCA.