

PART 751

AMENDED HUDSON RIVER PARK RULES & REGULATIONS

Section 751.01. Construction and scope of rules; Variance

- (a) **Construction.** These rules are to be construed as follows:
- (1) any term in the singular includes the plural;
 - (2) any rule or regulation relating to or prohibiting any act extend to and include the attempt to commit such act and the causing, procuring, aiding or abetting, directly or indirectly, of that act; and/or allowing a minor child or pet to do that act;
 - (3) no provision contained in this Part makes unlawful any act performed by any officer or employee of the trust, or any city or State agency, in the line of duty or scope of employment, or by any person, his or her agents or employees, in the proper and necessary execution of the terms of any agreement with the trust;
 - (4) these rules are in addition to and supplement all municipal, State and Federal laws, regulations and ordinances.
- (b) **Territorial scope.** The provisions of this Part are effective within and upon all property that is under the jurisdiction, custody or control of the Hudson River Park unless otherwise provided.
- (c) **Severability.** If any provision of this Part, or application thereof to any person or circumstances, is determined to be contrary to law by a court of competent jurisdiction, such determination will not affect or impair the validity of the other provisions of this Part or the application to other persons or circumstances.
- (d) **Headings.** Part and section headings contained herein are solely for the purpose of aiding in the location of general subject matter and are not intended to be used in the construction of these rules.
- (e) **Variance.** Any act or activity prohibited solely by this Part will be lawful if performed in strict compliance with the terms and conditions of a variance issued by the trust. The trust may issue a variance where there are significant practical difficulties, or unnecessary hardships, not created or caused by the applicant, in the way of carrying out this Part, or where the beauty and utility of property within the jurisdiction of the trust would be preserved by compliance with the terms and conditions of such variance.

Section 751.02. General definitions.

- (a) **Act.** *Act* means the Hudson River Park Act, chapter 592 of the Laws of 1998 of the State of New York and any subsequent amendments thereto.
- (b) **Authorized swimming and wading areas.** *Authorized swimming and wading areas* means any designated area within the Hudson River Park approved by the New York City Department of Health and Mental Hygiene and maintained for swimming and wading, including the water area and lands under water adjacent thereto.

- (c) Board. *Board* means the Board of Directors of Hudson River Park Trust.
- (d) Charitable event. *Charitable event* means an event held for the primary purpose of raising funds for a not-for-profit purpose or entity.
- (e) Demonstration. *Demonstration* means a group activity including but not limited to, a meeting, assembly, protest, rally, march or vigil which involves the expression of views or grievances, involving more than 20 people.
- (f) Dumping. *Dumping* refers to the unauthorized disposal of garbage or refuse of any kind.
- (g) Emergency. *Emergency* means any situation that the trust determines could threaten public health, safety or welfare or presents a risk of imminent personal injury or property damage.
- (h) Environmental Control Board. Refers to the Office of Administrative Trials and Hearings/Environmental Control Board, which board was established pursuant to Chapter 45-A of the New York City Charter.
- (i) Event. *Event* refers to both demonstrations and special events.
- (j) Facility. *Facility* means a building or structure located within the Hudson River Park and under the jurisdiction of the trust.
- (k) Floating structure. *Floating structure* means any vessel or other water-supported structure, including a floating dock, which is bordered by either open water or a dock and which is or is intended to be moored or attached to a pier, wharf, dock, platform, bulkhead or floatation system for a period of time of more than six months; provided however, that such definition will not include historic vessels as defined herein. Support by means of a cradle or as a result of natural siltation will not exclude from this definition a structure that is normally supported by water.
- (l) General project plan. *General project plan* means New York State Development Corporation D/B/A The Empire State Development Corporation Hudson River Park Multi-Purpose Project General Project Plan, dated July 16, 1998, and any subsequent amendments thereto.
- (m) Historic vessel. *Historic vessel* means a vessel manufactured more than 50 years prior to the current calendar year, and any other model, year and type vehicle which has unique characteristics and is determined by the trust to be of historical, classic or exhibition value as defined in the trust's historic vessel policy.
- (n) Hudson River Park. *Hudson River Park* or *park* means those certain city and State-owned properties, as set forth in section 3 of the act, that are located within the city and county of New York in the areas west of the western border of the Route 9A bikeway/Greenway along the Hudson River in lower Manhattan from the northern seawall of Battery Park City to 59th Street, together with certain specified areas along the eastern boundary of Route 9A, including Chelsea Waterside Park (aka Thomas F. Smith Park) and the area bounded by 14th Street, 15th Street, Tenth Avenue and Route 9A. Such park includes both upland and underwater lands west to the U.S pierhead line.

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- (o) Hudson River Park Trust. *Hudson River Park Trust* or the *trust* means the State public benefit corporation established pursuant to section 5 of the act and charged with the planning, development, operation and maintenance of the park.
- (p) Littering. *Littering* refers to the unauthorized disposal of ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever.
- (q) Mooring field. *Mooring field* means any water area designated by Hudson River Park Trust which has been established by the trust as an anchorage or mooring area for a maximum of 40 noncommercial sailing vessels or any other water areas within Hudson River Park as may be designated by the trust for the anchoring or mooring of vessels.
- (r) Motor vehicle. *Motor vehicle* refers to any automobile, motorcycle, moped, or other land based vehicle propelled by a motor.
- (s) Owner/operator. *Owner* or *operator* refers to any person owning, operating, or having the use or control of an animal, vehicle, motor vehicle, vessel or any other personal property.
- (t) Park sign. *Park sign* means any placard, notice or sign duly posted by the trust.
- (u) Permit. *Permit*, unless otherwise specified, means any written authorization issued by or under the authority of the trust for a specified privilege, allowing the performance of a specified act, use or activity within the park.
- (v) Permittee. *Permittee* means the person whose name appears on a permit.
- (w) Person. *Person* means any natural person, corporation, society, organization, company, association, firm, partnership, or other entity
- (x) Playground. *Playground* means any designated and posted play area for children aged 12 and under, which may include playground equipment, spray showers, and game playing areas.
- (y) Police officer. *Police officer* as used herein means any member of the Police Department of the City of New York, the New York City Parks and Recreation Parks Enforcement Patrol, the New York State Department of Environmental Conservation Police, the New York State Office of Parks, Recreation and Historic Preservation Police, the New York State Police, the New York County Sheriff's Office or any other city or State employee assigned to the park who is a police officer or peace officer as defined in section 1.20 or 2.10 of the New York State Criminal Procedure Law.
- (z) Private event. *Private event* means an event for which admission is restricted by invitation, ticket or guest list or by other exclusion of the public from the event.
- (aa) Public event. *Public event* means an event which is open to all members of the public.
- (ab) Sexual activity. *Sexual activity* means any touching of the exposed sexual or other intimate parts of a person for the purpose of gratifying the sexual desire of a person.

- (ac) Sound reproduction device. *Sound reproduction device* includes, but is not limited to, any radio, record player, television, musical instrument, tape recorder, cassette or disc player, bullhorn, megaphone, speaker device system and any sound amplifier.
- (ad) Special event. *Special event* means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 20 people or a group activity involving less than 20 people for which specific space within the park is requested to be reserved. Special event does not include casual park use by visitors or tourists.
- (ae) Vessel. *Vessel* means a floating watercraft of any kind, motorized or nonmotorized, including but not limited to a boat, sailboat, motor boat, dinghy, crew shell, canoe and kayak.
- (af) Website. *Website* means the internet address found at www.hudsonriverpark.org or such other site created, maintained, or approved by Hudson River Park Trust.

Section 751.03. General provisions; Permits.

(a) **Hours of operation.**

- (1) Persons may enter and use the park from 6:00 a.m. until 1:00 a.m., unless posted otherwise at specific park areas. The bikeway/walkway, which is owned by the New York State Department of Transportation, located east of the park and on the west side of Route 9A is not subject to hour restrictions unless otherwise posted.
- (2) Whenever a threat to public health, safety, or the environment exists in the park resulting from any natural cause, explosion, accident, act of terrorism, construction activity or any other cause, or by riot or unlawful assembly or activity, the trust may close the park or any part thereof to the public for such duration as it deems necessary to ensure the safety and well-being of the public.
- (3) It is prohibited for persons to enter or remain in the park without the permission of the trust when such park is closed to the public.

(b) **Permits.**

- (1) Requirement to obtain a permit. When any provision of this Part requires a permit as a condition to the performance of any act or activity, the permit must be obtained prior to undertaking performance of such act or activity. Except as is otherwise provided elsewhere herein, permit applications to conduct regulated activities or uses must be submitted at least 30 days in advance of the planned event, activity or use. The trust may require a fee for the issuance of a permit. Nothing in this Part creates a property right in any permit. All permits issued pursuant to this Part merely grant a license and such permits are by their nature terminable at will by the trust in accordance with the needs or requirements of the trust or in the interests of the public as determined by the trust.
- (2) Permit terms and conditions. A permit may be granted upon such terms and conditions as the trust will reasonably impose, and will authorize the permitted acts or activities only insofar as they are performed in strict accordance with the terms and conditions thereof.

(i) After notice and opportunity to be heard, the trust may alter or add terms and conditions to a permit, or revoke a permit, based upon the criteria set forth in subdivision (10) of this section.

(ii) Permittees must confine their activities to the locations and times specified on their permit. The trust may establish specific guidelines for certain designated parks or park locations.

(iii) The trust may suspend or restrict uses allowed under a permit where exigent circumstances exist in the vicinity of the location for which such permit has been issued.

(iv) The issuance of a permit does not grant the permittee the right to sell or offer for sale any articles, tickets, or refreshments within or adjacent to any park area, unless specifically authorized to do so in such permit.

(v) If a permittee intends to drive vehicles (e.g., buses, cars, trucks, and vans) into the park for deliveries to an event site or for any other legitimate purpose, the permit must specify each such vehicle and the date, time, route and parking privilege granted or the permittee must obtain a separate permit authorizing each such vehicle to be used in the course of the permitted event. The permit may also prohibit vehicles driving into the park or parking of vehicles or equipment.

(vi) Permit applications must indicate whether electrical energy is required for the event. Permittees will be responsible for the procurement of and payment for any electrical energy used during the event.

(vii) Permittees are responsible for cleaning and restoring the site after the event. Permittee will be responsible for any overtime, repair and maintenance or other costs incurred by the trust because of a permittee's failure to clean and/or restore the site following the event.

- (3) Permittee responsible for compliance. Any person issued a permit assumes all liability and responsibility for any activity conducted under the authority of the permit or any actions resulting from activities authorized by the permit.
- (4) Permit not assignable. Any act authorized pursuant to a permit may be performed only by the person or persons named therein, and any such authorization cannot be assigned or delegated, unless and except as provided in such permit.
- (5) Permit application forms. Application for a permit must be made on forms provided by the trust. Such form(s) must be properly completed and signed and submitted with any required supplemental documents and payment of the applicable fee, if any.
- (6) Bonds. The trust may require the permittee to post a bond in an amount sufficient to ensure full compliance with the terms and conditions of the permit. The decision of whether to require a bond will be based on factors that shall include but are not limited to:
 - (i) the location of the event and such location's vulnerability to damage;
 - (ii) whether the event or any activities associated with the event present a high risk of property damage;
 - (iii) the number of people expected to be in attendance;
 - (iv) the type of equipment to be brought onto the site;
 - (v) the number of days the permittee will occupy the site; and
 - (vi) the season in which the event will take place.

- (7) Insurance. Permittees may be obligated to obtain liability insurance for permitted events. If required, such insurance must name as additional insureds at a minimum each of the following: the Hudson River Park Trust, the State of New York, the City of New York, and their respective offices, departments, agencies, commissioners, officers, employees, agents, directors, successors and assigns. The decision as to the type and amount of such insurance will be based on the following factors:
- (i) the potential risk of personal injury or property damage;
 - (ii) whether the special event involves the sale of food;
 - (iii) whether the special event involves a large number of participants relative to the size of the specific park site;
 - (iv) whether the special event involves transportation and installation of heavy equipment, or the installation of a stage or other temporary structures;
 - (v) whether the special event involves the use of inherently dangerous objects; and
 - (vi) Whether the special event involves the use of water areas.
- (8) Activities or uses prohibited except when undertaken pursuant to a permit. Except where authorized by a contract, license or other agreement with the trust entered into in accordance with the act, it is prohibited to engage in any of the regulated activities within the park as set forth in section 751.05 of this Part for which a permit or other authorization from the trust is required without first obtaining a permit for such activity issued by the trust and complying with the terms thereof and any other conditions contained in this Part. The permit must be kept on hand at the permitted site and/or event, so as to be available for inspection by police officers or trust employees.
- (9) Action of permit applications.
- (i) If an application is not complete, the trust will contact the applicant for additional information within 30 days of its receipt.
 - (ii) Except as provided in paragraph (iii) of this subdivision, if the application is complete, the trust will either issue or deny the permit within 30 days of its receipt or completeness.
 - (iii) If the trust denies an application for a permit, it will notify the applicant of its reasons why the permit was not issued.
- (10) Permit denial. The trust may deny a permit application for reasons including but not limited to:
- (i) the permit application was not timely submitted as provided for in subdivision (1) of this section;
 - (ii) another activity or use has been previously scheduled for the same time at the facility or area to be utilized;
 - (iii) the proposed activity or use is not compatible with the recreational, environmental or historic character of the facility or area to be utilized;
 - (iv) the trust can reasonably anticipate that the proposed activity or use cannot be accommodated in a manner that will ensure the public health, safety and welfare of all park patrons or that such activity or use may result in damage to park or facility resources;
 - (v) the proposed activity or use will cause undue interference with the activities or enjoyment of the park by other park patrons;
 - (vi) within the preceding three years, the applicant has been found in violation of this Part or other New York State or New York City parks rules or regulations concerning same or similar activity;

(vii) within the preceding three years, the applicant has been granted a permit by the trust or another governmental agency or authority and did, on that prior occasion, knowingly violate a material term or condition of such permit, or any law, ordinance, statute or regulation relating to the use of the parks;

(viii) the applicant has any outstanding fees, charges, fines or civil penalties due to the trust; or

(ix) a material condition of the permit has not been and/or cannot be met by the applicant.

- (11) Appeal of denial of permit application. An applicant may appeal a permit denial by writing the president of the trust at its main office.
- (12) Failure to comply with permit requirements. Failure to comply with the terms and conditions of any permit is a violation of this Part and the permit may be revoked at the discretion of the president of the trust whose decision is final. If, upon expiration or termination of the permit, it is determined that a permittee has not complied with the terms and conditions of the permit, or has violated any law, ordinance, statute or rule, then the following rules apply:
- (i) any bond provided as security for a permittee's performance with the trust will be forfeited and retained to the extent necessary to remedy, or compensate the trust for, the damages caused by such acts, omissions, or violations;
 - (ii) the permittee, together with his or her agents and employees who violated such terms and conditions or provisions of law, ordinance, statute or rule, will be considered jointly and severally liable for any additional sum necessary to correct or compensate the trust for such damages; and
 - (iii) neither forfeiture of any security, nor payment of or recovery for such damages will in any way relieve the permittee of civil or criminal liability arising from the violation of any law, ordinance or rule.
- (13) Liability. Permittees will be held liable for any and all damages or injuries to persons or property that may occur or be caused by the use of the permit. By accepting a permit, permittees agree to indemnify and hold harmless the Hudson River Park Trust, the State of New York, the City of New York, and their respective commissioners, directors, officers, employees and agents from any and all claims whatsoever that may result from such use.
- (14) Notification in case of accident. Should there be any injuries, accidents, or other health incidents at an event, permittee must notify the trust's 24/7 Operations Desk immediately by telephone at (212) 242-6427 or other number listed in the permit for such notification.
- (15) Unauthorized advertisement. It will be a violation of this Part to advertise the location of any event requiring a permit under this Part via posting, print media, radio, television, or the internet when the location is under the jurisdiction of the trust and the person who is responsible for placing the advertisement has not received a permit from the trust for such event. There will be a rebuttable presumption that any person or organization whose name, telephone number or other identifying information appears on any advertisement has violated this subdivision by either:
- (i) illegally advertising an event; or
 - (ii) directing, suffering, or permitting a servant, agent, employee or other individual under such person's or organization's control to engage in such activity; provided, however, that such rebuttable presumption will not apply with respect to criminal prosecutions brought pursuant to this subdivision.

(c) **Failure to comply with directions of police officers, Hudson River Park security guards or other trust employees, or park signs.**

- (1) All persons must comply with the lawful direction or command of any police officer, Hudson River Park security guard or other trust employee, indicated by gesture or otherwise.
- (2) All persons must 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, Hudson River Park security guard or trust employee.

(d) **Orders.** In addition to the orders specifically referred to in this Part, the trust may issue any other orders which may be necessary or appropriate to enforce compliance with this Part or to safeguard persons or property within the park. It is a violation of this Part to fail or refuse to comply with such orders.

(e) **Penalties.** Any person who violates any provision of or who fails to perform any duty imposed by this Part; or any term or condition of any permit issued pursuant to this Part is subject to all applicable civil sanctions set forth in section 13 of the Hudson River Park Act, including but not limited to a fine as set forth in section 751.07. Jurisdiction is hereby conferred upon the civil court of the City of New York and the Office of Administrative Trials and Hearings/Environmental Control Board to hear and determine any violations of these rules and regulations.

(f) **Use and facility fees.** The trust from time to time may establish use fees for use by the public of designated boating areas, tennis, soccer, baseball, basketball, hockey, volleyball, mini golf, carousel, skateparks(s), and other specialized park facilities. Certain areas may be subject to permits and/or fees as may be posted at the facility or on the website.

(g) **Special event fees.** The trust has established special event fees for use and occupancy of park areas or facilities. The trust has established a special event fee schedule, which will be reviewed and updated, as appropriate, on an annual basis or as may otherwise become necessary. The trust will use the following criteria as the basis for establishment of such fee schedule that shall include but is not limited to:

- (1) the length of time, time of day and the time of year of the event;
- (2) the nature of the use;
- (3) whether the special event is a private or public event;
- (4) the number of persons expected to attend the event;
- (5) whether the applicant will impose an admission charge;
- (6) the size and type of the proposed venue;
- (7) the types and extent of public resources required to stage the event;
- (8) the potential for damage to the park or disruption of other park activity;
- (9) whether the event is a charitable event;

- (10) whether the event is held for the purpose of raising funds;
 - (11) whether the event will be sponsored and, if so, whether the sponsor is a commercial or not-for-profit entity. Commercial sponsorship exists where a for-profit entity is:
 - (i) the permit applicant;
 - (ii) the primary host;
 - (iii) a contributor to underwriting the cost of the special event; or
 - (iv) whose trade name, trademark or logo appears in advertising associated with the special event;
 - (12) the amount and nature of advertising including whether the event has title sponsorship; and
 - (13) such other information as the trust deems relevant.
- (h) **Demonstration permit fees.** The applicable fee for a demonstration permit will be limited to the security, maintenance and other administrative costs associated with the planned event.

Section 751.04. Prohibited activities and uses.

Violation of any provision of this section shall subject the violator to a civil penalty, as specified in the Trust's penalty schedule, set forth in section 751.07.

Unless otherwise expressly permitted, the following is a list of prohibited activities and uses:

- (a) **Destruction or abuse of property and equipment.** It is prohibited for any person to injure, deface, alter, write upon, destroy, remove or tamper with in any way, any real or personal property or equipment on or within the park or owned by or under the jurisdiction or control of the trust.
- (b) **Destruction or abuse of trees, plants, flowers, shrubs and grass.**
 - (1) It is prohibited for any person to deface, write upon, sever, mutilate, prune, carve, kill or remove from the ground any of the following without documented permission of the trust:
 - (i) Trees under the jurisdiction of the trust;
 - (ii) Plants, flowers, shrubs or other vegetation under the jurisdiction of the trust.
 - (2) It is prohibited for any person to go upon or allow any animal or child in his or her custody to go upon any posted newly-seeded lawn or grass plot.
 - (3) It is prohibited for any person to go upon or allow any animal or child in his or her 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.
 - (4) It is prohibited for any person to possess any tools commonly used for gardening, or any plant, tree, shrub or other vegetation, in the park except where such possession is specifically designated to be permissible by the trust or incidental to their presence in park.

- (5) It is prohibited for any person to use a metal detector in the park except under a permit issued by the trust.

(c) Littering, polluting, dumping, and unattended property.

- (1) It is prohibited for any person to litter in the park. All persons must use receptacles provided for the disposal of refuse. It is prohibited for any person to deposit household or commercial refuse in the park receptacles.
- (2) It is prohibited for any person to throw, drop, allow to fall, deposit or discharge into or leave in the waters within the park (including pools, fountains and bathing areas), or any stream, sewer or drain flowing into said waters, any substance, liquid or solid, which may or will result in the pollution of said waters.
- (3) It is prohibited for any person to engage in dumping in the park.
- (4) It is prohibited for any person to store or leave unattended personal belongings. Personal property left unattended within the park in violation of this provision is subject to removal by the trust. The trust 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 disposed of pursuant to law.

- (d) Restrictions on glass.** The trust may designate certain areas of the park as restricted areas wherein no glass bottles or other glass containers will be permitted. Failure to comply with such restrictions will constitute a violation of this Part. This subdivision will not apply to glass bottles or containers used in the care and feeding of infant children.

- (e) Aviation.** It is prohibited for any person to voluntarily bring, land or cause to alight within or upon the park, any airplane, hot air balloon, parachute, parasail, hang glider, drone, helicopter, or other aerial device, except for permitted helicopter use at a designated heliport within the park or for medical evacuations or as needed by police officers or other city, State or Federal first responders. For the purposes of this subdivision, voluntarily means anything other than a landing necessitated by a medical emergency or a mechanical or structural failure of the aircraft or other aerial device.

- (f) Explosives, firearms and weapons.** It is prohibited for any person, except a police officer or peace officer while on duty, to bring into or have in his or her possession in the park, any firearms or like implements, air rifles, air pistols, paintball guns, slingshots, firecrackers, missile propelling instruments or explosives, including any substance, compound, or mixture having properties of such a character that alone or in combination with other substances, compounds or mixtures, propel missiles, explode or decompose to produce flames, combustion, noise, or noxious or dangerous odors, except as specifically permitted by the trust or other appropriate city, State or Federal authorities.

(g) Abuse of park animals.

- (1) It is prohibited for any person to molest, chase, harass, injure, wound, trap, hunt, shoot, throw objects at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird, or otherwise harm or intentionally take actions that could reasonably harm any animal, nest or such

eggs. Further no person shall knowingly buy, receive, have in his or her possession, sell or give away any such animal or egg taken from or killed within the park.

- (2) It is prohibited for any person to feed park animals except unconfined squirrels and birds, and where specifically authorized by the trust. The trust may also designate certain areas where all feeding of animals is prohibited. It is a violation of this Part to feed animals in any area where such feeding is prohibited.
- (h) **Marijuana; controlled substances.** It is prohibited for any person to 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 the park or other park property or facility.
- (i) **Failure to control animals.** It is prohibited for any person owning, possessing or controlling any animal to cause or allow such animal to be unleashed or out of control in the park, except as permitted by the trust within designated animal run areas. Any such animal found at large may be seized and impounded. Properly licensed animals, restrained by a leash not exceeding six feet in length, may be brought into the park, except in no event are dogs or other animals allowed to enter any playground, bathing facilities, or other area prohibited by the trust. Nothing in this subdivision will 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.
- (j) **Horse riding.** Horse riding is prohibited within Hudson River Park without a permit issued by the trust.
- (k) **Control and removal of animal waste.** It is prohibited for any person to allow any animal in his or her custody or control to discharge any fecal matter in the park unless he/she promptly removes and disposes of same. This provision does not apply to a service animal accompanying a person with a disability.
- (l) **Urination and defecation in the parks.** It is prohibited for any person to urinate or defecate in the park, or in or upon any park building, monument or structure, except in a facility which is specifically designed for such purpose.
- (m) **Disorderly behavior.** It is prohibited for any person to engage in disorderly behavior in the park. Any person who engages in disorderly behavior may be expelled immediately from the park. A person is guilty of disorderly behavior who:
- (1) enters or leaves the 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
 - (2) climbs upon any wall, fence, shelter, railing, artwork, tree, shrub, fountain or other vegetation, or any structure or statue not specifically intended for climbing purposes;
 - (3) gains or attempts to gain admittance to the facilities in the park for the use of which a fee is required without paying such fee;
 - (4) engages in any form of gambling or game of chance for money, or tells fortunes for money;

- (5) interferes with, encumbers, obstructs or renders dangerous any part of the park or park road; obstructs vehicular or pedestrian traffic, including but not limited to blocking an entrance or exit to the park;
- (6) engages in fighting or assaults any person;
- (7) engages in a course of conduct or commits acts that unreasonably alarm or seriously annoy another person;
- (8) engages in any form of sexual activity; or
- (9) engages in a course of conduct or commits acts that endanger the safety of others.
- (n) **Loitering for illegal purposes.** It is prohibited for any person to engage in loitering for illegal purposes in the park. Any person in the park is guilty of loitering for illegal purposes who:
 - (1) loiters or remains in the park for the purpose of engaging, or soliciting another person to engage, in sexual activity for money; or
 - (2) loiters or remains in the park with one or more persons for the purpose of unlawfully using, possessing, purchasing, distributing, selling or soliciting marijuana, alcohol or any controlled substance, as defined in section 220.00 of the New York State Penal Law.
- (o) **Unlawful exposure.** It is prohibited for any person to appear in public on property under the jurisdiction of the trust in such a manner that his or her genitalia are unclothed or exposed.
- (p) **Obstruction of sitting areas.** It is prohibited for any person to use a bench or other sitting area so as to interfere with its use by other persons, including lying down or storing any materials thereon.
- (q) **Unlawful camping.** It is prohibited for any person to engage in camping, or erect or maintain a tent, or other type of shelter, tie a hammock to park trees, or camp in the park without a permit.
- (r) **Unlawful spitting.** It is prohibited for any person to spit or expectorate in or upon any park building, monument or structure, or in the water or on any public open space.
- (s) **Unhygienic use of fountains, pools, and water.** It is prohibited for any person to use, or permit any animal under his or her control to use, any water fountain, drinking fountain, pool, sprinklers or any other water contained in the park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings. This subdivision does not apply to those areas within the park which are specifically designated as water fountains for use by animals, or which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, etc.), provided, however, it is prohibited for any person to wash his or her clothes or personal belongings in such areas.
- (t) **Unlawful solicitation or advertising.**
 - (1) It is prohibited for any person to engage in any commercial activity or commercial speech, including the distribution or posting of signs, leaflets, or other printed materials in the park, except pursuant to a permit issued under this Part. There will be a rebuttable presumption that any person or organization whose name, telephone number or other identifying information appears

on any such sign, leaflet or other printed materials found in Hudson River Park has violated this subdivision by either:

- (i) illegally distributing or posting such materials; or
 - (ii) directing, suffering, or permitting a servant, agent, employee or other individual under such person's or organization's control to do so; provided, however, that such rebuttable presumption will not apply with respect to criminal prosecutions brought pursuant to this subdivision.
- (2) It is prohibited for any person to solicit money or other property from persons not known to such person in the park, unless such person possesses a permit for such solicitation issued by the trust.
- (u) **Prohibited vessels.** It is prohibited for any person to operate a cigarette boat, large twin engine boat with horse power in excess of 500 hp per engine, or jet skis anywhere within the waters of the park.
- (v) **Smoking.** Smoking and use of electronic cigarettes. Except as may be designated by the trust, smoking of any substance and using electronic cigarettes are prohibited in all public areas within Hudson River Park.

Section 751.05. Regulated uses.

Violation of any provision of this section shall subject the violator to a civil penalty, as specified in the Trust's penalty schedule in Section 751.07. Unless expressly permitted the following is a list of regulated activities and uses:

- (a) **Assemblies, meetings, exhibitions.**
- (1) It is prohibited for any person to hold or sponsor any special event or demonstration without a permit.
 - (2) It is prohibited for any person to erect any structure, stand, booth, platform, exhibit or art work in connection with any assembly, meeting, exhibition or other event or activity without a permit from the trust.
 - (3) It is prohibited to hold an event that significantly interferes with ordinary park use without a permit. Significant interference includes, but is not limited to, harming landscaping, plantings or structures in the park, precluding other events that have a valid permit, and unreasonably interfering with the enjoyment of the park by others.
- (b) **Unlawful vending.** It is prohibited for any person to sell, offer for sale, hire, lease or let anything whatsoever within the park, except under and within the terms of a permit for such activity issued by the trust.
- (c) **Unlawful posting of notices or signs.**
- (1) It is prohibited for any person to post, display, affix, stand, construct or carry any placard, flag, banner, sign or model or display any such item by means of aircraft, kite, balloon or other aerial device, in, on, or above the surface of the park for any purpose whatsoever without a permit issued by the trust. Each separate item placed in violation of this section constitutes a separate violation.

- (2) Notwithstanding paragraph (1) of this subdivision, any person may carry any item described in paragraph (1) of this subdivision, without the aid of any aircraft, kite, balloon or other 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.
- (3) Any person or business who posts or displays a sign, printed material or art work upon park property, including the perimeters of the park, whether or not pursuant to a permit issued under this subdivision, is responsible for removal of such material pursuant to the conditions in such permit, or immediately if no such permit has been issued. Failure to remove any material that is posted or displayed on such property, or that remains on such property, other than in compliance with such permit, constitutes a violation and such material is subject to immediate removal and disposal.
- (4) There will be a rebuttable presumption that any person or business whose name, telephone number, or other identifying information appears on any notice or sign posted or displayed within the park without trust permission, has violated this subdivision by either:
 - (i) pasting, posting, painting, printing or nailing such notice or sign; or
 - (ii) directing, suffering or permitting a servant, agent, employee or other individual under such person's or business's control to engage in such activity; provided, however, that such rebuttable presumption will not apply with respect to criminal prosecutions brought pursuant to this paragraph.

(d) Noise; musical instruments; sound reproduction devices.

- (1) It is prohibited for any person to make, or cause or allow to be made, unreasonable noise in the park so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity, or which causes injury to plant or animal life, or damage to property or business.
- (2) Except as authorized in this subdivision, it is prohibited for any person to play or operate any sound reproduction device, as defined in this Part, in the park without a permit from the trust and in compliance with any other applicable governmental requirements. Except in designated quiet zones the regular and customary use of portable radios, record players, compact disc players, televisions, or tape recorders or unamplified musical instruments played or operated in full accordance with this Part so as not to unreasonably disturb other persons in their permitted uses of the park, is permitted without the need for specific trust authorization. Signs will be posted in all quiet zones advising the public of such prohibition. The use of sound reproduction devices listened to solely by headphones or earphones and inaudible to others is permitted in all areas of the park.
- (3) It is prohibited for any person to play or operate any sound reproduction device in the park between the hours of 10:00 p.m. and 8:00 a.m., unless audible solely through headphones or earphones or as authorized by the trust under the express terms of a permit. The trust may, in its discretion, further restrict such hours in specific park areas where such operation would disturb or damage the comfort, peace, health or safety of persons or businesses.

(4) It is prohibited for any person to play or operate any musical instrument or drum or cause any noise for advertising or commercial purposes except under the express terms of a permit.

(e) **Unauthorized cinematic or photographic productions.** It is prohibited for any person to engage in any cinematic or photographic production which either:

(1) is for commercial purposes; or

(2) restricts access to public areas, regardless of whether the production is for commercial purposes or not, without a permit from the trust. The permittee will be responsible for restoring any park property altered or damaged in connection with the exercise of such permit.

(f) **Alcoholic beverages.**

(1) Except where specifically permitted by the trust, it is prohibited for any person to consume any alcoholic beverage in any playground, beach, swimming pool or other park area or facility. It is prohibited for any person to possess any alcoholic beverage with intent to consume or facilitate consumption by others of same in any playground, beach, swimming pool, or other park area or facility. Possession of an open container containing an alcoholic beverage by any person shall create a rebuttable presumption that such person did intend to consume the contents thereof in violation of this subdivision (f). There will be a rebuttable standard of constructive possession for the purposes of this subdivision (f).

(2) It is prohibited for any person to appear in the park under the influence of alcohol to the degree that he or she may endanger himself or herself, other persons or property, or unreasonably annoy persons in his or her vicinity.

(g) **Swimming and designated swimming and pool areas.**

(1) Except as otherwise specifically authorized by the trust, swimming or wading in waters under the jurisdiction of the trust is permitted only at authorized swimming and pool areas and only during the bathing season as may be designated by the trust. The trust may limit or expand the extent of swimming and pool areas, shorten or extend the bathing season with due regard for weather conditions, protection of the environment, and the safety of the public. It is prohibited for any person to swim or wade within the park except during the bathing season and within designated locations.

(2) It is prohibited for any person to bring into or use in water under the jurisdiction of the trust, any artificial floats, tubes, masks, spears, fins, snorkels, air or gas tanks, or other apparatus used for scuba diving, unless otherwise authorized by the trust or in an area designated by the trust for such use. If use of a personal flotation device is permitted, only USCG-approved of types I, II and III shall be allowed.

(3) Any person having, or apparently having any infectious disease will not be admitted to a bathing area, or permitted in the water.

(4) It is prohibited for any person to change clothes except in authorized places. It is prohibited for any person to be nude at any bathing area or other park area under the jurisdiction of the trust.

- (5) It is prohibited for any person to disobey the reasonable direction of a lifeguard, or carry on unnecessary conversation with a lifeguard, or falsely call for help or assistance, or stand, sit upon, or cling to lifeguard perches, or cling to or go into a lifeguard boat except in an emergency.
- (6) It is prohibited for any person to dive into waters under the jurisdiction of the trust except where specifically authorized by posted signs.

(h) Fishing and crabbing.

- (1) The angling or taking, as those terms are defined in the State Environmental Conservation Law, section 11-0103(12), of fish, crabs or other crustacea with the use of a hook and line, dip net or crab trap is permitted from locations under the jurisdiction of the trust, except in open swimming areas or where specifically prohibited. Casting is not permitted except in designated areas. Any person who engages in such activity must obey all posted guidelines, and comply with all applicable city, State and Federal laws and regulations, including the New York State Environmental Conservation Law and regulations promulgated pursuant thereto.
- (2) Failure to remove fishing line fragments and hooks from land and waters under the jurisdiction of the trust whenever practicable is a violation of this Part.

(i) Bicycling.

- (1) Any person operating a bicycle in the park must obey all park signs pertaining to the use of such bicycles.
- (2) It is prohibited for any person to operate a bicycle in the park except on designated service roads, access roads and driveways that are also used by motor vehicles. Bicycles are permitted on the Hudson River Greenway, which runs adjacent to the Park as part of NYS Route 9A.
- (3) It is prohibited for any person to ride or operate a bicycle in a reckless manner.
- (4) 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 herself or his/her bicycle to the outside of any motor vehicle being operated in the park.
- (5) Bicyclists must yield the right-of-way to pedestrians.

- (j) Planting.** Except as and where specifically permitted by the trust, it is prohibited for any person to plant, prune, forage, grow, maintain, fertilize or interfere with any trees, plants, flowers, shrubbery or other vegetation in any area under the jurisdiction of the trust. Trees shrubbery, plants, and other vegetation installed in the park pursuant to permits are the property of the trust.

(k) Unlawful fires.

- (1) It is prohibited for any person to kindle, build, maintain, or use a fire in any place, portable receptacle, or grill within the park, except as specifically authorized by the trust.
- (2) It is prohibited for any person to deposit, dispose, leave, throw away or toss any lighted match, cigar, or cigarette, or other flammable material within, on, near, or against any tree, building, structure, boat, vehicle or enclosure, or in any open area, including park water areas.

(l) Unlawful operation and parking of motor vehicles.

- (1) Motor vehicles may not be brought into or operated in any area of the park except in designated parking areas or as otherwise specifically authorized by the trust. Parking areas may be closed to motor vehicles at such times and in such places designated by the trust.
- (2) It is prohibited for any person to park any motor vehicle in the park, except as authorized by the trust.
- (3) Parking permits may be issued to persons. Their license plate number may appear on the permit, and such permit will be valid only for the registered vehicle identified on the permit. Parking permits are not transferable. Any assignment or attempted assignment of a parking permit will result in the cancellation of such permit.
- (4) It is prohibited for any person to remain overnight in a garage or parking lot or in a vehicle parked in a garage or parking lot within the park, except as authorized by the trust. The trust may remove or cause to be removed any vehicle which is parked in a garage or parking lot or other area under trust jurisdiction without a current parking permit or without payment of all required fees. The cost of towing and storage of the vehicle will be charged to the permittee or owner of the vehicle and must be paid prior to release of the vehicle. Any vehicle which is unclaimed after 30 days will be deemed to be an abandoned vehicle and will be disposed of pursuant to the procedures set forth in section 1224 of the Vehicle and Traffic Law.
- (5) It is prohibited for any person to use any area of the park, including designated parking areas, for the purpose of performing nonemergency automotive work, including, but not limited to, vehicle maintenance, repairs or cleaning.

(m) Unauthorized construction on park property. It is prohibited for any person to perform, cause, suffer or allow to be performed construction work of any kind or any work incidental thereto, including storage of materials, in the park, except as specifically authorized by the trust.

(n) Unauthorized excavations. It is prohibited for any person to perform, cause, suffer or allow to be performed any excavations within or adjacent to the park property if such excavation should impact the park, except as specifically authorized by the trust.

(o) Failure to comply with area use restrictions.

- (1) It is prohibited for any person to throw, catch, kick or strike any baseball, football, frisbee, basketball, soccer, golf or tennis ball, or similar object, or engage in any sport, game or other competition, except in areas designated and maintained by the trust for such purpose. The trust may restrict or prohibit the use of such areas if the area has previously been allotted to another by permit issued pursuant to the provisions of this Part.
- (2) It is prohibited for any person to engage in any toy or model aviation, kite-flying, model boating or model automobiling, except at such times and at such places designated or maintained by the trust for such use.
- (3) It is prohibited for any person to ice skate, roller skate, in-line skate, ski, skateboard, ride a scooter, or sled except in areas designated and maintained by the trust for such use.

(p) **Exclusive areas.** Areas within the parks may be designated by the trust for exclusive use of certain activities. All exclusive areas will be specifically designated as such and signs will be posted informing the public of this designation and any applicable hours restrictions. Exclusive area designations may include:

- (1) exclusive children's playgrounds: Persons over the age of 12 are allowed in playground areas only when supervising a child under the age of 12;
- (2) dog runs: Certain fenced park areas may be designated by the trust as dog runs, and persons owning or possessing dogs that are wearing a license tag and vaccinated against rabies pursuant to State and city laws are permitted to allow such animals to remain unleashed in these areas. Users of dog runs must obey posted rules;
- (3) swimming and wading area: Certain water areas of the park may be designated by the trust as swimming and wading areas where the operation of vessels of any kind is strictly prohibited;
- (4) nonmotorized boating areas: Certain inter-pier areas may be designated by the trust as nonmotorized boating areas for use by kayakers, canoers and other operators of nonmotorized vessels. Motorized vessels, swimming and wading are prohibited in such designated areas;
- (5) sanctuary areas: Access to certain water and ecological pier areas may be restricted or prohibited by the trust to preserve and protect marine and/or plant habitat resources within such areas;
- (6) docking or mooring areas: Certain water areas of the park may be designated by the trust as areas where vessels may dock or moor. Rules regarding docking and mooring are posted in the docking and mooring areas in the park and/or on the website.

(q) **Unlawful distribution of products and materials.**

- (1) It is prohibited for any person to engage in the noncommercial distribution of products and/or material (other than printed or similarly expressive material) without a permit. A permit will be issued only upon the trust'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, the trust will use criteria which shall include but not be limited to:
 - (i) considering the nature of the product or material;
 - (ii) whether the product or material is compatible with customary park uses;
 - (iii) whether the product or material is intended to be used in the park or facility;
 - (iv) the age of the targeted audience for the product or material; and
 - (v) whether the area in the park or 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.
- (2) In connection with the foregoing, the trust may consult with parental or other groups which are involved with the park or facility where a permit for distribution is requested. The trust 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.

(r) In-line skating, roller skating, skateboarding and use of scooters.

- (1) Any person bringing in-line skates, roller skates, skateboards or scooters in the park must obey all park signs pertaining to the use of such equipment.
 - (2) It is prohibited for any person to in-line skate, skate, skateboard or use a scooter in vegetated areas or on any pedestrian way, sitting or play area, or playground. In-line skates, roller skates, skateboards or scooters may be used only on park roads, the adjacent NYSDOT Route 9A bikeway/Greenway, and other park areas specifically designated by the trust.
 - (3) It is prohibited for any person to use in-line skates, roller skates, skateboards or scooters in a reckless manner, or as to endanger persons or damage park property.
 - (4) Persons using in-line skates, roller skates, skateboards or scooters must yield the right-of-way to pedestrians, and must walk on their skates or carry their boards on pedestrian walkways.
- (s) Geocaching or other treasure hunting games, activities, devices, logbooks, trinkets, or other materials, are not allowed within Hudson River Park except as may be expressly permitted by the trust.

Section 751.06. Boating.

The approximately 400 acres of water area within Hudson River Park are designated by the Hudson River Park Act as an estuarine sanctuary. To protect and preserve this important resource and to promote the safe operation of vessels within Hudson River Park waters, in addition to the requirements set forth in sections 751.01 through 751.07 of this Part, the following requirements and restrictions also apply to activities and uses within the Park's water areas:

(a) Permits.

- (1) Unless within an area designated by the trust, authorized pursuant to a permit, or in an emergency, it is prohibited for any person to operate, land, anchor, moor, dock, tie-up, store or launch a boat or vessel of any kind on any of the piers or along the bulkhead or other areas of the park. The trust or its appointed concessionaire or operator may identify areas for designated boating, landing, docking, or mooring, which may require fees.
- (2) A permit will not be issued for a vessel which is unsafe or likely to cause injury to people or damage to property or the environment based on U.S. Coast Guard standards as set forth in 33 CFR chapter I, subchapter E and subchapter S, 46 CFR chapter I, subchapter A (part 2), subchapter H, subchapter K, and subchapter T, as applicable and as determined by the trust or its duly authorized designee.
- (3) Dockage or mooring permits may be issued for vessels that the trust or its duly authorized designee determines based on U.S. Coast Guard standards as set forth in paragraph (2) of this subdivision, are capable of safely operating in open water. Before issuing the permit, the trust or its duly authorized designee may inspect the vessel and/or require a demonstration of the vessel's operational capability in open water. Applicant must present evidence of hull and liability

insurance, either current State registration or documentation by the U.S. Coast Guard and successful completion of the U.S. Coast Guard Auxiliary, State of New York, or equivalent boating safety course or sufficient nautical experience as determined by the trust based on U.S. Coast Guard Standards.

- (4) A permit will authorize the use of a mooring that meets the requirements of this section, the location of a mooring at a particular position in the mooring field, and the mooring of a particular vessel identified by size, type and registration number.
- (5) The applicant for a permit must be the owner or lessee of the vessel. A permit will not be issued unless the applicant presents evidence that the vessel possesses a current registration from the State Department of Motor Vehicles or the appropriate agency of another state or is documented by the U.S. Coast Guard. If the applicant is not the registered or documented owner of the vessel, the applicant must present evidence that he or she is the lessee of the vessel. If a permittee intends to replace a vessel, he or she must notify the trust or its duly authorized designee in advance so the trust can determine whether the existing location and mooring are acceptable for the replacement vessel. The replacement vessel may not be moored until a new permit is granted. No permit will be issued for a replacement vessel if such vessel is not registered with the State Department of Motor Vehicles or the appropriate agency of another state or documented by the U.S. Coast Guard.
- (6) Notwithstanding the above provisions of this section, the trust or its duly authorized designee may reserve a limited number of permits for moorings and issue them to persons for use in connection with special events or other activities that promote the enjoyment by the public of the water for educational, recreational, or entertainment purposes.
- (7) The trust or its duly authorized designee may issue seasonal, monthly or short stay permits. The term of a seasonal permit begins May 1st and ends October 31st, unless otherwise designated by the trust or its duly authorized designee. Seasonal permits are not renewable. Seasonal permit holders must apply for a new permit each year.
- (8) The trust will annually accept and review mooring permit applications.
- (9) The trust and/or its duly authorized designee may impose reasonable conditions on the issuance of a permit to protect public safety and to safeguard the interests of the public, including but not limited to a requirement that the permittee or applicant have his or her mooring inspected or obtain appropriate and updated insurance and submit satisfactory evidence of having complied with such conditions.
- (10) Nothing in this Part creates a property right in any permit. All permits issued pursuant to this Part merely grant a license and such permits are by their nature terminable at will by the trust in accordance with the needs or requirements of the trust or in the interests of the public as determined by the trust.
- (11) The trust or its duly authorized designee may terminate any permit issued pursuant to this Part by serving permittee with 15 days' written notice of such termination. The trust or its duly authorized designee will send by certified mail notice of the intention to terminate a permit and the reasons therefor. In the event that a mailing address is unknown or mail is returned undelivered, such notice may, in lieu of mailing, be posted in a conspicuous place on the vessel. A permittee may file written objections with the trust within seven days from the date of such mailing or posting, whichever is later. After considering any objections raised by the permittee, the trust will make a

final determination whether to proceed with termination of the permit and will provide notice of such determination to the permittee in the manner provided herein.

- (12) Where a permit is terminated, the vessel must be removed from the mooring field within 10 days after notice by the trust or its duly authorized designee to remove the same is sent by certified mail to the applicant or permittee. In the event that a mailing address is unknown or mail is returned undelivered, such notice may, in lieu of such mailing or hand delivery, be posted in a conspicuous place on the vessel. Where the vessel and mooring are not removed within 10 days after the mailing or posting of such notice, whichever is later, the trust or its duly authorized designee may remove the vessel and mooring or cause the same to be removed from the mooring field. The permittee and owner will be jointly and severally liable for the costs of removal and storage of the vessel and mooring, as well as for any associated costs, such as cleanup of contamination or debris originating from the vessel or mooring and such costs must be paid prior to release of the same. Any vessel or mooring removed from the mooring field that is not claimed within 10 days may be deemed to be abandoned and may be turned over to the Coast Guard or NYPD or other appropriate governmental agency for disposal in accordance with applicable law.
- (13) Every applicant and permittee must provide the trust or its duly authorized designee with an address in writing at which he or she may receive notice required by these rules or other applicable law. Any changes in address must be reported in writing to the trust and its duly authorized designee within 10 days.
- (b) **Reckless use of vessels prohibited.** It is prohibited for any person to operate a vessel of any kind in any waters under the jurisdiction of the trust in a reckless manner so as to endanger the life, limb or reasonable comfort of his or her passengers or other persons, property, or the environment.
- (c) **Use of motorized vessels without a muffler prohibited.** It is prohibited for any person to operate a vessel without having the exhaust from the engine run through a muffler so constructed and used as to muffle the noise of exhaust in a reasonable manner. Every vessel shall comply with Section 44 of the New York State Navigation Law.
- (d) **Use of vessels in designated swimming areas prohibited.** Use of vessels in any authorized swimming or wading areas is prohibited.
- (e) **Use of a vessel within the park for an illegal purpose prohibited.** It is prohibited for any person to permit or cause a vessel or any portion thereof to be used or occupied for an illegal purpose.
- (f) **Speed limit within the park.** It is prohibited for any person to operate a vessel within the park at a speed greater than five miles per hour or to cause an excessive wake that may unreasonably threaten, frighten or annoy another or that may cause personal injury or property damage. Any person operating a vessel in a mooring field must comply with all Federal, State and local laws, rules and regulations concerning the safe operation of vessels, including the Inland Navigational Rules (33 CFR chapter I, subchapter E).
- (g) **Liability of owner for disabled or sunken vessels within the park.** If any boat or watercraft burns, submerges or become disabled, such boat or watercraft must be removed immediately by its owner or other person having custody thereof. If such boat or watercraft is not removed within 24 hours, the trust or its designee may have it removed and charge the owner or other person having custody thereof with any expense incurred in relation thereto. If the trust determines that the disabled or sunken vessel is discharging pollutants into the water or causing any other kind of emergency, the trust may take immediate action to stop the cause of pollution and may remove or

cause the vessel to be removed, without prior notice to the permittee or owner of the vessel, and recover all costs associated with removal and storage or disposal of the vessel from the permittee and/or owner of the vessel.

- (h) **Unauthorized overnight occupancy of vessels prohibited.** Unless specifically authorized in writing by the trust, overnight occupancy of vessels is prohibited.
- (i) **Boarding and inspection.** All vessels docked, moored, anchored or otherwise tied-up or secured within the park may be boarded and inspected by authorized officers and employees of the trust or of other city, State and Federal agencies if necessary to respond to an emergency or urgent health, safety or environmental hazard. It is prohibited for a permittee or his or her guest to refuse to allow, prevent, or interfere with such boarding or inspection.
- (j) **Conduct.**
 - (1) It is prohibited for any person to use a marine toilet or sanitary device that discharges into the water, unless such device is approved in accordance with U.S. Coast Guard and New York State requirements, as set forth in 33 CFR subchapter O, part 159, New York State Environmental Conservation Law, section 17-1301 and New York State Navigation Law, section 33-C. All vessels with a waste holding tank must discharge waste through a pump out facility.
 - (2) Nonemergency boat repairs and maintenance are prohibited within the park unless specifically authorized by the trust.
 - (3) Garbage must be deposited in designated receptacles.
 - (4) It is prohibited for any person to store or use any machinery or equipment for welding or burning where such storage or use is prohibited by the fire code or other law or rule.
- (k) **Vessels subject to relocation.** Vessels may be required to be temporarily relocated in an emergency or to accommodate construction work of the park. When a vessel must be moved to accommodate construction work, where possible, the trust will give the permittee or owner 48 hours written notice to move the vessel. If the vessel or mooring is not removed within the required time, the trust may remove the vessel and mooring, or cause the vessel or mooring to be removed and recover all costs associated with moving and storage from the permittee or owner. The trust is further released from any liability for damage caused by the removal.

(l) **Docking and mooring of vessels.**

(1) Docking of vessels.

(i) Docking of vessels, including historic vessels, is limited to those locations designated by the trust. All vessels must be adequately tied to the dock and must have sufficient fenders and dock lines to secure the vessel in all wind and weather conditions. The trust may require the replacement of dock lines which it finds to be inadequate based on U.S. Coast Guard standards as set forth in 46 CFR chapter I, subchapter K and subchapter T, as applicable, or, where necessary, may in its discretion replace the dock lines and charge the cost to the permittee or owner of the vessel.

(ii) It is prohibited for any person to construct, reconstruct, alter, add to, extend or physically alter in any manner any slip, dock or pilings without the prior written approval of the trust.

(2) Mooring of vessels.

(i) Mooring of vessels, including historic vessels, is limited to those locations designated by the trust. The location assigned to the permittee will be determined by the trust based on vessel size, type, water depth and safety considerations. It is prohibited for any person to moor a vessel in such a manner as to interfere with the use of a duly authorized mooring location or regular traffic channel. Mooring locations may not be changed or exchanged without the prior written approval of the trust.

(ii) All vessels must be adequately tied to their moorings and must have sufficient lines to secure the vessel in all wind and weather conditions. The trust may affix additional lines as necessary to assure the safety of people or property.

(iii) Moorings must be inspected for deterioration periodically and repaired or replaced as necessary. The trust may require, as a condition of renewing a permit, evidence that an inspection has been made, including a description by the person who made the inspection of the condition of the mooring and the qualifications of such person to make such inspection.

(m) **Condition of vessels.**

(1) All vessels in the park and all equipment thereon must be maintained in good order and free of any hazard to persons, vessels, park structures and the environment. In addition, unless otherwise permitted by the trust, all vessels must be seaworthy and must comply with all Federal, State and local laws, rules and regulations concerning the condition of vessels and equipment.

(2) It is prohibited for any person to make structural modifications to the superstructure of a vessel docked, moored, anchored, tied-up or otherwise secured within the park and/or permitted to use the facility without the express written consent of the trust. No modifications will be permitted which will in any way limit the movement of the vessel, change the center of gravity to the extent that the vessel is unseaworthy, restrict the navigation by removal of the helm station, inhibit the line of sight forward from the helm, increase the height of the vessel or extend the vessel over water beyond the existing hull or increase the load beyond the manufacturer's hull design capacity.

(n) **Required safety equipment.** All vessels docked, moored, anchored, tied-up or otherwise secure within the park must have on board at all times all equipment required by the U.S. Coast Guard, as set forth in 33 CFR chapter I, subchapter S, and 46 CFR chapter I, subchapter H, as applicable.

(o) **Dinghies, kayaks and canoes.** A permittee holding a dockage or mooring permit may store one dinghy, kayak or canoe alongside the permitted vessel or in another location approved by the trust without obtaining a separate permit for such dinghy, kayak or canoe. In all other cases a separate permit must be obtained for each vessel.

(p) **Boat launch sites.** It is prohibited for any person to use any boat-launching site or any adjacent waters within 100 feet from the shore of a launch area, including offshore and inshore approaches, for any purpose other than launching boats or removing boats from the water, unless a written permit is obtained from the trust or its duly authorized designee.

- (q) **Restricted areas for nonmotorized vessels.** It is prohibited for any person to use or otherwise operate a kayak, canoe or other nonmotorized vessel within ferry terminal, commercial use, municipal use or posted sanctuary water areas within Hudson River Park.

Section 751.07 Civil Penalties.

- (a) Any violation of these rules shall subject the respondent to a civil penalty not to exceed \$500, which may be recovered in a proceeding before the Office of Administrative Trials and Hearings/ Environmental Control Board pursuant to Chapter 21, section 533(a)(9-b) of the New York City Charter. Such proceedings will be commenced by the service of a civil summons returnable to the Environmental Control Board in accordance with such section. The Office of Administrative Trials and Hearings / Environmental Control Board may impose the penalties in the following table below for violations of the Trust’s rules.
- (b) Reserved.
- (c) “Default penalty” shall mean the penalty for failure to appear at a hearing or respond to a summons, as applicable, which penalty is imposed by the Office of Administrative Trials and Hearings/Environmental Control Board acting pursuant to and in accordance with Chapter 45-A of the New York City Charter, section 1049-a, subparagraph (d) of paragraph one of subdivision d.

Section/Rule	Description	Penalty	Default Penalty
751.03(a)(3)	Unauthorized presence in the Park when closed to the public	\$50	\$75
751.03(b)(8)	Failure to have/display/comply with required permit	\$50	\$75
751.03(b)(15)	Unauthorized advertisement	\$100	\$150
751.03(c)(1)	Failure to comply with directives of police officer/Park employee	\$250	\$375
751.03(c)(2)	Failure to comply with directions/prohibitions on signs	\$50	\$75
751.03(d)	Failure to comply with orders of Hudson River Park Trust	\$150	\$225
751.04(a)	Injury/defacement/abuse, etc. of property or equipment	\$100	\$150
751.04(b)(1)(i)	Defacement/destruction/removal of trees	\$500	\$500
751.04(b)(1)(ii)	Defacement/destruction/removal of flowers, shrubs, vegetation, etc.	\$200	\$300
751.04(b)(2)	Walking/permitting animal/child to walk on newly seeded grass	\$50	\$75
751.04(b)(3)	Unauthorized entry/allowing entry into fenced/restricted area	\$50	\$75
751.04(b)(4)	Unauthorized possession of gardening tool/plant	\$50	\$75
751.04(b)(5)	Unauthorized use of metal detector	\$50	\$75
751.04(c)(1)	Littering or unlawful use of Park waste receptacle	\$50	\$75
751.04(c)(2)	Polluting water within the Park	\$250	\$375
751.04(c)(3)	Unlawful dumping	\$500	\$500
751.04(c)(4)	Storing/leaving unattended personal belongings	\$50	\$75
751.04(d)	Possession of glass container in restricted area	\$50	\$75
751.04(e)	Failure to comply with restrictions regarding aviation	\$500	\$500
751.04(f)	Possession of a firearm/propellant/explosive	\$500	\$500
751.04(g)(1)	Harming animals, nests or eggs; Possessing or distributing animals or eggs	\$500	\$500
751.04(g)(2)	Unlawful feeding of animals	\$50	\$75
751.04(h)	Use of marijuana and controlled substances	\$50	\$50
751.04(i)	Unleashed or uncontrolled animals in the Park – 1 st offense	\$100	\$150
751.04(i)	Unleashed or uncontrolled animals in the Park – 2 nd offense and subsequent offenses within one year	\$250	\$375
751.04(j)	Unauthorized horse riding	\$100	\$150
751.04(k)	Failure to remove animal waste	\$100	\$200

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751.04(l)	Unlawful urination/defecation in the Park	\$50	\$75
751.04(m)(1)	Disorderly behavior – unauthorized access/trespass	\$50	\$75
751.04(m)(2)	Disorderly behavior – climbing	\$50	\$75
751.04(m)(3)	Disorderly behavior – fee evasion	\$50	\$75
751.04(m)(4)	Disorderly behavior – gambling	\$50	\$75
751.04(m)(5)	Disorderly behavior – render Park/Park road dangerous; obstruct Park road	\$100	\$150
751.04(m)(6)	Disorderly behavior – fighting /assaulting	\$150	\$225
751.04(m)(7)	Disorderly behavior - unreasonably alarm/seriously annoy	\$100	\$150
751.04(m)(8)	Disorderly behavior – sexual activity	\$100	\$150
751.04(m)(9)	Disorderly behavior – endangers safety of others	\$250	\$375
751.04(n)	Loitering	\$50	\$50
751.04(o)	Unlawful exposure	\$50	\$75
751.04(p)	Obstruction of benches, sitting areas	\$50	\$75
751.04(q)	Unauthorized camping; erection of tent, hammock	\$250	\$375
751.04(r)	Spitting on Park building/monument/structure/in water	\$50	\$75
751.04(s)	Unhygienic use of fountains, pools, and water	\$50	\$75
751.04(t)	Unlawful solicitation or advertising	\$100	\$150
751.04(u)	Prohibited vessels – cigarette boat, jet skis, twin engine excess of 500hp per engine	\$100	\$150
751.04(v)	Unlawful smoking/vaping	\$50	\$50
751.05(a)(1)	Unauthorized special event or demonstration	\$250	\$375
751.05(a)(2)	Unauthorized structure/stand/booth/platform/exhibit or artwork	\$250	\$375
751.05(a)(3)	Unauthorized event that interferes with enjoyment of Park by others	\$250	\$375
751.05(b)	Unlawful vending	\$250	\$375
751.05(c)	Unlawful posting of notices or signs	\$50	\$75
751.05(d)(1)	Unreasonable noise	\$50	\$75
751.05(d)(2)	Unauthorized operation of sound reproduction device	\$140	\$210
751.05(d)(3)	Operating sound reproduction device during unauthorized hours	\$140	\$210
751.05(d)(4)	Unauthorized music or noise for commercial purposes	\$500	\$500
751.05(e)	Unauthorized cinematic and photographic productions	\$250	\$375
751.05(f)(1)	Unauthorized consumption/possession of alcoholic beverage	\$25	\$25
751.05(f)(2)	Appearing in Park under the influence of alcohol, endangering self and others	\$50	\$75
751.05(g)	Failure to comply with bathing restrictions	\$50	\$75
751.05(h)	Failure to comply with fishing/crabbing restrictions	\$50	\$75
751.05(i)	Failure to comply with bicycle riding restrictions	\$50	\$75
751.05(j)	Unauthorized planting/pruning/interfering with tree/flower/shrubbery/other vegetation	\$50	\$75
751.05(k)(1)	Failure to comply with fire restrictions	\$50	\$75
751.05(k)(2)	Unlawful disposal of flammable materials	\$50	\$75
751.05(l)	Unauthorized driving/parking/automotive work	\$50	\$75
751.05(m)	Unauthorized construction/storage of materials	\$500	\$500
751.05(n)	Unauthorized excavation	\$500	\$500
751.05(o)(1)	Area use restrictions – sports in unauthorized area	\$50	\$75
751.05(o)(2)	Area use restrictions – unauthorized toy or model aviation, boating, automobiling, etc.	\$50	\$75
751.05(o)(3)	Area use restrictions – unauthorized skating/skiing/skateboarding/sledding, etc.	\$50	\$75

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751.05(p)	Failure to comply with exclusive area restrictions	\$50	\$75
751.05(q)	Unauthorized distribution of products and materials	\$100	\$150
751.05(r)	Failure to comply with in-line skating, skateboarding and scootering restrictions	\$50	\$75
751.05(s)	Unauthorized geocaching/treasure-hunting	\$25	\$50
751.06(a)	Operating/anchoring/mooring/docking/storing of a boat or vessel without a permit	\$250	\$375
751.06(b)	Failure to operate a vessel in a safe/non-reckless manner	\$250	\$375
751.06(c)	Operating a vehicle without a muffler	\$150	\$225
751.06(d)	Use of vessel in swimming or wading area	\$100	\$150
751.06(e)	Unlawful use of vessel	\$500	\$500
751.06(f)	Operating vessel at excessive speed	\$250	\$375
751.06(g)	Failure to remove sunken vehicle	\$500	\$500
751.06(h)	Unauthorized overnight occupancy of vessels	\$50	\$75
751.06(i)	Interference with emergency vessel boarding	\$100	\$150
751.06(j)(1)	Unlawful discharge into waters by marine toilet/sanitary device	\$250	\$375
751.06(j)(2)	Unauthorized non-emergency repair/maintenance of vessels	\$50	\$75
751.06(j)(3)	Failure to place garbage in designated receptacles	\$50	\$75
751.06(j)(4)	Prohibited storage or use of welding/burning machinery	\$50	\$75
751.06(l)(1)	Failure to meet Docking requirements	\$50	\$75
751.06(l)(2)	Failure to meet mooring requirements	\$50	\$75
751.06(m)	Improper maintenance of vessel or equipment	\$50	\$75
751.06(p)	Unlawful launching of a boat	\$100	\$150
751.06(q)	Unlawful operation of kayak, canoe or nonmotorized vessel	\$50	\$75