

NEW
CODE OF ORDINANCES *etc.*

OF

THE CITY OF NEW YORK *City*

INCLUDING

THE SANITARY CODE, THE BUILDING
CODE AND PARK REGULATIONS

ADOPTED JUNE 20, 1916

WITH ALL AMENDMENTS TO JANUARY 1, 1926
AND COMPLETE INDEX TO WHOLE

COMPILED AND ANNOTATED

BY

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THE BANKS LAW PUBLISHING CO.
NEW YORK

1926

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CHAPTER 17

Parks, Parkways and Park-Streets

- Article 1. General provisions.
2. Traffic regulations.
 3. Building and other projections.
 4. Miscellaneous.

The power of the Board of Aldermen to pass Park Ordinances is prescribed in the Greater New York Charter (L. 1897, ch. 378, sec. 47), and the Revised Charter (L. 1901, ch. 466, sec. 43).

By Laws 1904, chapter 678, section 1, amending section 610, Laws 1901, chapter 466, the Park Rules in force May 1, 1904, were made a chapter in the City Ordinances and amendments when adopted by the Park Board became effective when copies were filed with the City Clerk.

The following is taken from the Park Ordinances, adopted March 18, 1912.

ARTICLE 1

GENERAL PROVISIONS

- Sec. 1. Definitions.
- § 2. Interfering with lands or improvements thereon.
 - § 3. Sub-surface disturbances.
 - § 4. Over-head wires.
 - § 5. Destruction of or injury to park property.
 - § 6. Preservation of lawns and grass plots.
 - § 7. Bringing trees, plants and flowers into parks.
 - § 8. Use of roller skates.
 - § 9. Rubbish and refuse matter.
 - § 10. Processions; drills; music.
 - § 11. Public meetings.
 - § 12. Sales or exhibitions.
 - § 13. Posting bills or placards.
 - § 14. Bathing, fishing, boating and skating.
 - § 14a. Camping.
 - § 15. Protection of animals, birds and reptiles.
 - § 15a. Baseball and other games.
 - § 16. Animals at large.
 - § 17. Disorderly conduct.
 - § 18. Custodian of minors.

Sec. 1. *Definitions.*—Unless otherwise expressly stated, whenever used in this chapter, the following terms shall respectively be deemed to mean:

1. *Commissioner, or the commissioner,* the park commissioner having jurisdiction of a particular park, or park-street, as hereinafter defined;
2. *Park,* any park, parkway, square, circle, or concourse, or part thereof, under the jurisdiction of the park department;
3. *Park-street,* a street, avenue, boulevard or other highway, under the jurisdiction of the park department;
4. *Permit,* a written authorization for the exercise of a specified park privilege, issued by the park commissioner having jurisdiction.

§ 2. *Interfering with lands or improvements thereon.*—No person

shall modify, alter or in any manner interfere with the line or grades of any park or park-street, nor take up, move or disturb any curb, gutter stone, flagging, tree, tree-box, railing, fence, sod, soil or gravel thereof, except by direction of the commissioner or under his permit.

§ 3. *Sub-surface disturbances.*—No person shall open, expose or interfere with any water or gas pipe, hydrant, stopcock, sewer, basin or other construction, within or upon any park or park-street, nor make any connection therewith, except under the authority of a permit, and upon the deposit of such sum of money as may be required by the commissioner to insure the restoration of the soil, plants, shrubs, trees, sidewalk, pavement, curb, gutter and flagging disturbed in the making of such connection.

§ 4. *Overhead wires.*—No person shall attach or string any electric or other wire, or adjust or carry the same into or over any park or park-street, except under a permit.

§ 5. *Destruction of or injury to park property.*—No person shall cut, break or in any way injure or deface any tree, shrub, plant, grass, post, railing, chain, lamp, lamppost, bench, tree-guard, building, structure or other property in or upon any park or park-street, nor shall any fallen branches be cut or removed without a permit. It shall be unlawful also to bring into any park any tool or instrument, such as a hatchet, axe or saw intended to be used for the cutting of branches of trees, or trees or other property.

§ 6. *Preservation of lawns and grass plots.*—No person unless he shall hold a special permit therefor or unless a special permit therefor shall have been issued to a group of which he is a member shall go upon any lawn or grassplot in any park or parkway except when permission therefor shall have been given to the public by the commissioner.

§ 7. *Bringing trees, plants, and flowers into parks.*—No person shall bring into or carry within a park any tree, shrub, plant or flower, or newly plucked part thereof, without a permit.

§ 8. *Roller skates.*—No person shall use roller skates, push mobiles or any similar device upon any sidewalk, foot-path, bridle path or driveway, nor in any building or place of public assembly, except upon such walks and during such hours as may be designated by the commissioner.

§ 9. *Rubbish and refuse matter.*—No person shall throw, cast or lay, or direct, suffer or permit any servant, agent, employee or person in his or her charge, to throw, cast or lay, any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, dirt, filth or rubbish of any kind whatsoever in any park, or in any lake, lawn, path, walk, road or drive thereof, or in any park-street; provided that in the morning before 8 o'clock, or before the first sweeping of the roadway of any park-street by the street cleaners, dust from the sidewalk may be swept into the gutter, if there piled, but not otherwise.

§ 10. *Processions; drills; music.*—No parade, drill or manœuvre of any kind shall be conducted, nor shall any person play upon a musical instrument or display any flag, banner, target, sign, placard or transparency in any park, nor shall any civic or other procession form or move therein, without a permit; but no such permit shall be necessary for the use of the parade ground adjacent to Prospect

Park, Borough of Brooklyn, by organizations of the National Guard of the State of New York.

§ 11. *Public meetings.*—No person shall erect any structure, stand or platform, or hold any meeting, or perform any ceremony or make a speech, address or harangue in any park without a permit from the commissioner having jurisdiction.

§ 12. *Permits for sales, exhibitions, etc.*—No person shall exhibit, sell, or offer for sale anything whatsoever, or take any photograph, or perform any personal service or hire in any park or parkway, or in any street, square, or public place under the jurisdiction of the department of parks except under a permit from the commissioner of parks of the borough in which such park or parkway, street, square, or public place is situated or otherwise than in accordance with the terms of such permit, provided, however, that the provisions of this section shall not apply to public hack stands maintained in streets adjacent to public parks, pursuant to section 99, article 8, chapter 14 of the Code of Ordinances.

§ 13. *Posting bills or placards; distributing cards, circulars or pamphlets.*—No person shall post any bill, placard, notice or other paper upon any structure, tree, rock, article or thing within any park or upon any park-street, nor paint or affix thereon, in any other way, any advertisement, notice or exhortation, except, under a permit and in strict conformity therewith. No person shall distribute, hand out or cast about any card, circular, pamphlet or other printed matter within any park or upon any park-street. The placing, or using for any other purpose than reading, of newspapers, or other papers, on the lawns or benches of public parks, is forbidden.

As to posting placards on private property, see *People v. Green*, 85 App. Div. 400.

§ 14. *Bathing, fishing, boating and skating.*—No person shall bathe in, nor disturb in any way the fish in, the waters or fountains of any park, nor cast any substance therein; except, that in the waters adjacent to Pelham Bay Park bathing and fishing shall be permitted, subject to the rules and regulations prescribed by the commissioner. Fishing may also be allowed in the lakes of Prospect Park and Kissena Park, under permits. No person shall be permitted to appear in bathing costume or in any other than customary street attire in any park or parkway, except on the beaches in Pelham Bay, Seaside, Dreamland, Jacob Riis and Rockaway Parks. No boat or vessel shall be placed upon any of the waters of any park, except by special permit. No skating or sledding shall be allowed on any park lakes, unless and until the ice is declared to be in a suitable condition by the commissioner.

§ 14a. *Camping.*—No person shall tent or camp or erect a tent or camp in a public park, or public place under the jurisdiction of a Park Commissioner, without a permit.

§ 15. *Protection of animals, birds and reptiles.*—No person shall hunt, chase, shoot, trap, discharge or throw missiles at, or molest or disturb in any way, any animal, bird, or reptile in any park.

§ 15a. *Baseball and other games.*—No person shall throw, cast, catch, kick or strike with any implement whatever, any baseball, golf ball, foot-ball, basket ball, bean bag, or other object in or upon any park or parkway, or any square, circle, concourse, playground,

street, avenue, boulevard or other highway under the jurisdiction of the park department, or on any recreation pier, without a permit therefor issued by the commissioner or his supervisor of recreation nor otherwise than in accordance with the terms of such permit.

§ 15b. *Golf*.—Caddies shall not be brought by players upon any of the golf courses under the jurisdiction of any commissioner, without permission of the commissioner or his representative in charge.

§ 16. *Animals at large*.—No horse or other animal shall be allowed to go at large in any park or upon any park-street, except dogs that are restrained by a chain or leash not exceeding 6 feet in length.

§ 17. *Disorderly conduct*.—No person shall, in any park:

1. Use threatening, abusive or insulting language;
2. Do any obscene or indecent act;
3. Throw stones or other missiles;
4. Beg or publicly solicit subscriptions or contributions;
5. Tell fortunes;
6. Play cards or other games of chance, or use or operate any gaming table or instrument;
7. Climb upon any wall, fence, shelter, seat, statue or other erection;
8. Fire or carry any firearm, firecracker, torpedo or fireworks;
9. Make a fire;
10. Enter or leave except at the established entrance-ways;
11. Loiter at night where there is no light, in automobile, or other vehicle, or otherwise. It shall be unlawful after 12 o'clock midnight to loiter in any park, under any circumstances, unless general or special permission shall be given by the Park Commissioner.
12. Do any act tending to a breach of the public peace;
13. Bring into any park or consume publicly, any beverage containing alcohol;
14. Bring, land or cause to descend or alight any aeroplane, airship, flying machine, balloon, parachute or other instrumentality for aviation in, on or upon any park or parkway, without a permit;
15. The Commissioner of Parks, Borough of The Bronx, may, in his discretion, fix the hours for entering or leaving Hunter Island and Twin Island, Pelham Bay Park, and when so fixed, suitable signs may be placed at points deemed appropriate by the said commissioner.

All persons doing any act injurious to a park shall be removed therefrom by the park keepers or by the police. When necessary to the protection of life or property, the officers and keepers of the park may remove all persons from any designated part thereof.

§ 18. No parent, guardian or custodian of a minor shall permit or allow such minor to do any act prohibited by any provision of this chapter.

Park ordinances must be reasonable. *Matter of Wright*, 29 Hun 357; *Baldwin v. Park Comm.*, N. Y. Daily Register, April 8, 1891.