



GENESEE COUNTY DEPARTMENT OF PARKS, RECREATION & FORESTRY
153 CEDAR STREET, BATAVIA, NY 14020
Phone (585) 344-8508 – Administration/Reservations/Parks Supervisor
Fax (585) 343-9303
Phone (585) 344-1122 – Interpretive Nature Center/Environmental Educator
Website: www.geneseeny.gov

Timothy Hens
Commissioner
Paul Osborn
Deputy Commissioner

GENESEE COUNTY PARKS LAW

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GENESEE COUNTY DEPARTMENT OF PARKS, RECREATION AND FORESTRY

RULES AND REGULATIONS

All rules and regulations are clearly posted at each park or may be obtained at the Parks Administration Office. They have been adopted by the Genesee County Legislature for the safety of all park visitors, the orderly operation of the parks and to protect parkland and facilities.

I. DEFINITIONS

AUTHORIZED EMERGENCY VEHICLES - means vehicles of the fire department, police vehicles and such; ambulances and other vehicles approved by the Supervisor when operated in response to an emergency.

PETS/ANIMALS - includes cats, dogs, horses, any fowl or birds - any living creatures within jurisdiction of the park.

BRIDLE PATH - any path maintained for equestrians; no motorized vehicles.

BICYCLE PATH - any path maintained for self-propelled vehicles; no motorized bikes.

SUPERVISOR - means the Park Supervisor-Forester of the Genesee County Department of Parks and Recreation.

CROSSING - any crossing, whether marked by a pavement or otherwise; the extension of any sidewalk space across any intersecting drive, street, highway or bridle path.

CURB - any boundary of any street, road, avenue, boulevard, drive or bridle path, whether or not marked by a curbstone.

DRIVER-OPERATOR - any person, who propels, operated or is in charge of a vehicle.

MOTOR VEHICLE - shall mean and include all vehicles propelled other than by muscular power, and shall also include all motor operated vehicles of the bicycle or tricycle type.

OFFICIAL TRAFFIC CONTROL DEVICES - shall mean all signs, signal marking and devices placed or erected by authority of the supervisor or other official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

PARK STAFF MEMBER - any person employed by the Genesee County Department or Parks and Recreation as a Park Employee or Special Officer or any municipal or State Police Officer.

PARKING PLACE - any part of any drive or space designated as a place for the standing of vehicles.

PATH - shall mean any footpath, walk, trail or any path maintained for pedestrians.

PERSON - any person, corporation, company, association, joint stock association, firm or co-partnership.

PERMIT - any written license issued by or under the authority of the Parks Department, permitting the performance of a specified act or acts.

SERVICE ROAD - shall mean every road, lane or driveway not open to use of the public in general.

RIGHT-OF-WAY - means the privilege of the immediate use of the roadway, drive, path.

RUBBISH - any refuse matter that includes ashes, dross, cinders, shell, paper, dirt, sand, oil, grease, clay, loam, stone or building materials, brush, stumps, hay, straw, oats, sawdust, shavings, or manufacturing, trade or household waste, old iron or other metals or objects made there from, or sick, diseased, or dead animals, organic refuse or any other offensive matter, including swill, brine, offal, fecal matter, or garbage.

SAFETY ZONE - shall mean any space (within a drive) established for pedestrians.

GENESEE COUNTY PARK OR PARKS SYSTEM, RECREATION AREAS - shall mean all the real property situated in Genesee County or adjacent counties acquired by or under the jurisdiction and care of the Genesee County Parks Department, or which may be hereafter acquired by it or come under its jurisdiction.

STOPPING OR STANDING - when prohibited means any cessation of movement of a vehicle occupied, except when necessary to avoid conflict with other traffic - including horses.

TRAFFIC - means pedestrians, ridden or herded animals; vehicles, either singly or together, while in the confines of the Parks jurisdiction.

VEHICLE - any conveyance (except by baby carriage) including motor vehicles, bicycles, tricycles, sleds, sleighs, push carts or vehicles propelled by other than muscular power - also any horse (trailers).

OFF-ROAD VEHICLES - any powered vehicles designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other terrain which would include, but not be limited to, such vehicles as four-wheel drive, motorcycle, snowmobile, amphibious or air cushion vehicles; except those vehicles utilized for fire, emergency or law enforcement purposes and any vehicle whose use is expressly authorized by the Parks Department.

II. TERRITORIAL SCOPE

All Genesee County Department of Parks and Recreation Resolutions shall be effective within all the Parks, Recreation Areas and Open Space Reservations of the Genesee County Park System and regulate the use thereof by all persons.

III. INTOXICANTS/ALCOHOLIC BEVERAGES

- A. No person shall be permitted within a County Park under the influence of intoxicating beverages, drugs or narcotics. All alcoholic beverages other than wine and beer are prohibited in any County Park, and the consumption of wine and beer requires a permit issued by the Parks Department and is only to be used in a designated picnic area where food is consumed. (DeWitt Recreation Area - no alcoholic beverages permitted)

IV. GROUP USE/MEETINGS/EXHIBITIONS

- A. No persons shall call or hold any meetings or give any concert or public entertainment of any kind within a county park or recreation area without first having obtained written permission in advance from the Supervisor of County Parks and Recreation no later than one (1) month prior to the proposed date of use.
- B. No person shall use loudspeakers, public address systems or amplifiers within a county park or recreation area without first having obtained written permission in advance from the Supervisor of County Parks and Recreation. Nor shall any portable radio, tape player, compact disc player or musical instrument be played in such a manner as to create a nuisance.
- C. Public assemblies, meetings, demonstrations, religious activities, the sale and distribution of printed matter, and other public expressions of views conducted under the First Amendment of the Constitution of the United States and the State of New York upon the lands of the Genesee County Park System are permitted, provided that a permit has been issued by the Supervisor of Parks and Recreation or their duly designated representative. To ensure public safety and the protection of park resources and values and to avoid assigning the same location and time to two or more activities, the Park System may manage these activities by regulating the time, location, number of participants, use of facilities, and number and types of equipment to be used, but not the content or message. (See Policies and Procedures for Community Events in County Parks and Recreation Areas Manual)

V. PETS/HORSES

- A. Dogs and cats must be kept on a leash not exceeding six feet in length. No domestic animal shall be permitted to run at large within any County Park or

Recreation Area, either with or without a keeper, except in those areas designated for that purpose by the Supervisor of County Parks and Recreation. Pet owners shall be responsible for removing and properly disposing of fecal matter from Park property. (DeWitt Recreation Area- No Horses Allowed)

- B. No person shall ride, drive, lead or keep a saddle horse or other animal within a County Park or Recreation Area, except on such roads, bridle paths, trails or areas, and subject to such regulations as the Supervisor of County Parks and Recreation may especially designate. In such an occasion, no horse shall be unbridled or left unattended in any unenclosed area, and should not be hitched to any tree or shrub in a manner that may cause damage. No person shall ride horseback in any park or recreation area after dark or before daybreak. No person shall smoke while mounted on horseback within a county park or recreation areas.

VI. REFUSE

- A. No person shall leave bottles, broken glass, ashes, waste paper or other rubbish, as defined in Section 1, within a county park or recreation area. Carry-In, Carry-Out Policy in Effect. No glass containers allowed in any county park or recreation area.
- B. No person shall throw or place any dirt, stone, rock debris, foreign substance or rubbish into or upon a county park or recreation area or in any lake, river or lagoon within or bordering upon land of a county park or recreation area.
- C. No person shall throw, cast, lay, drop or discharge into or allow to remain in the water of a county park or recreation area or any tributary, brook, stream, storm sewer or drain flowing into said waters any substance, matter or thing, which may or shall result in the pollution of said waters.

VII. NATURAL FEATURES/WILDLIFE

- A. No person shall pick flowers, foliage, berries or fruit or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, railing, seat, picnic bench, fence, structure or any other object within a county park or recreation area.
- B. No person shall bring into or upon a county park or recreation area any tree, shrub or plant or any newly plucked branch or portion of a tree shrub or plant unless expressly permitted by Supervisor of County Parks and Recreation.
- C. No person shall dig up or remove any dirt, stone, rock or other substance whatever, make any excavation, quarry sand or stone or lay or set off any blast, or cause or assist in doing any of these things within a county park or recreation area.

- D. No person shall remove or cut firewood, regardless of whether the tree or wood is dead, fallen, diseased or otherwise from any county park or recreation area.
- E. No person shall feed any animal, or fish any food or other substance excepting such food or substance expressly permitted by the Parks Department.
- F. No person shall feed any waterfowl any food or any substance at any time in a county park or recreation area.

VIII. TOBOGGANING AND SLEDDING

Tobogganing and sledding within county parks or recreation areas shall be permitted in areas designated for that purpose and in accordance with rules and regulations promulgated by the Supervisor of County Parks and Recreation pursuant to Section XVII below.

IX. FIRES/FIREWORKS

- A. No person shall build, light or maintain a fire within a county park or recreation area, except in picnic area grills, a fireplace provided, maintained or designated for such purpose by the Supervisor of County Parks and Recreation. Picnic grills shall only contain charcoal fires.
- B. In cases where permits are issued for a group or family picnic and said group chooses to use a caterer, the use of gas fire will be permitted within the confines of the caterer's portable facility.
- C. No person shall discard any cigar, cigarette, or lighted match carelessly or in a manner that may start a fire.
- D. No person shall possess, discharge or set off within a county park or recreation area any firecrackers, torpedoes, rockets or other fireworks.

X. HUNTING/FISHING/TRAPPING

- A. No person shall discharge any weapon or firearms within or into a county park or recreation area. No person shall bring or be in possession of any pistol or revolver or objects upon which can be loaded or blank cartridges may be used. Nor shall any person be in possession of any rifle, shotgun, fowling piece, air gun, spring gun, slingshot, bow or any other instrument weapon in which the propelling force is a spring or air.
- B. No person shall hunt, molest, take chase, trap, capture, hold, remove, injure or kill any animal, reptile or bird or disturb its habitat within a county park or recreation area. The use of portions of a county park or recreation area open to

fishing is subject to County Park or Recreation Area Fishing Rules and Regulations (Appendix A) and New York State Fish and Game Laws.

XI. RESTRICTED USES AND AREAS

- A. No person shall enter upon any portion of a county park or recreation area where persons are prohibited from going by direction of the Supervisor of County Parks and Recreation as indicated by sign or notice. Nor shall any person participate in an activity that is prohibited as indicated by sign or notice.
- B. No person shall bring into any county park or recreation area, use or operate any rides such as motorized or mechanical carnival rides. The use of certain forced air rides for group use requires written permission by the Supervisor of County Parks and Recreation.
- C. No person shall throw, cast, catch, kick or strike any baseball, golf ball, football or basketball or any object within a county park or recreation area except in areas designated and posted for this purpose by the Supervisor of County Parks and Recreation.
- D. No person shall bathe or have willful contact with any pond, stream, river or other body of water within or bordering a county park or recreation area unless it has been designated and posted for this purpose by the Supervisor of County Parks and Recreation.
- E. No person shall use private boats or canoes on any streams, lakes, ocean, or body of water within or bordering a county park or recreation area unless it has been designated for such use and posted for launching private boats and canoes by the Parks Department. See County Parks and Recreation Area Fishing Rules and Regulations (Appendix A).
- F. No person shall ice skate on any county park lake or other water body except in areas and times specified by the Department of Parks and Recreation and under the monitoring of Parks Department personnel.
- G. The use of unmanned, manned, powered or powerless flying objects or devices, either for landing or taking off, shall not be permitted in any county park or recreation area unless it has been specifically designated and posted for this purpose or special permission has been granted by the Supervisor of County Parks and Recreation.
- H. No person shall solicit alms or contributions for any purpose in any county park or recreation area.

XII. COMMERCIAL USES

- A. No person shall engage in any commercial enterprise including but not limited to the offering of services, soliciting, selling or peddling any liquids or edibles for human consumption or distribute circulars or hawk, peddle or vend any goods, ware or merchandise within a county park or recreation area, except as provided by action of the Supervisor of County Parks and Recreation.
- B. No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object within a county park or recreation area any bill, advertisement or inscription. Nor shall any person distribute, cast, throw or place any handbill, pamphlet, circular, advertisement or notice of any kind within a county park or recreation area.
- C. No person shall tell fortunes, play at games of chance or use any gambling device within a county park or recreation area except as provided by special permission of the Supervisor of County Parks and Recreation.

XIII. VEHICLES/PARKING

- A. All provisions of the New York State Vehicle and Traffic Law with regard to equipment, lights, licensees, brakes, operation, etc., will apply in the parks and will be strictly enforced, with also such further restrictions as may be herein stated.
- B. No person shall use any portion of a county park or recreation area for purpose of way except drives, parking areas, roadways, paths, walks and trails established for such purpose by the Supervisor of County Parks and Recreation, and footpaths or walks established for pedestrian travel shall not be used for vehicular or off-road vehicular travel. The use of mopeds or motorized vehicles will be limited to roadways, drives and parking areas as established and opened to all other vehicular traffic. Off-road vehicles are not permitted in any county park or recreation area unless designated in Section XIII.N.
- C. No person shall drive or propel, or cause to be driven or propelled, along or over any road within a county park or recreation area any vehicle at a rate of speed greater than fifteen (15) miles per hour or the speed limits as established by the Supervisor of County Parks and Recreation, and indicated by speed limit signs erected along the right-of-way.
- D. Whenever any Park Staff member or other park representative shall indicate or direct by gesture or otherwise, that the speed of a vehicle shall be checked or stopped, or its course altered, the driver thereof shall immediately obey such directions.
- E. No person shall drive or propel, or cause to be driven or propelled, along or over any road, parkway, drive or parking area within a county park or recreation area

any motor vehicle in a careless manner or in a manner to endanger the life, limb or property of pedestrians or the drivers or occupants of other vehicles or any other person within a county park or recreation area. The motor vehicle operator and the motor vehicle operated within a county park or recreation area shall be in compliance with New York State Vehicle and Traffic Law.

- F. No person shall park or store any motorcar, motorcycle, bicycle, wagon or other vehicle within a county park or recreation area except in areas designated and posted for such purposes. Parking areas and thoroughfares are limited to use by park patrons only and for the purpose of driving to park a vehicle.
- G. No person shall set or place or cause to be set or placed, any goods, wares or merchandise or property of any kind as to obstruct travel within a county park or recreation area.
- H. No person shall enter any part of a county park or recreation area, County Highway or park roads with a commercial vehicle or a vehicle with a gross weight in excess of 5 tons except in the service of or by permission of the Genesee County Highway Superintendent or Supervisor of County Parks and Recreation.
- I. No person shall use park drives or parkways within a county park or recreation area for the purpose of demonstrating any vehicle or for the purpose of instructing another to drive or operate any vehicle or for learning to drive or operate any vehicle.
- J. No person shall attempt to stop, or signal any vehicle for the purpose of soliciting a ride from the driver of such vehicles.
- K. The cleaning, waxing or repairing of vehicles is not permitted within a county park or recreation area, except in the cases of absolute emergency.
- L. No person shall cause or permit a vehicle in tow to enter a county park or recreation area or proceed therein, except in the case of a breakdown or disabled vehicle, vehicle may be towed to the nearest exit. Nor shall any person operate or drive a vehicle containing any person or object projecting or hanging outside of, clinging to, or beyond the side or rear of said vehicle.
- M. Nothing contained in this Vehicle/Parking Rule and Regulation shall apply to the vehicles, trucks and apparatus of a fire department, police department or ambulance, or to emergency vehicles of the Parks Department when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.
- N. No person shall operate any snowmobile within a county park or recreation area unless on trails or areas designated and posted by the Supervisor of Parks and

Recreation. Snowmobiling shall be permitted during the period from December 1 to April 1 and in accordance to all rules and regulations.

XIV. DISORDERLY PERSONS

- A. No person or group of persons shall engage in such loitering conduct as will clearly cause an immediate, actual physical violent reaction from any person or persons, which violent action will cause a threat to the peace and order of the public.
 - 1. Nor shall any person or group of persons engage in such loitering conduct which shall disturb a person of ordinary sensibilities as to cause such person to react immediately in such a way as to threaten by physical violence the peace and order of the public.
 - 2. Nor shall any person or group of persons engage in such loitering conduct which obstructs free passage of pedestrians at, in or near any building, parking lot or vehicle or the free passage of vehicles at, in or near any building, parking lot or vehicles.
 - 3. Nor shall any person or group of persons engage in such loitering conduct which obstructs the free passage of persons at or near any walkway or pathway.
 - 4. Nor shall any person or group of persons engage in such loitering conduct, which will obstruct, molest or interfere with any person lawfully in or enjoying the park.
- B. Where there is conduct in violation of section XIV (A) or any part thereof, there must, in addition, be a refusal by the persons engaged in such conduct to obey an order by any agents or officers of the Department of Parks or Municipality to move on before a charge under these regulations may be prosecuted.
- C. No person shall resist any agent or officer of the Department of Parks, Peace Officer or Municipality in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such agent or officer, or in any way interfere with or hinder or prevent any such agent or officer from discharging their duty, or in any manner assist or give aid to any person in custody to escape or attempt to escape from custody, or rescue or attempt to rescue any person when in such custody.
- D. No person shall falsely represent or impersonate any agent or officer or pretend to be an agent or officer of the Department of Parks and Recreation.
- E. No person shall interfere with or in any manner hinder any agent or officer of the Department of Parks and Recreation or Municipality while engaged in

constructing, repairing or caring for any park property or interfere with any improvements being made within or about a County Park or Recreation Area of Municipality.

- F. No person shall remain within a county park or recreation area who does not abide by conditions adopted and posted by the Department of Parks and Recreation for the preservation of good order and the protection of property within a county park or recreation area; and no person shall remain within a county park or recreation area who does not abide by the instructions and directions of duly authorized officers or agents of the Municipality or Department of Parks and Recreation in the lawful performance of their duties. Any person directed by an agent or officer of the Department of Parks and Recreation, Peace Officer, or Municipality to leave a county park or recreation area shall do so promptly and peaceably.
- G. No person shall harass, obstruct, molest, assault or interfere with any person lawfully within a county park or recreation area or resist, obstruct, molest, assault or interfere with any agent or officer of the Department of Parks and Recreation.
- H. No person shall use threatening, abusive, boisterous, insulting or indecent language or gesture within a county park or recreation area, nor shall any oration, harangue, public demonstration or any nuisance be made.
- I. No person shall possess any weapon capable of lethal use or of inflicting serious bodily injury within a county park or recreation area.
- J. No person shall appear in a county park or recreation area in a state of nudity or commit, perform or engage in lewd, lascivious, obscene, illicit, carnal or indecent act or behavior, and no person shall make any indecent exposure of his or her person.

XV. HOURS OF OPERATION

- A. **OPENING HOURS:** All parks will open at 9:00 a.m. unless otherwise specified or designated by signs.
- B. **CLOSING HOURS:** All parks will close at 9:00 p.m. except where specific closing hours are designated during the winter season.
- C. No person shall, without permission from a park staff member, enter into, remain or allow their vehicle to remain within a county park or recreation area except during the hours the park or recreation area is open to the general public.

XVI. PENALTIES

A. Violations.

Any person found guilty of violating the provisions of this Local Law by a Court of competent jurisdiction shall be guilty of a traffic violation as defined by section 10.00(2) of the Penal Law or as a violation as defined by section 10.00(3) of the Penal Law. The maximum penalty for such infraction or violation shall be imprisonment for fifteen(15) days and a fine of Two Hundred Fifty Dollars (\$250.00).

B. Restitution, reparation, services to Parks Department. Any person convicted of a violation or a misdemeanor, as set forth in this chapter, shall be subject to the provisions of 65.10 of the New York State Penal Law and 758-a of the New York Family Court Act relative to making of restitution, reparation for loss or damages and the performing of services for a public agency or for the public good, which in some case shall include appropriate service for the Parks Department of the County of Genesee.

C. Parents or legal guardians. Parents or legal guardians of children over ten (10) and less than eighteen (18) years of age shall be liable for damages or destruction caused in county parks or recreation areas by such individuals, up to the sum of one thousand dollars (\$1,000.), pursuant to the provisions of 3-112 of the New York State General Obligations Law.

D. Damages to park property. In the addition to any penalties prescribed herein, any person causing damage to park property, real or personal, shall be liable to the County of Genesee for such damage in a civil action.

XVII. PROMULGATION AND DISTRIBUTION OF ADDITIONAL RULES AND REGULATIONS

A. The Parks Supervisor is authorized to promulgate rules and regulations concerning the activities described in this document; such further rules and regulations as may be necessary to effectuate or implement the provisions of this chapter; and such additional rules and regulation as may be authorized or directed by the County Legislature.

B. All rules and regulations promulgated by the Parks Supervisor shall be approved by the County Legislature.

C. Reasonable efforts shall be made by the Parks Supervisor to reproduce, post, make available, distribute and publicize all rules and regulations hereunder. All such rules and regulations shall be part of the Genesee County Administrative Code. Where practicable, such rules and regulations shall be included in appendices to this chapter.

XVIII. LEGISLATIVE ACTION

- A. The Genesee County Legislature adopts a resolution each year setting forth required fees for specific facilities and park areas. Individuals or groups using such facilities or areas must be in possession of the appropriate permit or pass issued by the Department of Parks and Recreation. A permit to do any act shall authorize the holder to do so only in strict accordance to the terms and conditions stated. Any violation by the holder or their agents or employees of the terms and conditions shall constitute grounds for revocation of the permit by the Supervisor of Parks and Recreation, whose action is deemed final. In a case where a permit is revoked, all monies paid for or on account for the permit shall, in the option of the Supervisor of Parks and Recreation, be forfeited and retained. The holder of a permit, including their agents or employees, who violates the terms and conditions shall be jointly and severally liable to the Department of Parks and Recreation for all the damages or loss suffered by it in excess of the money so forfeited and retained; but neither such forfeiture and retention by the Department of Parks and Recreation of the whole or any part of monies nor the recovery or collection for such damages or both shall in any manner relieve the holder or their agents or employees from liability or punishment for any violation of any provision of any Genesee County Rules and Regulations.

**GENESEE COUNTY PARKS and RECREATION AREA
Fishing Rules and Regulations**

1. **FISHING SEASON:**
This program will be valid from April 1 – November 30 each year
2. Persons fishing at any county park or recreation area must possess a valid New York State Fishing License.
3. **HOURS:**
Fishing permitted only during Park hours as posted.
4. **TAKE AND USE OF FISH:**
Bait fish can not be caught and/or sold. NO TRAPS ALLOWED
5. **SPECIES AND SIZE REGULATIONS:**
 - A. Special Note *** In an effort to maintain our game fish population only
 - 1 Trout
 - 2 Black Bass (Nothing under 14")
 - 1 Walleye/Yellow Pike (Nothing under 18")
may be taken from the lake per day per fisherman.
 - B. All other amounts and size regulations are per the New York State Fishing Regulations Guide for the current year.
6. **PROHIBITED PRACTICES:**
 - A. Cleaning of fish in the lake.
 - B. Use of gas powered motors.
 - C. Annoyance of other fisherman.
 - D. Disposal of bait in the water.
 - E. Trespass on the Department of Parks and Recreation equipment.
 - F. Loitering in parking areas and parking in other than designated areas.
 - G. Waders, boots, etc. are prohibited. Fishermen are to limit themselves to fishing from the shore, in designated areas, or from approved boats.
 - H. Ice Fishing
 - I. Willful body contact with water
7. **BOATS:**
 - A. Canoes are allowed.
 - B. Boats to 14' in length, powered by oars, paddles, or electric motors.
 - C. All boats powered by gas and/or wind are prohibited.
 - D. No boats are to be left on park property.
 - E. No floats, tubes, rubber or homemade rafts allowed unless registered according to New York State Department of Motor Vehicles.
 - F. Boats must be launched in designated areas only.
 - G. Boaters must follow all New York State Navigation Laws.
 - H. No boat shall carry more than three (3) persons.
 - I. All boats and canoes must have a USCG approved Type I, II or III Personal Floatation Device (PFD) for each person as per NYS Nav. Law
 - J. Paddleboards are prohibited
 - K. Remote Control Model Boats are prohibited
8. Any exemption to policy must be requested in writing and approved by the Supervisor of Parks and Recreation on an individual case basis.

VIOLATION OF ANY SANITARY REGULATIONS WILL LEAD TO CRIMINAL PROSECUTION. THIS PROGRAM MAY BE CANCELED BY THE SUPERVISOR OF PARKS, RECREATION OR DESIGNEE AT ANY TIME.