Brooklyn Bridge Park Corporation ("BBPC")

Brooklyn Bridge Park Rules & Regulations

1. Construction and Scope of Rules
    a. Construction. These Rules and Regulations ("Rules") are to be construed as follows:
        i. any term in the singular includes the plural;
        ii. any Rule relating to or prohibiting any act extends 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;
        iii. no provision contained in these Rules makes unlawful any act performed by any Officer or employee of BBPC, 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 BBPC;
        iv. these Rules are in addition to and supplement all municipal, state and federal laws, regulations and ordinances.
    b. Territorial Scope. The provisions of these Rules, unless otherwise provided herein, are effective within and upon all property that is under the jurisdiction, custody or control of BBPC, which property shall be referred to as Brooklyn Bridge Park.
    c. Severability. If any provision of these Rules, 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 any other provisions of these Rules or the application to other persons or circumstances.
    d. Headings. Part and subpart 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.

2. Variance.
    a. Any act or activity prohibited solely by these Rules will be lawful if performed in strict compliance with the terms and conditions of a variance issued by BBPC. BBPC may issue a variance, in its sole discretion, where there are significant practical difficulties, or unnecessary hardships, not created or caused by the applicant, in the way of carrying out any of these Rules, or where the beauty and utility of property within the jurisdiction of BBPC would be preserved by compliance with the terms and conditions of such variance.

3. General Definitions
    a. BBPC. "BBPC" means Brooklyn Bridge Park Corporation, a not-for-profit corporation and instrumentality of The City of New York that is charged with the operation, maintenance, planning and development of Brooklyn Bridge Park.
    b. Board. "Board" means the Board of Directors of BBPC.
    c. Brooklyn Bridge Park. "Brooklyn Bridge Park" or "Park" means those certain City and State owned properties, including lands, piers, bulkheads, docks wharves, platforms, and all structures located thereon and any lands under water as described in the General Project Plan (as hereafter defined) and are more particularly described on Schedule A attached hereto. The boundaries of Brooklyn Bridge Park may be amended over time pursuant to the General Project Plan.
    d. Brooklyn Bridge Park Development Corporation. "Brooklyn Bridge Development Corporation" is a subsidiary corporation of the New York State Urban Development Corporation d/b/a the Empire State Development Corporation.
    e. Charitable Event. "Charitable event" means an event held for the primary purpose of raising funds for a not-for-profit purpose or entity.
    f. City. "City" means The City of New York, a political subdivision of the State.

g. 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.
h. Dumping. "Dumping" refers to the unauthorized disposal of garbage or refuse of any kind.
i. Emergency. “Emergency” means any situation that BBPC determines could threaten public health, safety or welfare or presents a risk of imminent personal injury or property damage.
j. “Environmental Control Board” refers to the board established pursuant to Section 1404 of Chapter 57 of the New York City Charter and Administrative Code.
k. ESDC. “ESDC” means the New York State Urban Development Corporation d/b/a Empire State Development Corporation a corporate governmental agency of the State, constituting a political subdivision and public benefit corporation established pursuant to the Laws of 1968 Chapter 61, as amended.
l. Event. "Event" refers to both Demonstrations and Special Events.
m. Facility. “Facility” means any building or structure located within Brooklyn Bridge Park.
n. 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.
o. General Project Plan. "General Project Plan" means the General Project Plan, adopted by ESDC and Brooklyn Bridge Park Development Corporation, dated, July 25, 2005, and subsequently amended on several occasions and affirmed as modified by ESDC on January 18, 2006, April 19, 2007 and June 15, 2010, as the same has been or may subsequently be amended, modified, or restated.
p. Historic Vessel. “Historic Vessel” means a vessel manufactured more than fifty years prior to the current calendar year, and any other model, year and type vessel which has unique characteristics and is determined by BBPC to be of historical, classic or exhibition value.
q. Littering. "Littering" refers to the unauthorized disposal of ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever.
r. Mooring field. “Mooring field” means that designated Brooklyn Bridge Park water area which has been established by BBPC as an anchorage area for non-commercial sailing vessels or any other water areas within Brooklyn Bridge Park as may be designated by BBPC for the anchoring or mooring of Vessels.
s. Motor Vehicle. "Motor Vehicle" refers to any automobile, motorcycle, moped, or other land based vehicle propelled by a motor.
t. Owner/Operator. "Owner” or “Operator” refers to any person owning, operating, or having the use or control of an animal, vehicle, vessel or any other personal property.
u. Park. “Park” means Brooklyn Bridge Park.
v. Park Sign. "Park Sign" means any placard, notice or sign duly posted by BBPC.
w. Permit. “Permit,” unless otherwise specified, means any written authorization issued by or under the authority of BBPC for a specified privilege, allowing the performance of a specified act, use or activity within the Park.
x. Permittee. “Permittee” means the person whose name appears on a Permit.
y. Person. "Person" means any natural person, corporation, society, organization, company, association, firm, partnership, or other entity.
z. 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, Recreation Park 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 Kings 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 Sections 1.20 or 2.10 of the New York State Criminal Procedure Law.
aa. 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.
bb. Public event. “Public event “means an event which is open to all members of the public.
cc. Rules. “Rules” means these Rules and Regulations applicable to Brooklyn Bridge Park.

dd. 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.
ee. Sound Reproduction Device. "Sound Reproduction Device" includes, but is not limited to, any radio, record player, television, musical instrument, tape recorder, cassette, disc or digital player, bullhorn, megaphone, speaker device system and any sound amplifier.
ff. 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.
gg. State. "State" means the State of New York.
hh. Vessel. "Vessel" means a floating watercraft of any kind, motorized or non-motorized, including but not limited to a boat, sailboat, motor boat, Jet Ski, raft, dinghy, crew shell, canoe and kayak.

4. General Provisions
    a. Hours of Operation
        i. Persons may enter and use the Park from 6:00 a.m. until 1:00 a.m. unless posted otherwise at specific Park areas.
        ii. Whenever BBPC deems that there exists or there exists potential for a threat to public health, safety, or the environment 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, BBPC may close the Park or any part thereof to the public for such duration as BBPC deems necessary to ensure the safety and well-being of the public.
        iii. It is illegal for Persons to enter or remain in the Park without the permission of BBPC when such Park is closed to the public.
    b. Failure to Comply with Directions of Police Officers, Parks Enforcement Officers, BBPC Employees, or Park Signs.
        i. Rules of the City of New York Title 56, Article 1 is hereby incorporated by reference.
        ii. All Persons must comply with the lawful direction or command of any Police Officer, BBPC, indicated by gesture or otherwise.
        iii. 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, or BBPC.
    c. Orders. In addition to the orders specifically referred to in these Rules, BBPC may issue any other orders which may be necessary or appropriate to enforce compliance with these Rules or to safeguard Persons or property within the Park. It is a violation of these Rules to fail or refuse to comply with such orders.
    d. Penalties. Any Person who violates any provision of or who fails to perform any duty imposed by these Rules; or any term or condition of any Permit issued pursuant to these Rules is subject to all applicable civil sanctions, including but not limited to a fine in an amount not to exceed $1000 per offense. The Schedule of ECB Penalties for Violations of Park Rules is hereby adopted as applicable in determining the penalties for violations of these Rules. Jurisdiction is hereby conferred upon the Environmental Control Board ("ECB") and the Civil court of the City to hear and determine any violations of these Rules.
    e. Use and Facility Fees. BBPC from time to time may establish use fees for use by the public of designated boating areas, tennis, soccer, baseball, basketball, hockey or other specialized Park facilities. Fee schedules for such facilities will be published and posted at the subject Facility.
    f. Special Event Fees.
        i. BBPC may also establish special event fees for use and occupancy of Park areas or facilities. BBPC will establish a special event fee schedule, which will be reviewed and updated, as appropriate, on an annual basis. BBPC will use the following criteria as the basis for establishment of such fee
            1. schedule:
                a. the length of time, time of day and the time of year of the event;
            2. the nature of the use;
                a. whether the special event is a private or public event;

3. the number of persons expected to attend the event;
4. whether the applicant will impose an admission charge;
5. the size and type of the proposed venue;
6. the types and extent of public resources required to stage the event;
7. the potential for damage to the Park or disruption of other Park activity;
8. whether the event is a charitable event;
9. whether the event is held for the purpose of raising funds;
10. 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:
    a. the Permit applicant,
    b. the primary host,
    c. a contributor to underwriting the cost of the special event, or
    d. whose trade name, trademark or logo appears in advertising associated with the special event;
11. the amount and nature of advertising including whether the event has title sponsorship; and
12. such other information and criteria as BBPC deems relevant.

ii. The above criteria will not apply to an application for a demonstration Permit. The applicable fee for a demonstration Permit will be limited to the security, maintenance and other administrative costs associated with the planned event.

5. Permits.
    a. 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 twenty-one (21) days in advance of the planned event, activity or use.
    b. Permit Terms and Conditions. A Permit may be granted upon such terms and conditions as BBPC 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. BBPC may alter or add terms and conditions to a Permit, or revoke a Permit, based upon the criteria set forth in subdivision (j) of this section.
        ii. Permittees must confine their activities to the locations and times specified on their Permit. BBPC may establish specific guidelines for certain designated Parks or Park locations.
        iii. BBPC 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.
        vi. Permit applications must indicate whether electrical energy, gas, water or other utilities are required for the event. Permittees will be responsible for the procurement of and payment for any electrical energy, water or other utilities used during the event.
        vii. Permittees are responsible for cleaning and restoring the site to good condition after the event. Permittee will be responsible for any overtime, repair and maintenance or other costs incurred by BBPC because of a Permittee's failure to clean and/or restore the site following the event.
    c. 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.
    d. 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.

e. Permit Application Forms. Application for a Permit must be made on forms provided by BBPC. Such form(s) must be properly completed and signed and submitted with any required supplemental documents and payment of the applicable fee, if any.

f. Bonds or Security Deposit. BBPC may require the Permittee to post a bond or security deposit in an amount sufficient to ensure full compliance with the terms and conditions of the Permit. The decision of whether to require a bond or security deposit will be based on the following factors:
    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.

g. Return of Security Deposit. If a security deposit has been provided pursuant to a Permit, after full performance by the Permittee of all its obligations under the Permit, including any site restoration obligations, BBPC will promptly return any remaining security deposit balance to the Permittee.

h. Insurance. Permittees may be obligated to obtain liability insurance for permitted events. If required, such insurance must name as additional insureds each of the following: BBPC, ESDC, Brooklyn Bridge Park Development Corporation, the State of New York, The City of New York care of the Department of Parks and Recreation and their respective commissioners, directors, officers, employees, agents, successors and assigns. In determining the type and amount of such insurance BBPC may consider, among other factors, 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.

i. Activities or Uses Prohibited Except When Undertaken Pursuant to a Permit. Except where authorized by a contract, license or other agreement with BBPC, it is illegal to engage in any of the regulated activities within the Park as set forth in these Rules for which a Permit or other authorization from BBPC is required without first obtaining a Permit for such activity issued by BBPC 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 BBPC employees.

j. Action on Permit Applications.
    i. If an application is not complete, BBPC may contact the applicant for additional information.
    ii. Except as provided in paragraph (3) of this Rule, if the application is complete, BBPC will endeavor to either issue or deny the Permit within 21 days of its receipt or completeness.
    iii. If BBPC requires additional time to review a Permit application, it will notify the applicant that additional review time is required and indicate when it will act upon the Permit request.
    iv. If BBPC denies an application for a Permit, it will notify the applicant of its reasons why the Permit was not issued.

k. Permit Denial. BBPC may deny a Permit application for the following reasons among others:
    i. the Permit application was not timely submitted;
    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. BBPC 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; or

vi. within the preceding three years, the applicant has been found in violation of these Rules 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 BBPC 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 BBPC or the City; or

ix. A material condition of the Permit has not been and/or cannot be met by the applicant.

l. Appeal of Denial of Permit Application. An applicant may appeal a Permit denial by writing the President of BBPC at its main office.

m. Failure to Comply with Permit Requirements. Failure to comply with the terms and conditions of any Permit is a violation of these Rules and the Permit may be revoked at the discretion of the President of BBPC 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 or security deposit provided as security for a Permittee's performance with BBPC will be forfeited and retained to the extent necessary to remedy, or compensate BBPC 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 BBPC for such damages; and

iii. neither forfeiture of any security nor payment nor 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.

n. 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, defend and hold harmless BBPC, ESDC, Brooklyn Bridge Park Corporation, 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.

o. Notification in Case of Accident. Should there be any injuries, accidents, or other health incidents at an event, Permittee must notify BBPC's Maintenance and Operations Office immediately by telephone at 718-222-9254 or other number listed in the Permit for such notification.

p. Unauthorized Advertisement. It will be a violation of these Rules to advertise the location of any event requiring a Permit under these Rules via posting, print media, radio, television, or the internet when the location is in the Park and the Person who is responsible for placing the advertisement has not received a Permit from BBPC 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 such 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.

6. Prohibited Activities and Uses

a. Destruction or Abuse of Property and Equipment. It is illegal for any Person to injure, deface, alter, write upon, destroy, remove or tamper with in any way, any real or personal property or equipment in the Park or owned by or under the jurisdiction or control of BBPC.

b. Destruction or Abuse of Trees, Plants, Flowers, Shrubs and Grass:

i. it is illegal for any Person to deface, write upon, sever, mutilate, prune, kill or remove from the ground any trees, plants, flowers, shrubs or other vegetation in the Park or under the jurisdiction of BBPC without documented permission of BBPC;

ii. it is illegal 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;
iii. it is illegal 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;
iv. it is illegal 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 BBPC or incidental to their presence in the Park; and
v. it is illegal for any Person to use a metal detector in the Park unless specifically permitted by BBPC.

c. Littering, Polluting, Dumping, and Unattended Property.
   i. It is illegal for any Person to litter in the Park. All Persons must use receptacles provided for the disposal of refuse. It is illegal for any Person to deposit household or commercial refuse in the Park receptacles.
   ii. It is illegal 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.
   iii. It is illegal for any Person to engage in dumping in the Park.
   iv. It is illegal for any Person to store or leave unattended personal belongings in the Park. Personal property left unattended within the Park in violation of this provision is subject to removal by BBPC. BBPC 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 thirty (30) days will be deemed to be abandoned and will be turned over to the police property clerk for disposal pursuant to law.

d. Restrictions on Glass. BBPC 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 these Rules. This subdivision will not apply to glass bottles or containers used in the care and feeding of infant children.

e. Aviation. It is illegal for any Person to voluntarily bring, land or cause to alight within or upon the Park, any airplane, balloon, parachute, parasail, hang glider, helicopter, or other aerial device, except for permitted helicopter use at a designated heliport within the Park or for medical evacuations. 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 illegal 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, 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 BBPC and other appropriate City, State or Federal authorities.

g. Abuse of Park Animals.
   i. It is illegal for any Person to molest, chase, wound, trap, hunt, shoot, throw objects at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird; or 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.
   ii. It is illegal for any Person to feed Park animals except unconfined squirrels and birds, and where specifically authorized by BBPC. BBPC 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 illegal 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 illegal for any Person owning or possessing any animal to cause or allow such animal to be unleashed or out of control in the Park, except as permitted by BBPC 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 BBPC. Nothing in this subdivision will be construed to prohibit Persons with disabilities from bringing Seeing Eye dogs, hearing ear dogs or other animals trained and licensed to assist such Persons into these areas.

j. Horse Riding. Horse riding is prohibited within Brooklyn Bridge Park without a Permit issued by BBPC.

k. Control and Removal of Animal Waste.
    i. It is illegal 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 licensed guide animal accompanying a Person with a disability.

l. Urination and Defecation in Parks. It is illegal 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 illegal 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:
    i. 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
    ii. climbs upon any wall, fence, shelter, tree, shrub, fountain or other vegetation, or any structure or statue not specifically intended for climbing purposes; or
    iii. gains or attempts to gain admittance to the facilities in the Park for the use of which charge is made without paying such charge; or
    iv. engages in any form of gambling or game of chance for money, or tells fortunes for money; or
    v. interferes with, encumbers, obstructs or renders dangerous any part of the Park or Park road; obstructs vehicular or pedestrian traffic; or
    vi. engages in fighting or assaults any Person; or
    vii. engages in a course of conduct or commits acts that unreasonably alarm or seriously annoy another Person; or
    viii. engages in any form of lewd behavior or sexual activity; or
    ix. engages in a course of conduct or commits acts that endanger the safety of others.

n. Loitering for Illegal Purposes. It is illegal 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:
    i. loiters or remains in the Park for the purpose of engaging, or soliciting another Person to engage, in sexual activity for money; or
    ii. 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 illegal for any Person to appear in public on property under the jurisdiction of BBPC nude or in such a manner that one's genitalia are unclothed or exposed.

p. Obstruction of Sitting Areas. It is illegal 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 illegal for any Person to engage in camping, or erect or maintain a tent, shelter, or camp in the Park without a Permit.

r. Unlawful Spitting. It is illegal 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 illegal 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 illegal for any Person to wash his or her clothes or personal belongings in such areas.

t. Unlawful Solicitation or Advertising.
    i. It is illegal 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 these Rules. 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 Brooklyn Bridge Park has violated this subdivision by either
        1. illegally distributing or posting such materials, or
        2. 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.
    ii. It is illegal 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 BBPC.

u. It is illegal for any Person to operate a cigarette boat, large twin engine boat with horsepower in excess of 500 hp per engine, or jet skis anywhere within the waters of the Park.

v. Smoking is prohibited in all publicly accessible areas of the Park.
    i. Smoking continues to be prohibited in playgrounds.
    ii. Smoking is permitted on sidewalks outside the park, including sidewalks that form the perimeter of the Park.
    iii. Smoking is permitted in parking lots in the Park.

7. Regulated Uses
    a. Assemblies, Meetings, Exhibitions.
        i. It is illegal for any Person to hold or sponsor any special event or demonstration without a Permit.
        ii. It is illegal 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 approval of BBPC.
    b. Unlawful Vending. It is illegal 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 BBPC.
    c. Unlawful Posting of Notices or Signs.
        i. It is illegal 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 BBPC. Each separate item placed in violation of this section constitutes a separate violation.
        ii. 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.
        iii. 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 BBPC 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
    i. It is illegal 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.
    ii. Except as authorized in this Rule, it is illegal for any Person to play or operate any sound reproduction device, as defined in these Rules, in the Park without a Permit from BBPC 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 and digital players, televisions or tape recorders or unamplified musical instruments played or operated in full accordance with these Rules so as not to unreasonably disturb other Persons in their permitted uses of the Park is permitted without the need for specific BBPC 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.
    iii. It is illegal 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 BBPC under the express terms of a Permit. BBPDC 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.
    iv. It is illegal 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 illegal for any Person to engage in any cinematic or photographic production which is either
    i. for commercial purposes or
    ii. restricts access to public areas, regardless of whether the production is for commercial purposes or not, without a Permit from BBPC. The Permittee will be responsible for restoring any Park property altered or damaged in connection with the exercise of such Permit.

f. Alcoholic Beverages.
    i. Except where specifically permitted by BBPC, it is illegal for any Person to consume any alcoholic beverage in any playground, beach, swimming pool or other Park area or Facility. It is illegal 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.
    ii. It is illegal for any Person to appear in the Park under the influence of alcohol to the degree that he 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.
    i. Except as otherwise specifically authorized by BBPC, swimming or wading in waters under the jurisdiction of BBPC is permitted only at authorized swimming and pool areas and only during the bathing season as may be designated by BBPC. BBPC 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 illegal for any Person to swim or wade within the Park except during the bathing season and within designated locations.
    ii. It is illegal for any Person to bring into or use in water under the jurisdiction of BBPC, any artificial floats, tubes, masks, spears, fins, snorkels, air or gas tanks, or other apparatus used for scuba diving, unless otherwise authorized by BBPC or in an area designated by BBPC for such use. If use of a personal flotation device is permitted, only USCG-approved of types I, II and III shall be allowed.

iii. Any Person having or apparently having any infectious disease will not be admitted to a bathing area or permitted in the water.
iv. It is illegal for any Person to change clothes except in authorized places. It is illegal for any Person to be nude at any bathing area or other Park area under the jurisdiction of BBPC.
v. It is illegal 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.
vi. It is illegal for any Person to dive into waters under the jurisdiction of BBPC except where specifically authorized by posted signs.

h. Fishing and Crabbing.
   i. The angling or taking, as those terms are defined in the State Environmental Conservation Law § 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 BBPC, except in open swimming areas or where specifically prohibited. 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.
   ii. Failure to remove fishing line fragments and hooks from land and waters of the Park whenever practicable is a violation of these Rules.

i. Bicycling.
   i. Any Person operating a bicycle in the Park must obey all Park signs pertaining to the use of such bicycles.
   ii. It is illegal for any Person to operate a bicycle in vegetated areas or ride on any pedestrian way, sitting or play area, or playground. Bicycles may only be ridden and operated on bike paths, and other areas specifically designated by BBPC for such use.
   iii. It is illegal for any Person to ride or operate a bicycle in a reckless manner.
   iv. It is illegal 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 illegal 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.
   v. Bicyclists must yield the right of way to pedestrians.

j. Planting. Except as and where specifically permitted by BBPC, it is illegal for any Person to plant, prune, maintain, fertilize or interfere with any trees, plants, flowers, shrubbery or other vegetation in any area under the jurisdiction of BBPC. Trees or plants installed in the Park pursuant to Permits are the property of BBPC once a guarantee period of one year has been satisfactorily completed.

k. Unlawful Fires.
   i. It is illegal 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 BBPC.
   ii. It is illegal 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.
   i. 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 BBPC. Parking areas may be closed to motor vehicles at such times and in such places designated by BBPC.
   ii. It is illegal for any Person to Park any motor vehicle in the Park, except as authorized by BBPC.
   iii. Parking Permits may be issued to individuals. 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.
   iv. It is illegal 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 BBPC. BBPC may remove or cause to be removed any vehicle which is parked in a garage or Parking lot or other area under BBPDC 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 thirty 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.

v. It is illegal for any Person to use any area of the Park, including designated Parking areas, for the purpose of performing non-emergency automotive work, including, but not limited to, vehicle maintenance, repairs or cleaning.

m. Unauthorized Construction on Park Property. It is illegal 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 BBPC.

n. Unauthorized Excavations. It is illegal 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 BBPC.

o. Failure to Comply with Area Use Restrictions.

i. It is illegal 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 BBPC for such purpose. BBPC 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 Rule.

ii. It is illegal 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 BBPC for such use.

iii. It is illegal for any Person to ice skate, roller skate, roller blade, ski, skateboard, or sled except in areas designated and maintained by BBPC for such use.

p. Exclusive Areas. Areas within the Parks may be designated by BBPC for exclusive use for 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:

i. exclusive children playgrounds: Adults are allowed in playground areas only when accompanied by a child under the age of twelve (12);

ii. dog runs: Certain fenced Park areas may be designated by BBPC as dog runs, and Persons owning or possessing dogs are permitted to allow such animals to remain unleashed in these areas. Users of dog runs must obey posted rules;

iii. swimming and wading areas: Certain water areas of the Park may be designated by BBPC as swimming and wading areas where the operation of Vessels of any kind is strictly prohibited;

iv. non-motorized boating areas: Certain inter-pier areas may be designated by BBPC as non-motorized boating areas for use by kayakers, canoers and other operators of non-motorized Vessels. Motorized Vessels, swimming and wading are prohibited in such designated areas;

v. sanctuary areas: Access to certain water and ecological pier areas may be restricted or prohibited by BBPC to preserve and protect marine and/or plant habitat resources within such areas; or

vi. docking or mooring areas: Certain water areas of the Park may be designated by BBPDC as areas where Vessels may dock or moor.

q. Unlawful Distribution of Products and Materials. It is illegal for any Person to engage in the non-commercial distribution of products and/or material (other than printed or similarly expressive material) without a Permit. A Permit will be issued only upon BBPC's determination that said distribution will be conducted in a manner consistent with the public's use and enjoyment of the Park or Facility in question. In making this determination, BBPC will consider the nature of the product or material; whether the product or material is compatible with customary Park uses; whether the product or material is intended to be used in the Park or Facility; the age of the targeted audience for the product or material; and 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. In connection with the foregoing, BBPC may consult with parental or other groups which are involved with the Park or Facility where a Permit for distribution is requested. BBPC 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. Rollerblading, Skating, Skateboarding and Use of Scooters.
    i. Any Person bringing rollerblades, roller skates, skateboards or scooters in the Park must obey all Park signs pertaining to the use of such equipment.
    ii. It is illegal for any Person to rollerblade, skate, skateboard or use a scooter in vegetated areas or on any pedestrian way, sitting or play area, or playground. Rollerblades, skates, skateboards or scooters may be used only on Park roads, bike paths, and other Park areas specifically designated by BBPC.
    iii. It is illegal for any Person to use rollerblades, skates, skateboards scooters in a reckless manner, or as to endanger Persons or damage Park property.
    iv. Persons using rollerblades, 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.

8. Boating. In order to protect and preserve, and promote the safe operation of Vessels within, Brooklyn Bridge Park waters and adjacent waters, in addition to the requirements set forth in sections 1 through 7 above, the following requirements and restrictions also apply to activities and uses within the Park's water areas:
    a. Non-Mechanized Boats
        i. A permit allows a permittee and his or her guests to use the BBPC's access facilities for a kayak or canoe. A permittee may have more than one boat listed on his or her permit, but each kayak or canoe on the water must carry a permittee.
        ii. The permittee is responsible for the safety of all those in his or her craft. Operation of the kayak or canoe under a permit is solely at the operator's own risk.
        iii. Permittees and guests should be strong, experienced swimmers. It is recommended that permittees be able to sustain themselves fully clothed for ten minutes in deep water; swim two body-lengths underwater at a depth of six feet; and tow a "victim" fifteen feet.
        iv. Permittees must be familiar with and obey all federal, state and local boating rules and regulations.
        v. Permittees must be aware that environmental conditions such as rip tides and other strong currents can overwhelm even the most adept swimmers. They should know the water and weather conditions before going out.
        vi. Because the waters can be polluted, boaters should avoid water contact to the greatest degree possible.
        vii. Swimming, water skiing, windsurfing, scuba diving or practicing immersion escape techniques in the waters to which the launch site give access are prohibited.
        viii. No wildlife or natural land features may be disturbed.
        ix. Kayaks and/or canoes may be launched only at launch sites designated for this purpose. No person shall launch any boat or water vehicle that requires the use of a boat trailer or other such trailer for its land transportation. A person shall not launch a motor powered vessel, or use either an inboard or outboard motor on any vessel once underway. No person shall launch rafts or other inflatables, sailboats, rowboats, "wind surfers" or sailboats of any kind.
        x. All persons using a kayak or canoe must wear a Personal Flotation Device.
        xi. No person launching a boat from a kayak and/or canoe launch may begin a boating trip before sunrise or complete a boating trip after sunset. Except as may otherwise be determined by BBPC, the launch sites will be open from April 1 to December 1
        xii. No person shall enter a launch site, or operate or ride as a passenger in a canoe or kayak, under the influence of drugs or alcohol.
        xiii. No person shall 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 department.
    b. Mechanized Boats
        i. Permits.
            1. unless within an area designated by BBPC, authorized pursuant to a Permit, or in an emergency, it is illegal 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. BBPC, its representatives, 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 deemed by BBPC, its representatives or its appointed concessionaire as unsafe or likely to cause injury to people or damage to property or the environment, including , without limiting the forgoing as based on US Coast Guard standards as set forth in 33 CFR Chapter I, Subchapter E revised as of July 1, 2000 and S revised as of July 1, 2000, 46 CFR Chapter I, Subchapter A (Pt. 2) revised as of October 1, 2000, Subchapter H revised as of October 1, 2000, Subchapter K revised as of October 1, 2000, and Subchapter T revised as of October 1, 2000, as applicable and as determined by BBPC or its duly authorized designee;
3. dockage or mooring Permits may be issued for Vessels that BBPC or its representatives or its appointed concessionaire determines, including without limiting the foregoing, as based on US Coast Guard standards as set forth above, are capable of safely operating in open water. Before issuing the Permit, BBPC 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 NY, or equivalent boating safety course or sufficient nautical experience as determined by BBPC based on US 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 BBPC or its duly authorized designee in advance so BBPC 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 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, BBPC or its representatives or its appointed concessionaire 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. BBPC or its duly authorized its representatives or its appointed concessionaire 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 BBPC or its duly authorized designee. Seasonal Permits are not renewable. Seasonal Permit holders must apply for a new Permit each year;
8. seasonal Permit applications will be accepted starting January 15th of each year and will be processed in the order in which such applications are received. In the event that more applications are received than can be accommodated on January 15th, a lottery will be drawn;
9. BBPC and/or its duly authorized representatives or its appointed concessionaire 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 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 privilege and such Permits are by their nature terminable at will by BBPC in accordance with the needs or requirements of BBPC or in the interests of the public as determined by BBPC;
11. BBPC or its duly authorized representatives or its appointed concessionaire may terminate any Permit issued pursuant to these Rules by serving Permittee with fifteen (15) days written notice of such termination. BBPC or its duly authorized representatives or its appointed concessionaire will send by certified mail notice of the intention to terminate a Permit and the reasons therefore. 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 BBPC within seven (7) days from the date of such mailing or posting, whichever is later. After considering any objections raised by the Permittee, BBPC 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 BBPC or its representatives or its appointed concessionaire 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, BBPC or its representatives or its appointed concessionaire 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 police property clerk for disposal in accordance with applicable law.
13. every applicant and Permittee must provide BBPC or its representatives or its appointed concessionaire 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 BBPC and its duly authorized representatives or its appointed concessionaire within 10 days.

ii. Reckless Use of Vessels Prohibited. It is illegal for any Person to operate a Vessel of any kind in any waters under the jurisdiction of BBPC 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.

iii. Use of Motorized Vessels Without a Muffler Prohibited. It is illegal 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 NYS Navigation Law.

iv. Use of Vessels in Designated Swimming Areas Prohibited. Use of Vessels in any authorized swimming or wading areas is prohibited.

v. Use of a Vessel Within the Park for an Illegal Purpose Prohibited. It is illegal for any Person to Permit or cause a Vessel or any portion thereof to be used or occupied for an illegal purpose.

vi. Speed Limit Within the Park. It is illegal 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, revised as of July 1, 2001).

vii. 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, BBPC or its representatives or its appointed concessionaire may have it removed and charge the Owner or other Person having custody thereof with any expense incurred in relation thereto. If BBPC determines that the disabled or sunken Vessel is discharging pollutants into the water or causing any other kind of emergency, BBPC 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.

viii. Unauthorized Overnight Occupancy of Vessels Prohibited. Unless specifically authorized in writing by BBPC, overnight occupancy of Vessels is prohibited.

ix. 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 BBPC or of other city, state and federal agencies if necessary to respond to an emergency or urgent health, safety or environmental hazard. It is illegal for a Permittee or his or her guest to refuse to allow, prevent, or interfere with such boarding or inspection.

x. Conduct.
    1. It is illegal 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 NYS requirements, as set forth in 33 CFR Subchapter O, Part 159, revised as of July 1, 2000, NYS Environmental Conservation Law § 17-1301 and NYS Navigation Law § 33-C. All Vessels with a waste holding tank must discharge waste through a pump out facility.
    2. Non-emergency boat repairs and maintenance are prohibited within the Park unless specifically authorized by BBPC.
    3. Garbage must be deposited in designated receptacles**.**
    4. It is illegal 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.

xi. 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, BBPDC 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, BBPC 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. BBPC is further released from any liability for damage caused by the removal.

xii. Docking and Mooring of Vessels.
    1. Docking of Vessels.
        a. Docking of Vessels, including Historic Vessels, is limited to those locations designated by BBPC. 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. BBPC may require the replacement of dock lines which it finds to be inadequate based on US Coast Guard standards as set forth in 46 CFR Chapter I, Subchapter K revised as of October 1, 2000 and Subchapter T revised as of October 1, 2000, 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.
        b. It is illegal 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 BBPC.
    2. Mooring of Vessels.
        a. Mooring of Vessels, including historic Vessels, is limited to those locations designated by BBPC. The location assigned to the Permittee will be

determined by BBPC based on Vessel size, type, water depth and safety considerations. It is illegal 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 BBPC.

b. All Vessels must be adequately tied to their moorings and must have sufficient lines to secure the Vessel in all wind and weather conditions. BBPC may affix additional lines as necessary to assure the safety of people or property.

c. Moorings must be inspected for deterioration periodically and repaired or replaced as necessary. BBPC 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.

xiii. 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 BBPC, 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 illegal 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 BBPDC. 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.

xiv. Required Safety Equipment. All Vessels docked moored, anchored, tied-up or otherwise 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 revised as of July 1, 2000, 46 CFR Chapter I, Subchapter H revised as of October 1, 2000, as applicable.

xv. 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 BBPC without obtaining a separate Permit for such dinghy, kayak or canoe. In all other cases a separate Permit must be obtained for each Vessel.

xvi. Boat Launch Sites. It is illegal 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 BBPC or its duly authorized representatives or its appointed concessionaire.

xvii. Restricted areas for non-motorized Vessels. It is illegal for any Person to use or otherwise operate a kayak, canoe or other non-motorized Vessel within ferry terminal, commercial use, municipal use or posted sanctuary water areas within Brooklyn Bridge Park.