

# **CONDITIONS OF** **AGREEMENT**

## **for the Use of City of Niagara Falls Parks/Athletic Facilities**

*(Revised: December 23, 2011 - 9 pages)*

*The City of Niagara Falls encourages the use of the parks and athletic facilities. City Staff work to maintain the facilities for your use and for the future.*

*Please follow the Conditions of Agreement and enjoy your participation!*

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### **Permit Holders**

The facilities named on the permit are to be used only on the date(s) and time(s) specified and only for the purpose(s) named. The permit is not valid unless signed by the appropriate organization contact or an authorized person on his/her behalf.

Permit holders are required to:

1. Notify each participant/member of the Conditions of Agreement.
2. Provide all representatives of your organization/group with a copy of the Permit and Conditions of Agreement as their authorization to use approved facilities.

Permit holders may photocopy the material for their representatives.

Permits must not be altered or transferred.

All permit holders must comply with Federal, Provincial laws and Municipal By-laws.

### **Schedules To Be Submitted**

Submit game, playoff, tournament and special event schedules to:

Recreation and Culture  
7150 Montrose Road, Unit #1  
Niagara Falls, Ontario L2H 3N3

Fax: 905-356-7404

Permit holder is responsible to contact Recreation & Culture a minimum of 10 days in advance to avoid being charged the cancellation fee of \$20.00. If the organization is not present during the rental time the organization's allocated time at the permitted location will be reviewed and user fees will be charged.

Schedules must be submitted with a minimum of seven calendar days advance notice to ensure facilities are properly prepared.

Scheduling changes **must** be submitted by e-mail or fax to the Recreation and Culture Department.

### **Smoke Free Facilities (By-Law 2011-51)**

On May 1, 2011, the City of Niagara Falls went smoke free at all City owned facilities. Smoking is prohibited in and around all areas of parks and athletic fields, Community Centres, arenas and libraries. The set fine for smoking at any Niagara Falls facility is \$100.00. For more information, please visit [www.niagarafalls.ca](http://www.niagarafalls.ca).

### **Elimination of Plastic Bottle Sales at City Facilities**

In January of 2010, the City of Niagara Falls placed a ban on all plastic bottle sales at City facilities. This includes water bottle and all other plastic bottle (juice, Gatorade/Powerade etc.) All major park facilities are equipped with drinking fountains and water bottle filling stations. Please bring a reusable water bottle when visiting City facilities to ensure you and your guests have the ability to keep hydrated.

### **Alcohol Use**

Alcoholic beverages are not permitted on parkland and/or playing fields. Alcohol is only permitted under a Special Occasion Permit, in accordance with LLBO regulations and the Municipal Alcohol Risk Management policy. Five million dollars liability insurance is required for alcohol events. Contact the Recreation & Culture Dept. for the Municipal Alcohol Policy application.

### **Rzone Policy**

All permit holders must adhere to the Rzone. Participants include all athletes, coaches and other team personnel, officials and spectators. The permit holder must pay for all damages to facilities arising from the use of such facilities granted by the permit. Permit holders are responsible for providing sufficient supervision throughout their rental. Security may be required based on the type of event and number of spectators.

## Rates & Fees

See the following categories for information on charges and fees:

- Portable Washrooms
- Litter and Waste Control
- Lighting for Facility Night Use
- Use Regulations

In addition, damages and supplementary maintenance services not normally provided by the Parks Section will be borne by the permit holder.

Rates and fees are to be paid in accordance with the rates and fees schedule, as approved by City Council. These rates can be found at [www.niagarafalls.ca](http://www.niagarafalls.ca).

### Portable Washrooms

Portable washrooms are placed in some of our main park facilities at no cost to the user. Additional washrooms can be ordered for special events by the applicant contacting the portable washroom company and being responsible for the cost.

### Litter and Waste Control

Permit holders, their representatives, participants or members are encouraged to pick up all litter or other solid waste materials at Parks/Athletic Facilities.

Waste receptacles have been provided at all facilities & **additional waste receptacles and recycling bins are available by special request on the permit.**

Permit holders should assign Monitors to pick up all litter/wastes generated during their event/tournament to avoid charges for this service. The Parks Section will collect and dispose of normal litter and solid waste materials on a regular or as needed basis. Additional collection and/or disposal for Special Events or Tournaments will be charged to Permit Holders in accordance with the City's current Hourly Wage and Equipment Rental Rates.

### Lighting For Facility Night Use

Programs operating in park facilities without lights will be completed at dusk. Facilities with lights will have the lighting turned on at dusk (½ hour before sunset) and off at the completion (normally no later than 11:00 P.M.) of all approved league, playoff, tournament or exhibition games or at the request of a league representative who then must sign the authorization form.

Lighting will be managed in the following manner at the respective facilities with lights:

1. Field lights at Oakes Park (Diamond and Pitch) and M.F. Ker Park (Diamond) will be turned on and off by the City's Groundskeeper.
2. Field lights at E.E. Mitchelson Park (Pitch) will be turned on and off by the Shift Foreman in accordance with the pre-approved facility schedules.
3. C.W. Palmer Park (Diamonds) will be turned on and off by the designate as

approved by Recreation & Culture.

4. Field lights at Optimist Youth Park (Diamonds) will be turned on and off by the Optimist Club in accordance with the Special Permit Conditions for these facilities.
5. Field lights at the Girls Home for Soccer will be turned on and off by the City's Groundskeeper in accordance with the pre-approved facility schedules .

### Use Regulations

Games are to be scheduled to begin at a time not earlier than 9:00 A.M. to allow the Maintenance Crew an opportunity to prepare the fields. Games are only to be scheduled within the approved weekly schedule and the stated opening and closing dates of the Park. In addition, facilities must be used as rated for field type, class and play rating. In order to maintain the quality of the fields, no practices are to be scheduled on fields designated for games only.

Contact the Recreation and Culture Office to discuss any use requirements outside of these regulations. If games are played, without permission, it is a violation of the permit and the permit may be revoked.

**Park Maintenance Staff will not be available on a holiday**, including:

Victoria Day (May)	Canada Day (July)	Civic Holiday (August)
Labour Day (September)	Thanksgiving (October)	

If a Permit Holder requires the use of a park during a holiday (or requests a rain date during a holiday), please contact Parks, Recreation and Culture to book and confirm the payment required to pay 100% of the cost associated with having staff (\$150.00 for a 4 hour callout).

Special events are to be conducted without alterations to the fields which could cause a hazardous condition.

All damages to or abuse of park facilities, including costs to repair athletic fields due to unauthorized use, will be charged to Permit Holders.

The City reserves the right to withhold the use of facilities due to weather, improper use, parking and alcohol violations, damage, abuse, special events or non payment of fees.

### Closure of Facilities

During inclement weather, poor field conditions or if facility damage occurs, the **facilities may be closed without notice, at the discretion of the Parks Section**, for the safe keeping of the participants and the facility. The decision to commence, delay or cease facility maintenance/use is at the sole discretion of the Parks Section.

The Field Closure Hotline is updated on days of inclement weather, please be sure to check regularly and provide other within your organization with this number: 904-356-7521 Ext. 3399.

Once games or matches have commenced, umpires/referees, in consultation with conveners and coaches, are responsible for calling games.

The City Staff lock gates at designated fields to control access and ensure the quality of the facilities. **When gates are locked, the field is considered closed and no entry is allowed.** It is expected that participants will comply with this condition; however, if they climb the fence to gain entrance, the Park Staff will clear the field and cancel the game, with assistance of the Police, if necessary.

### **Electrical Equipment**

Electrical rooms and panels are to be handled by the Manager of Parks only. No changes, modifications or additions are to be made to electrical equipment or wiring including field lighting, pitching machine outlets, irrigation controllers, score clocks, public address systems and concessions without the written permission of the Manager of Parks.

### **Liability & Insurance**

The permit holder and facility/users are put on **NOTICE** that there are inherent risks involved in participating in active recreational activities, and hereby waive all claims of every kind against the City of Niagara Falls, in respect to any injury incurred. Participants should be provided, by the user organization, with appropriate first aid equipment, kits and training to treat minor injuries.

**All permit holders must obtain a minimum of two million dollars liability insurance related to the risks associated with recreational activities. Additional insurance may be required.**

The City of Niagara Falls offers user group liability insurance at reasonable rates. Please contact the Recreation & Culture Department for rates.

The City requires the assistance of umpires, referees, coaches and players in inspecting playing surfaces and associated amenities to ensure they are hazard free and suitable for play prior to use. Facilities deemed hazardous or unsuitable for play by officials or participants, for whatever reason, should not be played on. **All problems should be reported to the Parks Section at 905-356-7521 (Monday to Friday) 8:00 am to 4:00 pm or 905- 356-1355 after hours, weekends and holidays.**

The City of Niagara Falls is not responsible for lost, stolen or damaged items.

### **M.F. Ker Park Use Regulations**

When diamond #1 is in use, diamond #2 is closed.

When diamond #2 is in use, diamond #3 is closed.

Diamonds #1, #2 & #3 are available for use simultaneously, if the age group using all three diamonds is guaranteed not to hit the ball out of the playing area. The age level has been

determined to be Squirt (age 10-11 and under) at this time.

### Maintenance Schedule

The City is committed to assisting leagues, tournaments and special events by maintaining facilities for use. The maintenance schedule for each facility is dependant on weather, work schedules and available equipment.

### Motorized Vehicles

Motorized vehicles are to remain in designated parking areas and roads are not permitted on City park lands without written permission. Exceptions provided to service and emergency services vehicles.

### Oakes Park - Track & Field Use

Oakes Park Track & Field may be permitted as an exclusive use facility or as a shared use facility. In both cases safety of participants and other potential users of the facility are of paramount importance.

In support of The Niagara Regional Athletics Track Club and Track Niagara, the City has provided two evenings of **exclusive use** of Oakes Park Track & Field Facilities. This includes the running track and soccer field areas on Mondays and Thursdays from 5:00 p.m. to 7:30 p.m. on the dates specified on their permit.

During this scheduled time, no soccer or other participants/spectators are to enter any of the following Oakes Park Track & Field Facility Areas:

Soccer Field	Running Track	Javelin Runway	Discus Circle
High Jump Apron	Shot Put Circle	Pole Vault Area	Long/Triple Jump Area

**The permit holder is required to ensure that this exclusive condition is maintained and may ask the assistance of the Parks Staff if non-permitted users attempt to use the facilities and fail to leave when requested.** Due to the seriousness of a failure to comply with these rules, a temporary suspension, without notice, or permanent cancellation of the permit to use the Oakes Parks facilities may be implemented. Your co-operation in this matter, which is designed to ensure participant safety, is appreciated.

High School track and field practices are **shared use** time periods and the Schools are to use the four inside lanes of the track only.

Competent spotters are required at all events for practice or competition.

All permit holders are responsible for strictly enforcing the conditions during track and field practice/events. The permit holder is also responsible for all additional individuals outside

their school or organization that are allowed to practice during their permit allotted time period.

High School track and field permits in May and June will typically follow scheduled Elementary School track & field events. Permits for practice are only in effect at the end of the competition until the end of the permit stated time.

Further safety requirements of Oakes Parks track & field for **exclusive & shared use permit holders** include:

- NO SPIKES are allowed on the Oakes Park Track.
- No throwing of any apparatus is allowed on the track/soccer pitch side of Oakes Park.
- All throwing apparatus will be held in the areas designated by the Manager of Parks and no apparatuses are allowed without said permission expressly identified in the permit. Holders are responsible for discussing the sites with the City Staff and ensuring they are operating in the correct area. These areas include:
  - a discus & javelin to be on the outfield of diamond #1 only (one event is to be conducted at a time - either discus or javelin), toss from infield to the outfield.
  - Shot putt on the outfield of diamond #3 only, toss from infield to the outfield.
  - High Jump at the south end of the track in the designated jump area only.
- Pole vault must be held in the designated area only.
- Running blocks and hurdles are to be used on the 2 inside lanes only.

### **Parking Restrictions**

Cars, trucks, motorcycles, or other motorized equipment (except maintenance & emergency vehicles) are permitted in designated roadways and parking lots or on-street parking where permitted and not on parklands or athletic fields.

### **Rainout Cancellations**

**In times of inclement weather or poor field conditions, The Parks Section reserves the right to cancel permits or restrict the use of soccer pitches, football fields and ball diamonds as follows:**

- \* LOCAL TEAMS up to and including actual scheduled match, game or practice time.
- \* TRAVEL TEAMS, including those from other municipalities within the Niagara Region, one half hour plus travel time prior to the scheduled match or game starting time.

**The HOME TEAM REPRESENTATIVE is responsible for contacting the Parks Groundskeeper for the decision on closing the Park and informing their own team and the visiting team of the decision.**

The Park contact information is as follows:

<b>Field Closure hotline - 905-356-7521 Ext. 3399</b>
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**This hotline will be updated on days of inclement weather by 2:00 pm for out of town teams travelling to Niagara Falls. LOCAL games can be cancelled up to and including actual scheduled match, game or practice time.**

The decision of the Parks Section concerning the use of athletic field facilities is FINAL and IRREVERSIBLE, once rendered in accordance with this Policy and Procedure. Once the Parks Section has made a commitment to allow a match or game to proceed only the REFEREE, or UMPIRE, has the authority to stop or continue play. All damages to or abuse of park facilities, including costs to repair athletic fields due to unauthorized use, will be charged to Permit Holders.

Listed below are typical examples of travel team rain out cancellation time limits you may encounter. You are responsible for advising your Conveners, Coaches and Participants of these restrictions.

<u>Travel Team</u>	<u>Start Time</u>	<u>Travel Time</u>	<u>Notice Time</u>
Niagara Falls	6:00 pm	0	0
St. Catharines	6:00 pm	15 minutes + 45 minutes before match	5:00 pm
Welland	6:00 pm	30 + 45 minutes	4:45 pm
Fort Erie	6:00 pm	30 + 45 minutes	4:45 pm
Port Colborne	6:00 pm	45 + 45 minutes	4:30 pm
Dunnville	6:00 pm	60 + 45 minutes	4:15 pm
Hamilton	6:00 pm	60 + 45 minutes	4:15 pm
Toronto	6:00 pm	90 + 45 minutes	3:45 pm
London	6:00 pm	120 + 45 minutes	3:15 pm

Rainout decisions, by the Parks Section, are based on CURRENT field conditions and ANTICIPATED weather or rainfall.

### Special Events

CONVENERS are responsible for obtaining a list of Special Events for the season from Parks, Recreation & Culture and ensuring their league play does not conflict with the scheduled Special Events. Facilities are not available for league play if a Special Event has been scheduled. Special events and tournaments arranged after the season opening will not take precedence over a regularly scheduled game if inadequate notice is given for the change of such scheduled activities.