

CITY OF NIAGARA FALLS

A CONSOLIDATED BY-LAW

Being **By-law No. 71-57** as amended by by-laws:
77-250, 84-109, 91-11, 94-227, 98-101, 2010-82

A by-law to provide for the regulation, protection and government of all the lands and properties owned by and in the City of Niagara Falls and used for park purposes.

WHEREAS all those lands and properties owned by and within the City of Niagara Falls and designated as parks are for the use, benefit and pleasure of the public and it is desirable to prevent any person from interfering with the enjoyment by the public of such use, benefit and pleasure;

AND WHEREAS it is deemed desirable to maintain, protect, control and regulate the use and enjoyment of lands and properties owned by and in the City of Niagara Falls and designated as parks;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. Except as the context otherwise requires or states, this by-law shall apply to all lands and premises owned by, leased to or under the control of The Corporation of the City of Niagara Falls and used for public park purposes.
2. In this by-law,
 - (a) "Corporation" means The Corporation of the City of Niagara Falls;
 - (b) "Council" means the Council of The Corporation of the City of Niagara Falls;
 - (c) "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
 - (d) "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than 3 wheels in contact with the ground, and includes a bicycle with a motor attached, a motor scooter and a mini-bike;
 - (e) "motorized snow vehicle" means a motorized snow vehicle as defined in The Motorized Snow Vehicles Act, 1968;

- (f) "park" includes any land, water, building, premises and equipment, under the control and management of the City of Niagara Falls;
- (g) "police" means police officers and constables of the Niagara Regional Police Force;
- (h) "posted or posted area" means an area where permissive, warning, or prohibition signs are erected.
- (i) "liquor" means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter.

3. No person shall in any park,

- (a) ride, park or drive any horse, motor vehicle, motorcycle or trailer except upon the roadways and parking areas therein designated for public vehicular use provided that this clause shall not apply to motor vehicles owned by the Corporation engaged in maintenance and/or development of park property;
- (b) drive, park or walk upon prepared ground, newly seeded or sodded ground or ground under repair or upon any lawn which is posted;
- (c) wilfully cause injury to any person or damage any park property by any means whatsoever;
- (d) shoot an arrow or practise archery, or operate power model aircraft, except in areas set aside and posted for such purpose;
- (e) play or practise golf or strike a golf ball except in areas set aside and posted for such purpose;
- (f) distribute or expose any kind of commercial circular or advertisements or post, stencil or otherwise affix any notice or bill or other paper to any tree, bush, shrub, fence, building or structure;
- (g) unless authorized by the Council and after having obtained all necessary licences, sell or keep for sale any goods, wares, merchandise, tobacco or refreshments of any kind;
- (h) leave or deposit any ashes, bottles, garbage or waste of any kind whatsoever except in the receptacles provided for such purposes;
- (i) as owner or person having the control of any animal permit such animal to swim in any water in or adjoining any park or swimming pool;
- (j) ride, park or drive any motorized snow vehicle except in those parks and areas designated by the Council from time to time for use by motorized snow vehicles;

- (k) park any motor vehicle, motorcycle or trailer between 2 A.M. and 6 A.M. or for more than a reasonable length of time at any time;
- (l) hunt, fish, or kill or attempt to kill any animal, fish or bird;
- (m) destroy or damage or disturb the nest or den of any bird or animal;
- (n) swim, bathe or wade in the waters of any fountain, pond, except in areas designated for such purposes, or to pollute any such waters;
- (o) enter any place where the sign "No Admittance" is displayed, or enter into areas posted with "No Trespassing" or similar signs, or where admission is otherwise prohibited or restricted;
- (p) carry or discharge any firearm, air gun or pellet gun;
- (q) indulge in riotous, boisterous, threatening or indecent conduct, or abusive, threatening, profane or indecent language;
- (r) accost, annoy or in any way interfere with any other person visiting any park;
- (s) create a nuisance by loitering, spying, frightening, annoying or generally making himself, herself, or themselves, objectionable to other persons peaceably and lawfully enjoying park privileges;
- (t) smoke in any building open to the public located within a park under the Jurisdiction of the Council where a sign clearly stating that smoking is prohibited or incorporating the words "No Smoking" has been erected and is on display;
- (u) engage in, play or practice any prohibited activity or sport in a posted area;
- (v) dump, drain, let off or discharge onto any ground or into the waters of any pool, pond, stream, fountain or watercourse of any kind any liquid or material, toxic or otherwise;
- (w) hinder, interrupt or cause to be hindered or interrupted the Corporation or its employees or agents in carrying out their duties in the park;
- (x) arrange or engage in an organized sport or activity, unless authorized by permit;
- (y) interfere with an organized sport or activity authorized by permit.

4. Unless authorized by the Council no person shall in any park,
- (a) perform for reward any art, skill or service;
 - (b) dig or tear up any pavement, sidewalk, crosswalk, grass plot or roadway or any part thereof;
 - (c) cut, destroy or damage in any way any tree, flower, plant, shrub or flower bed;
 - (d) operate any amplifying system or loud speaker;
 - (e) light or build a fire except in fireplaces provided by the Corporation, or in portable stoves or barbecues used in picnic or parking areas designated by the Council;
 - (f) place, maintain or allow to remain therein any coin-operated machine or game of any nature or kind;
 - (g) erect, construct, build or cause to be erected, constructed or built any tent, shelter or building;
 - (h) camp or lodge in any tent or other shelter or in the open;
 - (i) encroach upon or take possession of any park or part thereof by any means whatsoever, including the construction, installation or maintenance of any fence, wall or structure, the dumping, parking or storage of any vehicles, boats, materials or plants, or the planting, cultivating, grooming, grading or landscaping thereon.

BATHING REGULATIONS

5. No person shall in any park having a swimming pool, wading pool or either of them,
- (a) enter or bathe in any water in or adjoining any park, bathing beach or swimming pool without being properly clothed in a bathing suit;
 - (b) dress or undress in or adjacent to any water in or adjoining any park, bathing beach or swimming pool except in the places specifically provided for such purpose;
 - (c) loiter in any bathhouse or bathing station, or conduct himself in such manner as to be objectionable to other patrons or the public in or immediately adjacent to any such bathhouse or bathing beach; or
 - (d) being a male person enter any portion of any bathhouse set apart for the use of female persons, or being a female person enter any portion of any bathhouse set apart for the use of male persons.

6. No person or motor vehicle shall be in any park between 11:00 p.m. and 6:00 a.m. except as a participant or spectator of any function or activity being conducted by or under the jurisdiction of the City of Niagara Falls, and upon the completion of such function or activity, shall promptly leave the park.
7. Police and those persons who may from time to time be so designated by the Council shall be empowered without warrant at all times to enforce this by-law, including the right to enter the premises or field houses or other places in any park for the purpose of enforcing this by-law and may use all lawful and necessary means to obtain that end.
8. Every person who contravenes this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.00.
9. Wherever there is a conflict between the provisions of this by-law and any by-law heretofore passed by the Councils of The Corporation of the City of Niagara Falls, The Corporation of the Village of Chippawa, The Corporation of the Township of Willoughby, The Corporation of the Township of Crowland and The Corporation of the Township of Humberstone, the provisions of this by-law shall prevail and the provisions of any such other by-law shall be deemed to have been amended to the extent necessary to give effect to this by-law.
10. All parks in the City of Niagara Falls are hereby designated as a recreational area as a place where the possession of liquor is prohibited in accordance with the *Liquor Licence Act*.

Passed this 3rd day of May , 1971.

J. L. Collinson **CLERK**

F.J. Miller **MAYOR**

First Reading: May 3rd, 1971.
Second Reading: May 3rd, 1971.
Third Reading: May 3rd, 1971.