

THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW NO. 1608 (1993)

Being a by-law to regulate parks and facilities in the Town of Pelham.

WHEREAS all park properties and facilities under the jurisdiction of the Corporation of the Town of Pelham are for the use, benefit and pleasure of the public;

AND WHEREAS it is necessary to prevent any person from interfering improperly with such use, benefit and pleasure;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1.

DEFINITIONS:

For the purposes of this by-law, the following definitions shall apply:

- (a) "Alcoholic Beverage" means spirits, liquor, beer, wine 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.
- (b) "Camp" means to erect a structure, hut or tent for shelter.
- (c) "Corporation" shall mean the Corporation of the Town of Pelham.
- (d) "Department" shall mean the Operations Department.
- (e) "Facility" shall mean any area, pool building or structure under the jurisdiction of the Operations Department.
- (f) "Law Enforcement Officer" means the by-law enforcement officer of the Corporation or any other officer authorized to enforce this by-law and shall include a constable or police officer appointed under the authority of the Provincial Offices Act.
- (g) "Park" shall mean a park, playground, playing field, beach, recreation centre, community building, square, garden, water, pedestrian walkway/trail or any other area in the Town, owned, leased or used by the Corporation and devoted to active or passive recreation and shall include any lane or walkway or public parking area leading thereto.

- (h) "Swimming Pool" shall mean any swimming pool under the jurisdiction of the Operations Department.
- (i) "Town" shall mean the jurisdictional boundary of the Corporation of the Town of Pelham.

2.

SHORT TITLE AND APPLICATION:

This by-law shall be known as the "Parks By-law" and the provisions of this by-law shall apply to the park and recreational areas outlined in Schedule "A" annexed hereto which is hereby declared to be and form part of this by-law and to any other areas from time to time which may be acquired by the Town of Pelham for park purposes.

3.

ANIMALS:

- (A) i) No person being the owner of, or responsible for any animal, shall permit such animal to run at large in any park or facility without the prior written approval of the Corporation.
- ii) The owner or person responsible for the said animal will clean up after the animal and comply with the Corporation's Removal of Animal Waste By-law.
- (B) No person shall engage in any animal racing or ride a horse in a park except at a place expressly designated by the Corporation for such purposes.

4.

GAMES:

- (A) No person shall engage in or play baseball, cricket, football, tennis, croquet, or any other game or sport in a park except at a place expressly designated by the Corporation for such particular purposes and in accordance with section 4 (B).
- (B) No person shall engage in or play the following in a park:
 - i) baseball, softball, soccer, croquet or cricket on any day between the 15th day of October and the 1st of May of any year, unless special permission has been given by the Corporation.

- ii) tennis on any day between the 1st of November and the 1st day of April of any year.
- (C) No person shall play golf, drive a golf ball or use golf clubs or other equipment or drive a golf cart in a park except at a place designated by the Corporation for that specific purpose.
- (D) No person shall use any tennis court located in a park unless such person is wearing rubber soled, non-marking shoes.
- (E) No person shall have in their possession any bows and arrows or discharge arrows in or into a park except at any archery range designated by the Corporation.
- (F) No person shall operate a motorized vehicle, in or on designated park land unless otherwise posted.
- (G) No person shall operate a motor driven model airplane, helicopter, rocket or boat except at a place designated by the Corporation for such purposes.

5.

HOURS OF OPERATION:

- (A) No person shall:
 - ~~i) remain or enter into any park between dusk, and dawn, except as a participant or spectator of any function approved by the Corporation; or~~
 - ii) remain in a park upon completion of any activity as a participant or spectator of any function between dusk and dawn.
 - iii) enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.

6.

PERMITS FOR EVENTS:

- A) No person shall do, perform, or participate in any of the following activities without a permit from the Corporation, subject to the conditions attached to the granting of such permit and in accordance with Paragraph B):

- i) Sell, or offer for sale, or expose for sale, or advertise for sale in a park, any:
 - (a) food or drink,
 - (b) newspaper, magazine or writing,
 - (c) goods, wares or merchandise,
 - (d) art, skill or services.
 - ii) Practice or carry on or conduct or solicit for any trade, calling, business or occupation,
 - iii) Distribute any hand bills or circulars or post any bills, notices or advertising devices of any nature or kind,
 - iv) Convene or conduct any parade or procession, or take part in any parade or procession,
 - v) Convene or conduct or hold a public meeting or deliver a speech as a member of, or to members of any group or to members of the general public,
 - vi) Have in his/her possession any alcoholic beverage.
 - vii) Organize or arrange an event, gathering or picnic ~~at which more than fifty persons are invited or are expected to attend,~~
possess,
 - viii) Ignite, discharge or set off any fireworks,
 - ix) Light any open fire in any park, except in places, specifically provided by the Corporation,
 - x) Camp in any park, or construct any tent or other structure,
 - xi) Play or bet at any game of any nature or kind, whether for money or other value in any park or facility.
 - xii) Play any organized team sport,
 - xiii) Use a public address system or other device or equipment for amplifying sounds in a park,
 - xiv) Allow a hot air balloon to land or take off from a park, save and except in emergency situations.
- B) i) Should a person receive from the town, a permit to do any one or more of the matters set out in Section 6 A) above, then such person shall do such matter or matters only:

- a) in those areas designated by the Corporation for the carrying on of such matter or matters; and
 - b) in accordance with all Federal, Provincial, and Municipal laws and by-laws thereto.
- ii) The Corporation may require, as a condition of granting permission for any activity, in any park or facility, the prior production of a certificate of insurance coverage for both property and bodily injury in the amount of \$2,000,000.00 or such lesser amount as the Corporation may deem adequate, having the Corporation named as a co-insured.

7.

PROPERTY: ENCROACHMENT:

- A) i) No person shall, being the owner or tenant of land abutting a park, cause or permit the planting of any hedge, tree, shrub, garden, or construction of any fence, storage shed, retaining wall or structure of any kind, the keeping of any compost heap or the placing of any string, wire, chain, rope or similar material on Town property.
- a) Where a person is in contravention of this section the law enforcement officer shall send a notice by registered mail to the owner and the occupant at his last known address requiring him/her to conform to the requirements of this section.
 - b) Where a notice has been sent pursuant to this section of the by-law, and the requirements of this notice have not been complied with, the Corporation shall cause the work to be done and the Corporation may recover such expense by action or in like manner as municipal taxes.

8.

PROPERTY: PROTECTION

- A) No person shall, in a park, cut, climb, break, injure, deface, disturb or remove any property including:
 - i) a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel,
 - ii) a building, cage, pen, or monument.

- B) No person shall, in a park, mark, write upon, damage or otherwise injure any real or personal property of the Town including:
 - i) any part of the interior or exterior of a building,
 - ii) any monument, fence, bench or other structure.

- C) No person shall throw a stone or other object or missile that may cause injury or damage to any person or property.

- D) No person shall:
 - i) disturb, molest, injure, wound, attempt to kill, hunt or trap, or kill any animal or bird in a park,
 - ii) touch, interfere with, remove, or injure any bird's nest or the eggs, or the young birds therein,
 - iii) provide or cause to be provided or deposit or leave any food that may be used by wildlife in a park.

- E) No person shall:
 - i) leave or deposit any paper, bottles, broken glass, cans, rags, garbage, rubbish, debris or refuse of any kind, in a park, except in a receptacle provided by the Corporation for that purpose,
 - ii) deposit or leave any paint, grease, oil, offal, or any dangerous matter that has an odour or appearance found to be offensive by users of the park,
 - iii) scatter any paper, cardboard, or any other material in a park.

- F) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow or stone or any other materials in a park, or on, or any ravine, slope, or other land access way to a park or a park site, except with the prior written permission of the Corporation.
- G) No person shall use any part of a park for the purpose of:
 - i) washing, cleaning, polishing, servicing, maintaining or with the exception of any emergency, repairing any motorized vehicle,
 - ii) instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.

9.

SKATING:

- A) No person using any skating rink in any park shall:
 - i) use long nosed racing skates, unless the skates are protected by toe-guards designed to remain affixed to the skates (during use),
 - ii) race or speed so as to endanger or interfere with any other person using the rink,
 - iii) carry a cane, stick or any other thing that is, or is likely to be, dangerous to other persons on a rink, except such equipment as may be required for any game or activity approved by the Corporation.

10.

SWIMMING:

- A) No person shall:
 - i) enter any swimming pool, except with the permission of the Corporation and subject to the conditions attached to such permission and only at the times designated for swimming. Any person in or adjacent to any swimming pool shall forthwith obey the instructions of any lifeguard appointed by the Corporation or any other person in charge of the facility,

- ii) swim, bathe, wade in or enter the waters of a fountain, pond, lake or stream in a park, except when and where designated for such purposes by the Corporation.
- iii) permit a child in his/her care, custody or charge, to swim, bathe, wade in or enter into the waters of any ornamental pool or fountain
- iv) throw any article in any pool, fountain, pond, lake, or stream that is likely to endanger any person or pollute the waters
- v) bring into or have in his custody or possession in any bathing area or in any swimming area of a park, any bottles, glassware, metal or other material which may cause injury to the bare feet.

11.

GENERAL PROVISIONS:

- A) The Corporation may, at any time, close to the public any area or any portion of an area or any building in the area, and may require the payment of a fee by any person desiring to enter any area or building and no unauthorized person shall enter any area or such portion of any area or any building in any area so closed without first paying the fee for admission to the person duly authorized by the Corporation to collect such fee.
- B) The Niagara Regional Police and Law Enforcement Officers of the Corporation of the Town of Pelham shall enforce the provisions of this by-law.

12.

PENALTIES:

Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

13.

BY-LAW REPEALED:

By-law No. 267A (1974) be and is hereby repealed.

14.

SEVERABILITY:

It is the declared intention of the Council of the Corporation of the Town of Pelham that any section or part of section of this by-law which may subsequently be held to be illegal shall be severable from the remainder of the by-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the by-law.

15.

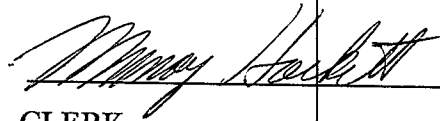
FORCE AND EFFECT OF BYLAW:

This by-law shall come into force and take effect on the date of the passing thereof.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL
THIS 16th. DAY OF DECEMBER, 1993.



MAYOR



CLERK