

- (2) No Person riding or having a horse under their care or control in any Park shall obstruct, inconvenience or endanger other users of the Park.
- (3) No Person riding or having a horse under their care or control in any Park shall hitch or fasten said horse at any place except that which is set aside for such purpose.
- (4) The provisions of this section shall not apply to a horse under the control of a Police Officer.

### **Dogs**

37. (1) While in any Park, no Person as the owner of a dog, or as a Person having a dog under their care or control, shall:
  - (a) allow the dog to run at large except in a Leash Free Park;
  - (b) excluding Persons With Disabilities reliant upon a guide dog, permit the dog to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground or sports field, or any other area Posted to prohibit same;
  - (c) excluding Persons With Disabilities reliant upon a guide dog, permit the dog to enter any area of the Park where a special event, carnival, celebration or other festival is taking place where signs are posted to prohibit same
- (2) While in a Park no Person as owner of a dog, or as a person having a dog under their care or control, shall:
  - (a) fail to ensure that the dog is on a leash or chain not exceeding 2.5 metres in length; and,
  - (b) fail to pick up and remove from the Park any excrement left by the dog and dispose of it in a sanitary manner in a receptacle for litter or in some suitable container.
- (3) A dog within a "Leash Free Park" shall be deemed not to be at large.
- (4) The provisions of subsections (1)(a) and (2)(a) of Section 40 shall not apply to a Police work dog under the control of a Police Officer, or to a working dog under the control of an employee of the City, or under the control of such agents or contractors as may be providing contractual services to the City, which services require dogs to run off leash, and only while engaged in the performance of the duties required by the agreement with the City.

### **Other Animals**

38. (1) No Person as the owner of an animal, or as the Person having any animal under their care or control, shall bring into, or permit such animal to enter any Park, if the animal constitutes, or may constitute, a danger by nature, aggression, venom, toxins or size to other park users; or if the animal it is likely to give rise to justified apprehension in the minds of other park users, or if the animal is likely to interfere with another persons use or enjoyment of the Park;
- (2) Subject to Sections 36 and 37, no Person shall bring, or permit to be brought, any livestock into any Park except where expressly authorized by and in accordance with the terms and conditions of a Permit authorizing such livestock to be upon specified Park lands;

- (3) No Person, except a Police Officer, having an animal under their care or control shall fail to appropriately restrain said animal.

## **PART VI - WATERCRAFT**

### **Boating**

39. No Person shall, subject to any right at law to do so, place, operate, drive or ride any Watercraft in any Park in any area Posted so as to prohibit or restrict the type and allowable uses of Watercraft.

### **Mooring**

40. Unless expressly authorized by Permit, no Person shall, subject to any right at law to do so, dock, moor, allow to be docked or moored, or operate any Watercraft in any Park or within the waters of any marina owned or operated by the City:
  - (1) except in a designated area;
  - (2) for a period longer than one (1) hour;
  - (3) contrary to posted restrictions or prohibitions or in any way that may or does endanger or inconvenience other Watercraft or their use or other users of the Park;
  - (4) without prior payment of the requisite fee or fees, if any, authorized by Council;
41. No Person shall launch a Watercraft anywhere in a Park except in a designated boat ramp;
42. No person shall fuel a watercraft:
  - 1) from any vehicle or other equipment on land, including the piers or docks, except from a designated area and using the equipment as provided by the City; or
  - 2) from another Watercraft; or
  - 3) without a fuel attendant of the City on duty and supervising the fuelling.

### **Special Prohibition "Commercially Operated Watercraft"**

43. Unless authorized by the Director or designate, no operator or owner of a Commercially Operated Watercraft shall moor, allow to be moored, or operate such Commercially Operated Watercraft within the Harbourview Park or the Canal Walls located within Harbourview Park.

## **PART VII - COMMERCIAL ENTERPRISES**

### **Sale of Merchandise Trade or Business**

44. (1) Unless expressly authorized by Permit, no Person shall, while in a Park, sell or offer or display for sale:
  - (a) any food, drink or refreshment;
  - (b) any goods, wares, merchandise or articles including promotional material, souvenirs and novelties; or
  - (c) any art, skill, service or work;

- (2) Unless expressly authorized by Permit, no Person shall, while in a Park, practice, carry on, conduct or solicit for any trade, occupation, business or profession;
- (3) Unless expressly authorized by Permit, no Person shall, while in a Park, place, maintain or allow to remain any coin operated vending machine or game of any nature.

#### **Subscriptions and Contributions**

45. While in a Park, no Person shall beg, solicit or invite subscriptions or contributions, unless authorized by Director or designate.

#### **Filming and Taping**

46. While in a park, no person shall take or permit to be taken for remuneration any film, photograph, videotape or television broadcast, unless,
  - (1) otherwise posted; or,
  - (2) authorized by Permit; and,
  - (3) except in accordance with Schedule "B".

#### **Circulars and Advertisements**

47. (1) Unless authorized by Permit, no Person shall:
  - (a) while in any Park distribute, discard, or display any handbill, notice, or other circular, bill or advertisement; or
  - (b) post, nail, attach, stencil or otherwise fasten or erect any poster, sign (including election sign), notice, placard or other circular, bill, advertisement or paper to any Park property;

### **PART VIII - REGULATIONS AND ENFORCEMENT**

#### **Permits and Licences**

48. (1) The authority to issue Permits referred to in this by-law is delegated to the Director.
- (2) An applicant for a Permit under this By-law shall
  - (i) complete an application for the Permit on the forms as provided by the Director;
  - (ii) submit a completed application together with the fee as set out in the Schedule "C"
  - (iii) provide any documentation and insurance certificates as required by the Director as prerequisites and requirements for the issuance of the permit.
- (3) Upon the submission of a complete application, the Director may issue a Permit on such terms and conditions as the Director considers in the best interest of the City taking into account the general use of the Park, the proposed use, the degree of interference or incompatibility that the proposed use may have with other uses or users of the Park, matters of health and safety, the effect the proposed use may have on flora and fauna and such other circumstances that the Director may consider appropriate.
- (4) The Director may impose such terms and conditions on the issuance of a Permit as the Director considers appropriate in the circumstances including but not limited to: restrictions as to uses; time and location restrictions; indemnification, insurance and security for injury to persons or damage to

property; protective measures for flora and fauna; and payment of Permit and other costs associated with the Permit and use.

- (5) The Director may refuse to issue a Permit or immediately revoke a Permit issued: where the applicant or Permit holder has breached or failed to comply with any term or condition of the Permit or issuance thereof; for non-payment of any fee or cost required to be paid by the applicant or Permit holder; the breach or failure to comply with any City policy or by-law; the breach of any federal or provincial law; where the use by the Permit holder is causing or has caused a disturbance; where the proposed use or current use unreasonably interferes with the use of the Park by the public; and where it otherwise is in the best interests of the City that the application for a Permit be denied or Permit revoked.
- (6) A Permit authorized under this by-law is non-transferable and is valid only for the period of time and under the conditions it is granted.
- (7) A Permit holder shall have the Permit available for review and inspection at all times when exercising the rights granted under the Permit and shall produce the Permit upon the demand of the Director, any police officer, municipal law enforcement officer or employee of the City designated to enforce the provisions of this by-law.
- (8) The issuance of a Permit pursuant to this by-law shall not relieve any person from the necessity of acquiring any other licence or permit required for such activity by any governmental or public authority.
- (9) All permits issued for activities contemplated in this by-law remain the property of the City.

#### **Posting of Signs**

49. The Director, or designate, is authorized to Post signs of permission, regulation, restriction, warning or prohibition with respect to uses of, or activities in, any Park, in accordance with the provisions hereof.

#### **Temporary Closure**

50. The Director, or designate, is authorized to close off for such temporary period as the Director, or designate, deems appropriate any Park or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interest of public safety, or as may otherwise be authorized by council.
51. The Director, or designate, is authorized to close off for such temporary period as the Director, or designate, deems appropriate any Park or part or parts thereof to provide for repairs, restoration, reconstruction or other remedial action with respect to the Parks grounds or structures.

#### **Exclusions and Exceptions**

52. (1) The provisions of this By-law respecting the driving, operating, parking or stopping of Vehicles shall not apply to Authorized Emergency Vehicles while the operators thereof are performing their duties.
- or (2) This by-law shall be subject to provisions of contracts and agreements now hereafter entered into by the City respecting works or services to be performed in any park.
- (3) The Director may exempt Persons from all or part of the requirements and prohibitions of this By-law from time to time if such exemption is required for the beneficial administration of a Park.

**Enforcement**

53. (1) Any Enforcement Officer, for the purpose of this section is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- (2) Any Enforcement Officer is authorized to order any Person believed by such Officer or employee to be in contravention of this by-law or who has contravened any provision of this by-law:
- (a) to desist from the activity constituting or contributing to such contravention;
  - (b) to remove from the Park any animal or thing owned by or under the care of such Person which the enforcement officer or employee believes is or was involved in such contravention; or
  - (c) to leave the park.
- (3) Any Enforcement Officer may enforce the provisions of this by-law.
- (4) Where any Person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in subsection (2) hereof, the permission and licence of such Person to remain in that Park is revoked.
- (5) Where any Person contravenes any of the provision of this by-law and fails to comply with an order to leave the Park, such person is subject to the provisions of the *Trespass to Property Act*, R.S.O. 1990, c.T.21.

**Penalty**

54. (1) Any Person contravening any provision of this by-law is guilty of an offence and on conviction is liable to a such penalty as is provided for under the Municipal Act and the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- (2) The owner of a Motor Vehicle that is parked or left in contravention of Section 31 of this by-law is guilty of an offence and on conviction is subject such penalty as is provided for under the *Provincial Offences Act*, unless at the time of the offence the Motor Vehicle was in the possession of another person without the owner's consent.
- (3) An Enforcement Officer observing a Vehicle alleged to be parked or stopped or standing in contravention of this by-law may attach a serially numbered parking infraction notice to the Motor Vehicle.
- (4) Any Person upon presentation of the parking infraction notice may, within 7 days, pay a penalty out of Court in the amount prescribed by an order made by the Senior Regional Justice respecting the subject violation pursuant to Part II of the *Provincial Offences Act*.

**Removal of Vehicles**

55. An Enforcement Officer upon discovery of any Vehicle parked, stopped or standing in contravention of section 34 of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the Vehicle which may be enforced in the manner provided by the Repair and *Storage Liens Act*, R.S.O. 1990, Chapter R.25, as amended.

**Schedules**

56. The schedules attached to this by-law and listed below shall have the same force and effect as if the provisions contained therein were contained in the body of this by-law:

Schedule "A" - Parks Designated

Schedule "B" - Filming and Taping

Schedule "C" Permit Fees

**Severance**

57. Should a court of competent jurisdiction declare any part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from this by-law, and it is the intention of Council that the remainder of the by-law survive and be applied and enforced in accordance with its terms to the extent possible under law.

**Short Title**

58. The short title of this by-law shall be "The Parks By-law".

**Precedence over other By-laws**

59. In the event a conflict between this By-law and the provisions of any other City By-law regulating Parks, the provisions of the more restrictive By-law shall prevail.


**Repeals and Enactment**

60. By-law No. 67, a By-law to Regulate Public Parks in the City of Port Colborne, passed on August 24, 1970, and all amendments thereto, are hereby repealed.

61. By-law 3821/107/99, a By-law to Regulate the Times of use of certain Municipal Parks in the City of Port Colborne, passed on October 12, 1999, are hereby repealed

62. This By-law shall come into effect on the day it is passed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 26<sup>TH</sup> DAY OF JULY, 2010

  
Vance Badawey  
MAYOR

  
Ashley Grigg  
CLERK



**SCHEDULE "A" - PARKS DESIGNATED**

Marina	1 Marina Drive	2711 010 017 07619 0000	
(HH Knoll) Lakeview Park, Boat Ramp	Sugarloaf St	2711 010 017 07700 0000	Plan 14292 lot 1 to lot 9 pt lot 10 NP845 twp lot 29 Con 1 plus pt water lot RP 59R7889 pts 1-4 & 10
Seaway Park	Elm St	2711 010 017 07710 0000	Con 1 pt lot 28 and plan 987 RP 30R11870 pts 2 & 4 to 14
King George Park	64 Clarence St W	2711 010 021 13400 0000	Plan merr survey pt lot 6 pt lot 7
Arabellas Tea Room	61 Princess St	2711 010 022 05700 0000	Plan 20 lot 5 lot 6
Arabellas Tea Room - parking lot	King St	2711 010 022 05701 0000	Plan 987,988,989 pt lts 3 to 7
Library & library park	310 King St	2711 010 022 08600 0000	Plan Merr survey lot 3 to 7
Museum	280 King St	2711 010 022 17100 0000	Plan merr survey lot 3 lot 4
Vacant lot behind museum	Catharine St	2711 010 022 17900 0000	Plan merr survey lot 7 Princess
Parking Lot	Catharine St	2711 010 022 19000 0000	Plan merr survey lot 1
Sunset Park Blk	Ash St W	2711 010 026 04800 0000	Plan 72 blk A blk B
Victoria Park Playground	Welland St ES	2711 020 008 01700 0000	PW survey lot 16 lot 17 NP843
Dewitt Carter Playground	Fares St WS	2711 020 008 04100 0000	PW survey lot 16 lot 17 NP843
Johnson St Playground	Johnson St SS	2711 020 013 01500 0000	Plan 39 lot 7 NP871
Johnson St Playground	Johnson St SS	2711 020 013 01600 0000	Plan 39 lot 6 NP871
Johnson St Playground	Johnson St SS	2711 020 013 01700 0000	Plan 39 lot 5 NP871
Centennial Pool	124 Janet St	2711 020 014 03500 0000	Plan 8 pt lot 576 NP836
Chestnut St Park	Chestnut St SS	2711 020 015 00500 0000	Plan 8 lot 504 to 511 NP836
Chamber of Commerce	76 Main St W	2711 020 016 11700 0000	Plan 25 log 12 NP784
Lock 8 Park	Mellanby Ave ES	2711 020 016 16501 0000	Con 2 pt lot 27
Humberstone Shoe Park	Neff St	2711 030 030 02300 0000	Plan 200 pt lot 1 pt lot 2 NP765
Village of Humberstone Cenotaph	King St	2711 030 030 11500 0000	Plan Neff survey pt lot 2 NP672
Lions Field	148 Killaly St W	2711 030 031 01800 0000	Con 1 pt lot 29 59R2366 pt part 3
Lions Field	Fielden Ave	2711 030 031 13500 0000	Con 1 pt lot 29 and RP59R2242 Pt Parts 1 & 2
Humberstone Shoe Park Carpenters Hall	220 Erie St	2711 030 030 15900 0000	Plan 200 pt lot 5 NP765
Kinear Park	Fielden Ave	2711 030 031 15901 0000	Plan 16 pt lot 1 plan 3252 pt Blk M
Vimy Park	Fielden Ave	2711 030 032 15000 0000	Plan 3252 Blk J pt Blk D
Reservoir Park	Fielden Ave	2711 030 033 10501 0000	Con2 pt lot 29
Westside Arena, Playing Fields & Parks Yrd Mtce Bldg	54 West Side Rd	2711 030 034 18700 0000	Con 2 pt lot 30
Oakwood Park	Omer Ave	2711 030 035 03400 0000	Plan 67 pt Blk A
Oxford Blvd Park	Thorncrest Rd	2711 030 037 03805 0000	Plan 63 Blk C
Hawthorne Blvd Park	Park Lane	2711 030 037 07800 0000	Plan 63 Blk A
Windsor Terrance Cemetery (Stoner)	Windsor Terr	2711 030 037 08601 0000	Plan 63 pt lot 18 pt lot 19
Westport Park - Rose Shymansky	First Ave	2711 030 038 06500 0000	Plan 69 Blk C NP828
Westdale Park	Merrit Pky N	2711 030 038 18300 0000	Plan 53 pt lot 19
Shisler Cemetery	Empire Rd	2711 040 001 24901 0000	Con 1 pt lot 5
Sherkston Community Centre	4891 Sherkston Rd	2711 040 001 31701 0000	Con 1 pt lot 5
Centennial Pool	2767 Vimy Road	2711 040 002 42101 0000	Con 1 pt lot 13 pt lot 14 plan 36
TA Lannan Sports Complex	550 Elizabeth St	2711 040 004 14300 0000	Con 3 pt lot 25
Bethel School (Community)	2703 Chippawa Rd	2711 040 005 04400 0000	Con 3 pt lot 18
Doan Cemetery	Concession 2 Rd	2711 040 005 01501 0000	Con 3 pt lot 16

Derek's Point		North end of Weir Rd
East/West Trail "Friendship"		
East of Canal		
Harbourview Park		E/S of West St - between Park & Charlotte
INCO Park		between Decew & Durham

<b>Lockview Park</b>		Chestnut, Fraser & Clarke
<b>Multi Use Trail</b>		
<b>Nickel Beach</b>		(69) Lake Road
<b>Port Colborne Tennis Club</b>		behind West Side Arena
<b>United Brethren Cemetery</b>		2 acres, Lot 4, Con 1
<b>Canal Days Park</b>		Is established each year by Road Closure By-law, designated the said areas of the festival.



**SCHEDULE "B" - FILMING AND TAPING**

In this Schedule the following guidelines shall be adhered to when filming and taping in a park within the City of Port Colborne:

1. The Director, or designate, shall:
  - (a) in the case of productions as listed in Clause (5) hereto, give written notice to permit staff, outlining as fully as possible all details of production, at least five working days prior to the actual filming;
  - (b) in the case of productions as listed in Clause (6) hereto, give written notice to permit staff, outlining as fully as possible all details of production, at least three working days prior to the actual filming;
2. The Director, or designate, subject to clause (3), may issue the Permit for the period specified therein subject to the person receiving the Permit:
  - (a) agreeing that production vehicles will be clearly identified and further agreeing that all vehicles will comply with regulations governing vehicular traffic in the City parks as determined by the Director, or designate, from time to time and approved by City Council;
  - (b) agreeing that production vehicles and equipment will not block fire hydrants, driveways or other access ramps;
  - (c) agreeing that all generators used in City Parks will be generators which are equipped with noise suppressant devices deemed suitable by the Director and which are otherwise of a type and manufacture as to be satisfactory to the Director; or designate.
  - (d) agreeing that lighting for filming will be oriented away from neighbouring residences;
  - (e) agreeing that production crews will clean the filming locations at the end of each filming day;
  - (f) agreeing to indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the issuance of the permit or the use of the Park;
  - (g) where deemed necessary by the Director, or designate, a security deposit shall be required prior to the issuance of a film permit, in an amount satisfactory to the Director, or designate: and City Treasurer to ensure that the lands will be restored to satisfaction of the Director, or designate and that any damage to the parklands or property will be satisfactorily repaired. The deposit will be accepted in the form of a certified cheque, letter of credit from a chartered bank or other document satisfactory to the Treasurer; and
  - (h) providing a certificate of insurance for general comprehensive public liability in an amount satisfactory to the Director, or designate.
3. Where the Director, or designate, refuses to approve the issuance of a Permit, the applicant shall be referred to the City Council for its determination.
4. City Council may cancel the permission for the use of the Park, and the Director, or designate, may suspend for cause any such permission pending a report thereon to Council.
5. Clause 1 (a) applies to the following productions:

feature motion picture main unit;

- (b) feature television movie main unit;
- (c) television mini-series main unit;
- (d) television network variety specials;
- (e) television network productions requiring any pre-production staging or installation; and
- (f) any production requiring the use of amplified sound or pyrotechnic special effects.

6. Clause 1(b) applies to the following productions:

- (a) feature motion picture second unit (6 vehicles or less);
- (b) feature television movie second unit (6 vehicles or less);
- (c) television mini-series second unit (6 vehicles or less);
- (d) episodic television series;
- (e) television commercials;
- (f) current affairs and documentary film and television production;
- (g) television broadcast events coverage not requiring any pre-production staging Promotional films;
- (h) non-broadcast television production;
- (i) industrial films or home video productions;
- (j) music videos;
- (k) educational or student films; and
- (l) camera or equipment tests.

By-law No. 5503/100/10  
SCHEDULE "C" PERMIT FEES

Permits

\$75.00