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NIAGARA COUNTY PARKS POLICIES

Approved April 8, 2008 by the Niagara County Parks Commission
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POLICIES AND PROCEDURES FOR COMMUNITY EVENTS IN NIAGARA COUNTY PARKS AND RECREATION AREAS

I. BACKGROUND

Niagara County's Parks system accommodates a wide variety of recreational, educational, and entertaining events each year. Since each event is unique, there is a need to provide consistent information and direction on who should be allowed to hold such events, what activities are allowed, what conditions should apply, and how much assistance the County of Niagara should provide.

II. OBJECTIVE FOR COMMUNITY EVENTS IN PARKS AND RECREATION AREAS

The Niagara County Departments of Public Works, Parks, and Recreation Division endorse the promotion of events in our parks to increase the sense of community.

To ensure that events in parks and recreation areas are compatible with the Community's needs, they have to meet Community Objectives for such events, namely:

1. To create a more livable, healthy community.
2. To encourage people to use parks, and recreation areas.
3. To instill and encourage community spirit, pride and self-help.
4. To benefit the community economically.

III. OBJECTIVES FOR COMMUNITY EVENT POLICIES

To ensure that the Objectives for Community Events in Parks and Recreation Areas are achieved, it is important that there are appropriate policies and management procedures in place which:

1. Equitably permit, assist and promote community events.
2. Ensure the events are compatible with their proposed venues.
3. Provide a readily understood document, which defines the policies and processes in place to assist the development, promotion and maintenance of community events.

IV. DEFINITIONS

Parks Commission:

An appointed group of Niagara County citizens by the Niagara County Legislature to promote the advancement of the Niagara County Parks system.

Events can be either a "Festival" or a "Special Event" and they can take place in either a park or recreation area.

Festival:

An organized celebration generally held on an annual basis, which is open to the general public, including merry-making and entertainment of many kinds, and honoring people, places or events.

Event:

An organized noteworthy happening, occurrence or contest designed for a definite purpose or occasion.

Public Open Space:

Niagara County Parks and Recreation Areas.

Parks Supervisor:

An employee of the County of Niagara (Groundskeeper IV), responsible for logistical issues in Niagara County parks and recreation areas.

Event Manager:

The person designated by the event organizers as the prime person responsible for the event.

Community Group:

A Community Group shall mean a non-incorporated group composed of individuals joined together or a non-profit organization.

Non-Profit Organization:

Any organization that is registered and operates on a not for profit basis.

Commercial Organization:

Any organization which operates on a for-profit basis.

Event Organizer:

The organization producing the event.

V. CLASSIFICATION OF EVENTS

Table 1 lists the “Range of Events” which Niagara County may allow in County- owned public open spaces. The list is to be used as a guideline by the Public Works Commissioner to determine the event classification, the amount of assistance the event may obtain, and the fees that may be charged.

VI. EVENT APPLICATION PROCESS

Regular Applicants:

- Letters are sent to previous event organizers in November requesting their requirements for the following year. They are asked to complete an enclosed SPECIAL EVENT APPLICATION FORM (Appendix A).
- Requests must be received in writing by December 15 for the following year.
- Once the final submissions have been completed, the Public Works Committee will determine if the event fits municipal objectives for community events and, if so, ranks these requests according to historical precedence, community event priorities and County policies.

Other Applicants:

An applicant for an event must submit a completed SPECIAL EVENT APPLICATION FORM (Appendix A) to the Parks Department. Application review could take up to 6 months, depending on the level of complexity, history and demands of the event. This application must be received 6 months in advance of the preliminary date of event.

VII. EVENT ALLOCATION PRIORITIZATION

The criteria and order of priority for the allocation of parks and recreation areas in Niagara County will be as follows:

1. Programs, Festivals and special events sponsored by the County, Public Works, Parks Division, or Parks Commission.
2. Community groups: Where an organized Community Group which is a regular user, and an informal group of occasional users apply for use of the same space at the same time preference may be given to the Community Group.
3. Non-Profit Organizations and Public Agencies.
4. Commercial Organizations holding non-promotional events that do not charge a fee or generate revenue.
5. Commercial Organizations within Niagara County.
6. Commercial Organizations outside of Niagara County.

VIII. CONTRACTS AND FEES

1. All site users will be required to contract with Niagara County in order to reserve exclusive use over any park or recreation area operated by the County of Niagara, even where fees for such use are not charged.
2. Users will be required to pay the appropriate fees as set forth by the Niagara County Public Works Parks Division, as well as any additional expenses incurred to accommodate the event.
3. Liability Insurance Coverage is required, which names the event organizer and the County of Niagara as additional insured with risk levels set by Risk Management. (See Appendix C)

IX. ROLE OF THE COUNTY

There are three roles the County may undertake in the development and support of community events. They are as follows:

1. Producer:

The County will direct and control all aspects of the event management. The Parks Supervisor will report directly to the County on all aspects of event operation. Control over the program and activities and event partnerships/sponsorship will be exercised with a focus on emphasizing County community involvement and ensuring a professional and quality product.

2. Partner:

The County will enter into a joint venture with a non-profit community organization, which lacks the resources to produce an event on their own, if certain criteria are met. The events must be mutually beneficial to both groups and the County's Goals and Objectives can be met without exercising total control. The County will enter into an agreement with the organization and clearly outline the exact obligations and restrictions of the partnership. Partnership will be dependent on the availability of County resources and negotiated on a yearly basis.

3. Assistant:

The County will provide specific assistance to groups requiring services related to an event in the County. Sponsorship for specific benefits normally associated with the private sector shall be negotiated. The County will assist groups and be visibly associated with the event, but will not have overall responsibility for operation, outcome or shortfalls.

X. ASSISTANCE FROM THE COUNTY

The level of assistance the County may provide is summarized below. Note that commercial events are not eligible for assistance from the County. Those community groups or organizations seeking County assistance should include the following information with their application:

1. Full explanation of the assistance requested and its conformity with the levels and types of assistance defined in this Policies and Procedures Manual for Events in Parks and Recreation Areas.
2. Method of acknowledging County assistance.

There are *three* types of assistance available which are not necessarily exclusionary. The County has set a range of fees, which mitigate the County's costs in providing some of these items.

1. Supply and installation of tables, fencing, and trash receptacles, and maintenance of the restrooms.
2. Field preparation by the Department of Public Works, Parks, and Recreation Division.
3. Overtime of Parks employees.

Appendix B relates to Department of Public Works, Parks, Recreation Division rules and fees.

It is not the intent of the County to provide financial assistance.

XI. EVENT MANAGEMENT

It is important that events start and finish at reasonable times and that noise levels are compatible with the neighborhood.

- An Event Manager must be designated by the Event Organizer. The Event Manager will be the prime contact with the County, which, in normal circumstances, will only be done via the parks supervisor.
- The Event Manager is responsible for the actions and consequences arising from the event. The Event Manager **must**:
 1. Apply to Parks Department using the Special Event Application Form (Appendix A) to book the event location and assistance required from the County.
 2. Obtain adequate insurance for the event. See Appendix C
 3. If food is to be served at the event, contact the Niagara County Health Department for a Temporary Food Establishment Permit application
 4. Event Manager may be required to meet w/Parks Supervisor one month in advance of the event
 5. Be on-site during all delivery, set-up and tear-down of equipment
- The Event Manager must obey the instructions of the Parks Supervisor.

XII. EVENT PROGRAMMING

The Parks Department will

1. Receive Event Applications.
2. Keep an up-to-date calendar of events.
3. The Parks Supervisor will organize and oversee all County participation in the event.
4. Will work closely with Niagara County Parks personnel.
5. Will work closely with the Event Manager to determine the appropriate location for the event and its content.
6. Any concern that the Parks Supervisor or the Event Manager has which cannot be resolved between them, will be forwarded to the Commissioner of Public Works and/or the Public Works Committee.
7. Set start and completion times for the Event, taking into account local ordinances and community and neighborhood concerns.

If the Parks Supervisor or his designee is concerned for public safety or noise levels during an event, the Parks Supervisor or his designee shall advise the Event Manager who shall act promptly to ensure that public safety or noise levels are addressed. Failure to do so promptly could result in closure of the event by the Park Supervisor or his designee.

XIII. COMMERCIAL ENTERPRISES

Commercial enterprises are not permitted in parks unless specifically authorized by the Niagara County Legislature, i.e., Concession operator, or if the vendor is attending an approved event and is operating with the approval of the event organizers. Prior to the event, Event organizers are expected to provide the County with a list of those vendors they anticipate accepting on site so that all necessary Vendor Permit and Insurance issues can be resolved. This must be done one month in advance of the Event.

XIV. TERRITORIAL SCOPE

All resolutions and requirements enacted upon by the Niagara County Legislature and/or policies and procedures implemented by the Commissioner of Public Works on their behalf shall be effective within all the parks, recreation areas and open spaces within the Niagara County Parks & Recreation system and shall govern and regulate the use thereof by all persons.

XV. INTOXICANTS/ALCOHOLIC BEVERAGES

No person shall be permitted within a County park under the influence of intoxicating drugs or narcotics. Illegal or illicit drugs or intoxicants of any kind are prohibited and violators will be prosecuted to the fullest extent of the law.

The use of alcohol is permitted for adults 21 or over within County parks for personal consumption. The sale of alcoholic beverages is prohibited with the exception of special events or festivals and only with the written permission of the Commissioner. Public intoxication is prohibited.

XVI. GROUP USE/MEETINGS/EXHIBITIONS

No person or organization shall call or hold any meetings, or give any concert or public entertainment of any kind, within a County park or recreation area without first having obtained written permission in advance from the Commissioner of Public Works no later than thirty (30) days prior to the proposed date of use.

All special projects for Boy Scouts, Girl Scouts, etc., must first obtain written permission in advance from the Commissioner.

No person or organization shall use loudspeakers, public address systems or amplifiers within a County park or recreation area without first having obtained written permission in advance from the Commissioner. Portable radios, tape players, compact disc players or musical instrument shall not be played in such a manner as to create a nuisance.

Public assemblies, meetings, demonstrations, religious activities, the sale and distribution of printed matter, and other public expressions of views conducted under the First Amendment of the Constitution of the United States and the State of New York upon the lands of the Niagara County Parks & Recreation system are permitted, provided that a written permit has been issued by the Commissioner or his designated representative. To ensure public safety and the protection of park resources and values, and to avoid assigning the same location and time to two or more activities, the Parks Department will manage these activities by regulating time, location, number of participants, use of facilities, and number and types of equipment to be used, but not the content or the message.

XVII. PETS

Dogs and cats must be kept on a leash not exceeding six feet in length. No domestic animal shall be permitted to run at large within any County park or recreation area, either with or without a keeper. Pet owners shall be responsible for removing and properly disposing of fecal matter from park property. Violators will be fined \$100.00 per occurrence, per Local Law No. 5 of 1997.

XVIII. HORSES

No person shall ride, drive, lead or keep a saddle horse or other animal within a County park or recreation area, except on such roads, bridle paths, trails or areas and subject to such regulations as the Commissioner may especially designate, or for authorized law enforcement purposes. In such an occasion, no horse shall be unbridled or left unattended in any unenclosed area and should not be hitched to any tree or shrub in a manner that may cause damage. No person shall ride horseback in any park or recreation area after dark or before daybreak. The person, by whom a horse is under the control of, shall be responsible for removing and properly disposing of fecal matter from park property. Violators will be fined \$100.00 per occurrence, per Local Law No. 5 of 1997. There currently exists no designated horse trails within any County parks or recreation areas.

XIX. BUILDINGS/PROPERTY

No person shall willfully mark, soil, deface, or injure in any way, or displace, remove or tamper with any park building, bridge, public restroom and washroom facility, table, bench, fireplace or other cooking facility, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof or equipment thereon, park sign, notice or placard whether temporary or permanent, monument, stake, post, or other boundary marker, or other structure or equipment, facility or park property or appurtenance whatsoever, either real or personal.

XX. RESTROOMS/WASHROOMS

All persons are expected to cooperate in maintaining restrooms and washroom facilities. No person over the age of six (6) years shall use the restroom and washrooms designated for the opposite sex.

XXI. REFUSE

No person shall leave bottles, broken glass, ashes, waste paper or other rubbish within a County park or recreation area except in trash receptacles provided for this purpose. No glass containers are allowed in any County park or recreation area.

No person shall throw or place any dirt, stone, rock debris, foreign substance or rubbish into or upon a County park or recreation area, or in any lake, river or lagoon within or bordering upon land of a County park or recreation area.

No person shall throw, cast, lay, drop or discharge into or allow to remain in the water of a County park or recreation area or any tributary, brook, stream, storm sewer or drain flowing into said waters any substance, matter or thing, which may or shall result in the pollution of said waters.

XXII. NATURAL FEATURES/WILDLIFE

No person shall pick flowers, foliage, berries or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, railing, seat picnic bench, fence, structure or any other object within a County park or recreation area.

No person shall bring into or upon a County park or recreation area any tree, shrub or plant, or any newly plucked branch or portion of a tree, shrub or plant, unless expressly permitted by the Commissioner, and only in an area designated by the Commissioner.

No person shall dig up or remove any dirt, stone, rock or other substance whatever, make any excavation, quarry sand or stone, or lay or set off any blast, or cause or assist in doing any of these things within a County park or recreation area.

No person shall remove or cut firewood, regardless of whether the tree or wood is dead, fallen, diseased, or otherwise, from any County park or recreation area.

No person shall feed any animal, fish or waterfowl any food or substance at any time in a County park or recreation area, excepting such food or substance expressly permitted by the Commissioner.

Groups or persons who wish to improve the park need to obtain written permission from the Commissioner. The Commissioner has the right to waive any of these rules.

XXIII. TUBING/SLEDDING/TOBOGGANING

No person shall engage in the activity of tobogganing or sledding within a County park or recreation area with anything other than an inflatable tube created for such purposes. Tubing within County park or recreation areas shall be permitted only in areas designated for that purpose and in accordance with the rules and regulations promulgated by the Commissioner. Tubing is done at the risk of the park user.

XXIV. SKIING

No person shall engage in water skiing activities in any County park or recreation areas. No person shall engage in downhill skiing activities in any County park or recreation areas at any time. Cross country skiing during winter months is permitted only in areas designated for that purpose and in accordance with the rules and regulations promulgated by the Commissioner.

XXV. BATHING/SWIMMING

No person, regardless of age or manner of dress, shall swim, bathe or wade in any water designated as "No Swimming Areas". Bathing and swimming is done at the risk of the park user. Swimming activities shall comply with such regulations as to the hours of the day and safety limitations or such use, as set by the Commissioner. Areas where swimming is permitted will be designated by official signs and marking. All swimming or bathing is prohibited, regardless of the specified hours or times, except in the presence of County provided lifeguards.

No person shall frequent any park, waters or bathing beach for the purpose of swimming or bathing except between such hours of the day as designated by the Commissioner for such purposes of each individual area. All persons shall be so covered with a bathing suit so as to prevent any indecent exposure of the person. No person shall dress or undress on any beach or in any vehicle, toilet or other place in any park area. No person shall fail to abide by the instructions of any lifeguard, park staff member or park representative on duty pertaining to safety, the playing of games, fishing from the beaches or other waterfront areas, and other rules and regulations as indicated. All swimming or bathing is prohibited except in the presence of lifeguards. No person shall bring glass containers to any beach or waterfront area.

XXVI. FIRES

No person shall build, light or maintain a fire within a County park or recreation area, except in picnic grills or fireplaces provided, maintained or designated for such purposes by the Commissioner. Organizations such as Boy Scouts, Girl Scouts, etc., may request permission in advance from the Commissioner. Picnic grills and fireplaces shall contain only charcoal fires.

XXVII. FIREWORKS

No individual person or persons shall possess, discharge or set off within a County park or recreation area any firecrackers, torpedoes, rockets or other fireworks.

Public displays of fireworks as part of a special event or festival are permitted only with the express written permission of the Commissioner. The sponsoring entity must provide all necessary proof of insurance required by the Niagara County Risk Manager's Office a minimum of thirty days prior to the event and provide emergency response units and fire protection units on site as required by the Commissioner.

XXVIII. HUNTING/FISHING/TRAPPING

No person shall discharge any weapon or firearms within or onto a County park or recreation area. No person shall bring or be in possession of any pistol or revolver or objects upon which can be loaded or blank cartridges can be used, nor shall any person be in possession of any shotgun, rifle, fowling piece, air gun, spring gun, paintball, slingshot, bow or any other instrument weapon in which the propelling force is a spring or air, excepting the lawful uses of such weapons at places and times approved by the Commissioner, and only with the written consent of the Commissioner.

No person shall hunt, molest, take chase, trap, capture, hold, remove, injure or kill any animal, reptile or bird, or disturb its habitat within a County park or recreation area except on portions of a County park or recreation area which may be open to fishing. No person shall engage in fishing of any type within 200 feet of any beach or specifically designated swimming area. No person shall engage in ice fishing of any type, on any park lakes or ponds. The use of portions of a County park or recreation area open to fishing is subject to County park or recreation area Fishing Rules and Regulations (Appendix D) and New York State Fish and Game Laws. Ice fishing is prohibited in ALL County parks.

XXIX. PICNICKING

No person shall picnic or lunch in a place other than those designated for that purpose. Park staff shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. All persons shall comply with any directions given to achieve this end.

No person shall violate the regulation that use of the individual grills and fireplaces together with tables and benches, generally follows the rule of "first come, first served". This regulation does not apply to rented or reserved facilities.

No person shall leave a picnic area before a fire, if any, is completely extinguished and before all trash and refuse is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

XXX. CAMPING

No person shall set up tents, shacks or other temporary shelter for the purpose of overnight camping, shade or any other purpose; nor shall any person leave in a park, after closing hours, any movable structure or vehicle to be used or that could be used for such purpose, except by special written permission of the

Commissioner. No person shall sleep overnight in any area of a County park, including beaches, lawns, fields and wooded areas except when written consent is given by the Commissioner.

XXXI. GAMES/ACTIVITIES/MODEL AIRPLANES/MODEL BOATS

No person shall take part in or abet the playing of games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, model airplanes or model boats except in areas designated for such purposes, when such activities do not interfere with fishing. The playing of rough or comparatively dangerous games such as football, baseball, and soccer is prohibited except on recreation areas designated for such purposes. Designated leagues or organizations for athletic and other activities must have the express written consent of the Commissioner and provide insurance as required by the Niagara County Risk Manager's Office.

XXXII. SMOKING

Pursuant to the Clean Indoor Air Act, smoking is prohibited within the confines of an enclosed building or structure.

XXXIII. RESTRICTED USE AND AREAS

No person shall enter upon any portion of a County park or recreation area where persons are prohibited from going by direction of the Commissioner, as indicated by sign or notice. Nor shall any person participate in an activity that is prohibited, as indicated by sign or notice.

No person shall bring into any County park or recreation area, use or operate any rides such as motorized or mechanical carnival rides. The use of certain forced air rides or other apparatus such as dunk tanks, bounce houses, inflatable slides, pony rides, for group use are strictly prohibited.

No person shall throw, cast, catch, kick or strike any baseball, golf ball, football or basketball or any object within a County park or recreation area except in areas designated and posted for this purpose by the Commissioner.

No person shall bathe in any pond, stream, river or other body of water within or bordering a County park or recreation area except in areas designated and posted for this purpose by the Commissioner.

No person shall use motorized boats on any streams, lakes, or body of water within or bordering a County park or recreation area unless it has been designated for such use and posted for launching motorized boats by the Commissioner. Use of motorized boats in all County parks and recreation areas is prohibited except at the public boat launch at the West Canal Park & Marina. The use of non-motorized boats such as canoes is allowable within certain areas, which shall be designated for such use and publicly posted by the Commissioner. See Appendix D.

No person shall ice skate on any County park lake or other natural water body. Ice skating is permitted on rinks designated for this purpose is and subject to rules and regulations and only at times specified by the Commissioner.

No person shall solicit alms or contributions for any purpose in any County park or recreation area.

XXXIV. COMMERCIAL USES

No person shall engage in any commercial enterprise including but not limited to the offering of services, soliciting, selling or peddling liquids or edibles for human consumption or distribute circulars or hawk, peddle or vend any goods, ware or merchandise within a County park or recreation area, except as provided by special permission of the Commissioner.

No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object within a County park or recreation area any bill, advertisement or inscription. Nor shall any person distribute, cast, throw or place any handbill, pamphlet, circular, advertisement or notice of kind within a County park or recreation area except by special permission of the Commissioner.

No person shall tell fortunes, play at games of chance or use any gambling device within a County park or recreation area except as provided by special permission of the Commissioner.

XXXV. VEHICLES/PARKING

All provisions of the New York State Vehicle and Traffic Law with regard to equipment, lights, licenses, brakes, operation, etc., will apply in the parks and will be strictly enforced, with also such further restrictions as may be herein stated.

No person shall use any portion of a County park or recreation area for purpose of way except drives, parking areas, roadways, paths, walks and trails established for such purpose by the Commissioner, and footpaths or walks established for pedestrian travel shall not be used for vehicular or off-road vehicular travel. The use of mopeds or motorized vehicles will be limited to roadways, drives and parking areas as established and opened to all other vehicular traffic. Off road vehicles are not permitted in any County park or recreation area.

No person shall drive or propel, or cause to be driven or propelled, along or over any road within a County park or recreation area any vehicle at a rate of speed greater than fifteen (15) miles per hour or the speed limits as established by the Commissioner, and indicated by speed limit signs erected along the right-of-way.

Whenever a park staff member or other park representative shall indicate or direct by gesture or otherwise, that the speed of a vehicle shall be checked or stopped, or its course altered, the driver thereof shall immediately obey such directions.

No person shall drive or propel, or cause to be driven or propelled, along or over any road, parkway, drive or parking area within a County park or recreation area any motor vehicle in a careless manner or in a manner to endanger the life, limb or property of pedestrians or the drivers or occupants of other vehicles or any other person within a County park or recreation area. The motor vehicle operator and the motor vehicle operated within a County park or recreation area shall be in compliance with New York State Vehicle and Traffic Law.

No person shall park or store any motorcar, motorcycle, bicycle, wagon or other vehicle within a County park or recreation area except in areas designated and posted for such purposes. Parking areas and thoroughfares are limited to use by park patrons only and for the purposes of driving to park a vehicle.

No person shall set or place or cause to be set or placed, any goods, wares or merchandise or property of any kind as to obstruct travel within a County park or recreation area.

No person shall enter any part of a County park or recreation area, or park roads with a commercial vehicle or a vehicle with a gross weight in excess of 5 tons except in the service of, or by permission, of the Commissioner or the Niagara County Highway Superintendent.

No person shall use park drives or parkways within a County park or recreation area for the purpose of demonstrating any vehicle, or for the purpose of instructing another to drive or operate any vehicle, or for learning to drive or operate any vehicle.

No person shall attempt to stop, or signal any vehicle for the purpose of soliciting a ride from the driver of such vehicles.

The cleaning, waxing or repairing of vehicles is not permitted within a County park or recreation area, except in the case of absolute emergency.

No persons shall cause or permit a vehicle in tow to enter a County park or recreation area or proceed therein, except in the case of a breakdown or disabled vehicle. The vehicle may be towed to the nearest exit. Nor shall any person operate or drive vehicles containing any person or object projecting or hanging outside of, clinging to or beyond the side or rear of said vehicle.

Nothing contained in this Vehicle/Parking Rule and Regulation shall apply to the vehicles, trucks and apparatus of a fire department, police department of ambulance, or to emergency vehicles of the parks department when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.

XXXVI. SNOWMOBILES/ALL-TERRAIN VEHICLES/OFF-ROAD MOTORIZED RECREATIONAL VEHICLES

No person shall operate any snowmobile within a County park or recreation area unless on authorized and approved trails or areas designated and posted by the Commissioner. Snowmobiling shall be permitted only from December 1 to April 1 when there is sufficient snow coverage, and in accordance with all rules and regulations as set forth by the Commissioner. There currently are no authorized trails within the County parks system.

The use of all-terrain vehicles and all other off-road motorized recreational vehicles not specifically mentioned in this section is prohibited in all County parks and recreation areas, except in the case of all-terrain vehicles or off-road motorized vehicles or apparatus of a fire department, police department or ambulance, or to emergency vehicles of the parks department when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency. This rule and regulation shall also not apply to County Parks Division all-terrain or off-road vehicles in use as part of normal park maintenance.

XXXVII. DISORDERLY PERSONS

No person or groups of persons shall engage in such loitering conduct as will clearly cause an immediate, actual physical violent reaction from any person or persons, which violent action will cause a threat to the peace and order of the public.

- A. Nor shall any person or group of persons engage in such loitering conduct, which shall disturb a person of ordinary sensibilities as to cause such person to react immediately in such a way as to threaten by physical violence the peace and order of the public.
- B. Nor shall any person or group of persons engage in such loitering conduct, which obstructs free passage of pedestrians at, in or near any building, parking lot or vehicle or the free passage of vehicles at, in or near any building, parking lot or vehicles.
- C. Nor shall any person or group of persons engage in such loitering conduct, which obstructs the free passage of persons at or near any walkway or pathway.

D. Nor shall any person or group of persons engage in such loitering conduct which will obstruct, molest or interfere with any person lawfully in or enjoying the park.

Where there is conduct in violation of Section XXXVII or any part thereof, there must, in addition, be a refusal of the persons engaged in such conduct to obey an order by any agents or officers of the Parks Department or Municipality to move on before a charge under these regulations may be prosecuted.

No person shall resist any agent or officer of the Division of Parks, Peace Officer or Municipality in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such agent or officer, or in any way interfere with or hinder or prevent any such agent or officer from discharging their duty, or in any manner assist or give aid to any person in custody to escape or attempt to escape from custody, or rescue or attempt to rescue any person when in such custody.

No person shall falsely represent or impersonate any agent or officer or pretend to be an agent or officer of the Division of Parks and Recreation.

No person shall interfere with or in any manner hinder any agent or officer of the Division of Parks and Recreation or Municipality while engaged in constructing, repairing or caring for any park property or interfere with any improvements being made within a County Park or Recreation area of Municipality.

No person shall remain within a County park or recreation area who does not abide by conditions adopted and posted by the Division of Parks and Recreation for the preservation of good order and the protection of property within a County park or recreation area, and no person shall remain within a County park or recreation area who does not abide by the instructions and directions of duly authorized officers or agents of the Municipality or Division of Parks and Recreation, Peace Officer, or Municipality to leave a County park or recreation area and shall do so promptly and peaceably.

No person shall harass, obstruct, molest, assault or interfere with any person lawfully within a County park or recreation area or resist, obstruct, molest, assault or interfere with any agent or officer of the Division of Parks and Recreation.

No person shall use threatening, abusive, boisterous, insulting or indecent language or gesture within a County park or recreation area, nor shall any oration, harangue, public demonstration or any nuisance be made.

No person shall possess any weapon capable of lethal use or of inflicting serious bodily injury within a County park or recreation area.

No person shall appear in a County park or recreation area in a state of nudity or commit, perform or engage in lewd, lascivious, obscene, illicit, carnal or indecent act or behavior, and no person shall make any indecent exposure of his or her person.

XXXVIII. HOURS OF OPERATION

OPENING HOURS: All parks will open at 7:00 AM unless otherwise specified or designated by signs.

CLOSING HOURS: All parks will close at 9:00 PM except where specific closing hours are designated during the winter season.

No person shall, without permission from the Commissioner, enter into, remain or allow their vehicle to remain within a County park or recreation area except during the hours the park or recreation area is open to the general public.

XXXIX. PENALTIES

Violations. Any person found guilty of violating the provisions of this Local Law by a Court of competent jurisdiction shall be guilty of a traffic violation as defined by section 10.00(2) of the Penal Law or as a violation as defined by section 10.00(3) of the Penal Law. The maximum penalty for such infraction or violation shall be imprisonment for fifteen (15) days and a fine of two hundred fifty dollars (\$250.00).

Restitution, reparation, services to the Parks Division. Any person convicted of a violation or a misdemeanor, as set forth in this chapter, shall be subject to the provisions of 65.10 of the New York State Penal Law and 758-a of the New York Family Court Act relative to making of restitution, reparation for loss or damages and the performing of services for a public agency or for the public good, which in some case shall include appropriate service for the Parks Department of the County of Niagara.

Parents or legal guardians. Parents or legal guardians of children over ten (10) and less than eighteen (18) years of age shall be liable for damages or destruction caused in County parks or recreation areas by such individuals, up to the sum of one thousand dollars (\$1000.00), pursuant to the provisions of 3-112 of the New York State General Obligations Law.

Damages to park property. In the addition to any penalties prescribed herein, any person causing damage to park property, real or personal, shall be liable to the County of Niagara for such damage in a civil action.

XL. PROMULGATION AND DISTRIBUTION OF ADDITIONAL RULES AND REGULATIONS

The Commissioner is authorized to promulgate rules and regulations concerning the activities described in this document; such further rules and regulations as may be necessary to effectuate or implement the provisions of this chapter; and such additional rules and regulation as may be authorized or directed by the County Legislature.

All rules and regulations promulgated by the Commissioner shall be approved by the County Legislature.

Reasonable efforts shall be made by the Commissioner to reproduce, post, make available, distribute and publicize all rules and regulations hereunder. All such rules and regulations shall be a part of the Niagara County Administrative Code. Where practicable, such rules and regulations shall be included in appendices to this chapter.

XLI. LEGISLATIVE ACTION

The Niagara County Commissioner of Public Works is granted permission by the Niagara County Legislature to set forth required fees for specific facilities and recreational areas. Individuals or groups using such facilities or recreation areas must be in possession of the appropriate permit or pass issued by the Division of Parks and Recreation. A permit to do any act shall authorize the holder to do so only in strict accordance to the terms and conditions stated. Any violation by the holder or their agents or employees of the terms and conditions shall constitute grounds for revocation of the permit by the Commissioner or his designee, whose action is deemed final. In a case where a permit is revoked, all monies paid for or on account for the permit shall, in the option of the Commissioner, be forfeited and retained. The holder of a permit, including its agents or employees, who violate the terms and conditions shall be jointly and severally liable to the Division of Parks and Recreation for all the damages or loss suffered by it in excess of the money forfeited and retained; but neither such forfeiture and retention by the Division of Parks and Recreation of the whole or

any part of monies nor the recovery or collection for such damages or both shall in any manner relieve the holder or their agents or employees from liability or punishment for any violation of any provision of any Niagara County rules and regulations.

TABLE 1

June 2008

Niagara County Parks Events List

KRULL PARK

Lake Country Lure Coursers
Fourth Of July Fireworks
Pirates Festival
Celtic Festival
Time Travelers Car Show
Newfane Men's and Women's Lacrosse
Newfane Soccer
Newfane Youth Football
Celebrity Softball
Polar Bear Swim

BOND LAKE PARK

Niagara Frontier Cross Country
Athletic Club – RUT Race
Environmental Committee Events
WNY Mountain Bikers – Trail Development

OPPENHEIM PARK

Leadership Niagara Fishing Derby
Fourth of July Fireworks

ROYALTON RAVINE PARK

Fourth of July Fireworks
Roy-Hart Cross Country

WEST CANAL MARINA

Pendleton Lion's Club – Children's Fishing Derby

DAVISON ROAD

Lockport Rugby

ANJO Baseball

Lockport Soccer

APPENDIX A

SPECIAL EVENT USE APPLICATION FORM

Today's Date: _____ Date(s) Requested: _____ Time: _____ to _____
(List times for each day of event)

Park Requested: _____

Shelter/Area Requested: _____
(Include map if necessary)

INFORMATION ABOUT YOUR GROUP

Name of Applicant Organization or Individual: _____

Mailing Address: _____

Telephone # (Day) _____ (Evening) _____ (Fax) _____

Name of Event Manager (Contact Person, **please list 2**): _____

Address of Contact Person: _____

Telephone # (Day) _____ (Evening) _____ (Emergency) _____

Name of Contact Person _____

Address of Contact Person: _____

Telephone # (Day) _____ (Evening) _____ (Emergency) _____

INFORMATION ABOUT YOUR INTENDED USE OF COUNTY FACILITIES

Event Name: _____

Event Purpose & Description: _____

Proposed Events/Entertainment/Activities: _____

Expected size of Audience: _____ Residents (#): _____ Non-Residents (#): _____

Admission Fee Charged?: YES/NO If Yes, Amount \$ _____

Proposed Use of Proceeds From Event (craft sales, concessions, admissions, etc.): _____

Will Alcohol/Beverages/Food be served? (please specify): _____

Will Any Assistance be requested from Niagara County workforce? If so, please give detailed description of Assistance requested:

Please list ALL Vendors being used for Event: _____

***** AT LEAST ONE ORGANIZATION REPRESENTATIVE MUST BE PRESENT ON-SITE *****

FOR ANY DELIVERY, SET-UP OR REMOVAL OF EQUIPMENT
FORM MUST BE FILLED OUT COMPLETELY AND IN DETAIL

Revised 11/1/07

APPENDIX B

RENTAL FEES & SHELTER INSTRUCTIONS

Krull Park – Lake Road, Hamlet of Olcott

- \$75.00 Lion's Shelter- has electric
- \$40.00 Shelters #1, #2, #19 and the Band shelter are considered large shelters they hold up to 75 people. The Band shelter has electric, none of the others do.
- \$25.00 All other shelters- hold up to 35 people. No electric.

Oppenheim Park – Niagara Falls Boulevard, Town of Wheatfield

- \$40.00 Shelters 1L, 2L, 3L and Band shelter. #3L and Band shelter are the only ones with electric. Hold up to 75 people, Band shelter holds up to 50 people.
- \$25.00 All other shelters. Hold up to 35 people.

Royalton Ravine – Gasport Road, Town of Royalton

- \$40.00 All four shelters – all have electric. Hold up to 75 people.

West Canal Marina Park – Tonawanda Creek Road at the end of Townline, North Tonawanda

- \$40.00 #4 and #5 – Only #4 has electric. Hold up to 75 people.
- \$25.00 All other shelters – none have electric. Hold up to 35 people.

Bond Lake Warming House – Lower Mountain Road, Ransomville

- \$100.00 Deposit – separate from rental fees, refundable.
- \$250.00 per day or
- \$600.00 for a weekend rental (Friday morning through Sunday night)

There are two large pavilions at Bond Lake, but we do not rent these at this time. They are first come, first serve.

PARK RULES – No residency requirements at this time.

- No glass containers.
- Park hours are 7AM to 9PM.
- Animals must be on leashes and cleaned up after.
- Music must not interfere with other picnickers (this includes bands).
- Absolutely **NO** bounce houses, blow-up slides, dunking tanks, or any amusement rides.

NO tents permitted, unless prior approval granted by Commissioner.

Grills are not provided on every shelter. It is recommended to call the Park ahead, or send someone out to take a look at the shelter to see if a grill is available at that particular shelter.

REVISED 10/15/07

APPENDIX C

Requirements for Single Day Facility Usage

Indemnification and Hold Harmless Clause

Any contract, prior to signature, must include a clause/section wherein “*defense, indemnity and hold harmless*” provisions in form and content reviewed and approved by the County Attorney are included in protecting the County’s interest.

Such clause acceptable to the County of Niagara would be the following:

“The Contractor or Licensee agrees to defend and indemnify the County of Niagara, their officers, agents and employees, and shall hold them harmless from any and all risks of every kind, nature and description resulting from or arising out of the work and/or service performed by the Contractor or Licensee, or its sub contractor or Licensee, under this contract; provided, however, that Contractor or Licensee shall not be required to indemnify the County with respect to such risks to the extent caused by the negligence or intentional misconduct of the County or the County’s contractors or Licensees, over whom Contractor or Licensee has no authority or control.”

The Contractor or Licensee by agreeing to defend the County of Niagara as set forth above, agrees that if the County of Niagara receives a claim, complaint, or is sued under this contract pertaining to their work, acts or services; then this Contractor or Licensee agrees to pay all attorney fees and expenses of attorney, that shall be the choice of the County of Niagara.

Insurance and Certificate Requirements

Each and every contract, must meet minimum insurance specifications in order to protect the County’s interest and/or as evidence of compliance with New York State law.

GENERAL REQUIREMENTS: Before the start and setup through the entire duration of the event, including teardown, the licensee shall furnish evidence such as a Certificate of Insurance, acceptable to the County of Niagara, that it has procured and will maintain, at its own expense, insurance in the kinds and amounts hereinafter specified. The County of Niagara is defined as Niagara County, its agents, officers and employees.

A Certificate of Insurance acceptable to the County of Niagara must meet the following requirements:

- List the type of insurance coverages and acceptable limits, as required by the County of Niagara.
- Name the certificate holder as County of Niagara, 111 Main Street, Suite 102, Lockport, NY 14094.
- Name the County of Niagara, its agents, officers, and employees (without reference to a specific department) as an additional insured on each Certificate of Insurance for all liability policies. This can be provided in the caption or in the comments section of the certificate.

- Each certificate of insurance required, and each endorsement, must be signed by a licensed registered agent. In the event of self-insurance, by an authorized signatory.
- In the event of any material alteration or cancellation of any insurance coverage, thirty (30) days written notice shall be given to the Niagara County Director of Risk Management, 111 Main Street, Lockport, NY 14094.
- Insurance carriers should be admitted in the State of New York, unless an exception is approved by Niagara County.
- The Certificate of Insurance shall be submitted to the Niagara County Office of Risk Management for compliance review, approval and retention at least thirty (30) days prior to the start and set up of the event.

SPECIFIC INSURANCE REQUIREMENTS: The following are the minimum insurance types, documentation and limits acceptable to the County of Niagara:

INSURANCE COVERAGES, DOCUMENTS AND MINIMUM LIMITS

For **Single Day Facility Usage**

<u>Coverage and Documents</u>	<u>Limits</u>
A. General Liability (GL)	\$1,000,000 Each Occurrence \$2,000,000 General Aggregate
B. <i>If alcoholic beverages are to be sold by anyone:</i>	
Liquor Legal Liability	\$1,000,000 Each Occurrence or Claim \$2,000,000 General Aggregate
C. <i>If alcoholic beverages are to be provided by anyone:</i>	
Host Liquor Legal Liability	\$1,000,000 Each Occurrence or Claim \$2,000,000 General Aggregate
D. <i>If this event provides a fireworks display, amusement rides and/or other outside amusement activities:</i>	
General Liability for Bodily Injury and Property Damage	\$5,000,000 Each Occurrence \$5,000,000 General Aggregate
E. <i>If Licensee has employees:</i>	
1. Workers' Compensation and Employers Liability <i>WC/DB-100 Affidavit, WC/DB-101 Affidavit; C-105.2, or SI-12</i>	Statutory Limits
2. Disability Benefits <i>WC/DB-100 Affidavit, WC/DB-101 Affidavit, DB-120.1, DB-820/829, or DB-155</i>	Statutory Limits

APPENDIX D

NIAGARA COUNTY PARKS & RECREATION AREAS

Fishing and Boating Rules & Regulations

1. **FISHING SEASON**
 - A. This program will be valid from April 1 – November 30 each year.
2. **REQUIREMENTS**
 - A. Persons fishing at any County park or recreation area must possess a valid New York State Fishing License, If required.
3. **HOURS**
 - A. Fishing permitted only during Park hours as posted.
4. **TAKE AND USE OF FISH**
 - A. Oppenheim Park:
 1. All fish are catch and release with the exception of Brown Trout and Rainbow Trout.
 2. Brown and Rainbow Trout may be caught and removed from premises.
 - B. Bond Lake Park
 1. All fish are catch and release only unless special circumstances apply that have been approved in writing by the Commissioner.
 - C. Bait fish cannot be caught and/or sold. No traps allowed.
5. **SPECIES AND SIZE REGULATIONS**
 - A. All amounts and size regulations are per the New York State Fishing Regulations Guide for the current year.
6. **PROHIBITED PRACTICES**
 - A. Cleaning of fish in the lake or surrounding areas.
 - B. Use of gas or electric powered motors.
 - C. Annoyance of other fishermen.
 - D. Disposal of bait in the water.
 - E. Trespass on the Division of Parks & Recreation equipment.
 - F. Loitering in parking areas and parking in other than designated areas.
 - G. Waders, boots, etc. are prohibited in all areas other than Bond Lake. Fishermen are to limit themselves to fishing from the shore, in designated areas, or from approved boats.
7. **BOATS**
 - A. Canoes are allowed.
 - B. Boats to 14' in length, powered by oars or paddles or electric motors are allowed.
 - C. All boats powered by gas or wind are prohibited.
 - D. No boats are to be left on park property.
 - E. All floats, tubes, rubber or homemade rafts are prohibited.
 - F. Boats must be launched in designated areas only.
 - G. Boaters must follow all New York State Navigation Laws.

H. No boat shall carry more than three (3) persons.

8. EXEMPTIONS

A. Any exemption to this policy must be requested in writing and must be approved by the Commissioner in writing prior to the requested activity taking place. All requests will be reviewed on an individual case basis.

**VIOLATION OF ANY SANITARY REGULATIONS WILL LEAD TO CRIMINAL PROSECUTION.
THIS PROGRAM MAY BE CANCELLED BY THE COMMISSIONER OF PUBLIC WORKS OR HIS
DESIGNEE AT ANY TIME.**

REVISED 10/15/07