

BYLAW NO. 19 - 1997

A Bylaw of the City of Swift Current to provide for the use, maintenance and operation of public parks and recreation facilities in the City of Swift Current:

THE COUNCIL OF THE CITY OF SWIFT CURRENT, SASKATCHEWAN, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited as "*The Recreational Facilities and Parks Bylaw*".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1 "Act" means *The Urban Municipality Act, 1984*, as amended, or any act as may be passed in its stead from time to time.
- 2.2 "Activity" means athletic, cultural, recreational, religious, educational or leisure pursuits authorized to occur at a park or facility and meetings for administrative purposes related thereto.
- 2.3 "Animal" means any creature not human.
- 2.4 "Bicycle" means a vehicle for the carriage of persons which is propelled by human power that has two pendulum wheels and includes any device adapted from bicycle by the addition of one or more wheels.
- 2.5 "City" means the City of Swift Current.
- 2.6 "Club" means any corporation, firm, partnership, association, registered company or unincorporated group of persons.
- 2.7 "Council" means the Council of the City of Swift Current or such Committee as the Council may delegate.
- 2.8 "Director" means the Director of Recreation and Parks of the City of Swift Current and anyone acting under his instructions in carrying out the provisions of this bylaw.

- 2.9 “Facility” means buildings or improvements owned or operated by the City, whether under a joint-use agreement or otherwise, and land, parking lots, driveways and passageways for ingress and egress ancillary thereto, but excluding any facility occupied or operated pursuant to a current lease agreement.
- 2.10 “Firearm” means firearm as defined in the *Criminal Code*, R.S.C. 1985, c. C-46 or such act as may be passed in its stead from time to time and includes prohibited and restricted weapons as therein defined and includes BB guns and sling-shots.
- 2.11 “Livestock” means any horse, cattle, swine, goat, sheep, mule or donkey.
- 2.12 “Park” means land owned by the City whether occupied, operated or controlled by a person under a current lease agreement with the City or otherwise and which is:
- 2.12.1 Land dedicated as, but not limited to, public reserve, municipal reserve or environmental reserve pursuant to The Planning and Development Act, 1983, S.S. 1983, c. P-13.1 or such act that may be passed in its stead from time to time;
- 2.12.2 Zoned as an active park, passive park or active/passive park pursuant to the Zoning Bylaw 1-1988 of the City, or such bylaw as may be passed in its stead from time to time;
- 2.12.3 Reserved by resolution of the Council for activities;
- 2.12.4 Public square, bicycle path, walkway, boulevard, sidewalk tree wells or planters, whether or not the same is registered in the name of the City but is under the control of the City;
- 2.12.5 Any land designated by resolution of the Council as a park for the purposes of this Bylaw;
- 2.12.6 Any land used as a highway buffer strip, whether on permanent or temporary basis; and
- 2.12.7 Cemetery.
- 2.13 “Performance means an activity in a park or facility which is organized for the convenience, information, entertainment, involvement or benefit of any club or the public.

2.14 "Person" means any club and any individual.

2.15 "Roadway" means that part of a highway intended for use by vehicular traffic.

2.16 "Traffic Bylaw" means Bylaw No. 3 of 1996 or such bylaw as may be passed in its stead from time to time.

2.17 "Vegetation" means all areas in or at a park or facility which produces or grows trees, shrubs, plants, flowers and grass, or all ground cover, whether it is in its natural or wild state or has been planted.

2.18 "Vehicle" means:

2.18.1 "Motor Vehicle" as defined in The Highway Traffic Act, S.S. 1986 c. H-3.1 or any act as may be passed in its stead from time to time, but includes a motorized wheelchair;

2.18.2 A sled, cutter, cart, trailer, toboggan or other carrier towed by a motor vehicle.

PART 1 - GENERAL

3. VEHICLES

3.1 No person shall operate a motor vehicle in a facility or a park except on a roadway.

3.2 No person shall park a vehicle in a park or outside of a facility except in the areas designated for such purposes.

4. BICYCLES

4.1 Persons may ride a bicycle within any park, portion of a park or within a facility except in those areas where it is prohibited.

5. CAMPING

5.1 No person shall set up a tent or take up temporary abode in a park unless it is an area designated for such use.

6. **FIRE**

6.1 In a park no person shall:

6.1.1 Ignite a fire during any time that the Director has prohibited same pursuant to Section 17.2.6.

6.1.2 Start a fire except in a fireplace provided for such use, and in accordance with all rules and regulations governing such use. The rules and regulations shall be posted.

6.1.3 Leave a fire unattended.

6.1.4 Throw or place upon the ground any burning material or substance within the limits of any park.

6.1.5 Remove any firewood from the stock supply unless it is used specifically for a fire in a fireplace provided for such use within the park.

6.1.6 Bring any firewood into a park or facility.

7. **DOGS**

7.1 No person shall allow any dog, owned or controlled by him, to be in any park unless it is on a leash not exceeding 2 meters in length.

7.2 No person shall allow any dog, owned or controlled by him, to enter a body of water that is located in or flowing through a park.

7.3 No person shall allow any dog, owned or controlled by him, to enter a swimming pool, paddling pool or spray pool located in a park.

7.4 Any person who brings a dog into a park shall immediately clean-up and remove any defecation done by the animal.

7.5 No person shall allow any dog under his control to:

7.5.1 Injure, disturb, or trap any bird or animal;

7.5.2 Destroy any bird or animal's habitat;

7.5.3 Disturb or destroy any vegetation in a park;

7.5.4 Disturb the comfort or safety of a person using the park.

8. LIVESTOCK

8.1 No person shall permit any livestock, owned or controlled by him, to enter any park unless he is given permission from the Director.

8.2 No person shall permit any livestock, owned or controlled by him, to disturb any vegetation or to disturb the comfort or safety of a person using the park.

9. DAMAGE TO PROPERTY

9.1 While in a park, no person shall:

9.1.1 Destroy, damage or remove any vegetation;

9.1.2 Walk, stand or sit on or in any flower or shrub bed;

9.1.3 Walk, cross or use any grass, plot or land where signs have been posted prohibiting such use;

9.1.4 Place earth, snow, refuse, grass clippings or other materials thereupon;

9.1.5 Damage furniture, fixtures or improvements;

9.1.6 Tamper with any door, fence, gate or other device designated for the control of vehicles or pedestrians;

9.1.7 Tamper with a sign authorized to be erected by the Director pursuant to a Bylaw of the City or other law.

10. COMMERCIAL OR POLITICAL ACTIVITIES

10.1 No person shall, in a park or recreational facility, without prior written approval from the Director:

10.1.1 Post or otherwise display any sign or billboard for the purposes of advertising;

10.1.2 Distribute hand bills, circulars or other printed material;

10.1.3 Use any audible advertising device;

10.1.4 Sell, offer for sale or receive an order for any food, beverage, chattel or services.

11. PUBLIC GATHERINGS

11.1 In a park or facility, no person shall, without prior written approval from the Director:

11.1.1 Take part in any procession, performance or activity;

11.1.2 Make a public address or take part in a demonstration;

11.1.3 Operate an amplifying system or a loud speaker.

12. FIREARMS

12.1 While in a park or facility, no person shall carry or discharge a firearm unless such activity is specifically authorized in writing by the Director.

13. DANGEROUS OBJECTS

13.1 While in a park or facility, no person shall:

13.1.1 Carry or discharge any fireworks or explosives of any description;

13.1.2 Cast any stones, missiles or any dangerous object; or

13.1.3 Propel a golf ball in any manner or shoot any arrows; unless such activity is authorized by the Director.

14. GLASS

14.1 No person shall willfully break any glass at a park or facility.

15. LITTER CONTROL

15.1 No person shall place, deposit or dump in any park, except in a garbage receptacle provided for such purpose, any paper, cardboard, glass, refuse or debris or litter of any kind;

15.2 No person shall place, deposit or dump in any park or facility any refuse or debris of any kind that may be offensive or injurious to any other person using the park or facility.

16. **CONDUCT**

16.1 No person shall engage in any conduct which impedes, obstructs or interferes with the free use or enjoyment of a park or facility by any other person.

16.2 No person shall pass into, out of, or through a door, gate or other aperture except through such door, gate or aperture designated by the Director for such access.

16.3 No person shall enter into, use or be found in a park or facility without lawful excuse at any time that the same is closed to the public.

16.4 No person shall use or make any boisterous noise, blasphemous, vulgar or insulting language or be guilty of any disorderly, loud or lascivious conduct of any kind while in any park or facility or engage in any activity which is likely to lead to a breach of the peace or to the inconvenience or disturbance of any person using a park or facility.

16.5 No person shall consume or display alcohol in a park or facility except where allowed and authorized by license issued pursuant to The Alcohol and Gaming Regulation Act A-18-01 statutes of Saskatchewan.

16.6 No person shall enter or remain in any park or facility while intoxicated.

16.7 No person shall participate in any activity or performance subject to an admission fee without first having paid such admission fee.

16.8 No person shall play or practice golf or use a golf cart in any park or facility or any area thereof not designated for the same.

16.9 No person shall smoke in an area designated as "No Smoking".

16.10 The Director may evict, deny admission, deny the right to gain entry to a park or facility, or deny the right to any privilege associated with the use or occupation of a park or facility to any person whom he reasonably believes has breached or attempted to breach a provision of this section or the terms or conditions of permission to use the park or facility as authorized by the Director or by the Council whether or not a charge may be laid or conviction obtained in respect of the same. Any person so removed shall have no right to demand or obtain a refund of all or a portion of any admission fee paid. Any person so evicted who fails to leave the park or facility may be ejected from the park or facility.

PART 2 - DUTIES AND AUTHORITY OF THE DIRECTOR

17. DUTIES & AUTHORITY OF THE DIRECTOR:

17.1 The Director shall:

- 17.1.1 ensure the proper maintenance and improvement of parks and facilities, including vegetation, fixtures, buildings, structures, signage, paths, motor vehicle roadways, fire pits and receptacles and other improvements thereat;
- 17.1.2 designate gates for entering and leaving a park or facility, areas for camping and picnicking in any park or facility and cause signage to be erected or by other means designate the same;
- 17.1.3 make recommendations to the Council about what traffic signage ought to be erected, removed or altered so as to carry out the provisions of this Bylaw;
- 17.1.4 limit the conduct of any person within any park or facility such as may be necessary to protect such park or facility, the safety of persons thereat, or the enjoyment or users therein;
- 17.1.5 designate areas where golf may be played or practiced or where a golf cart may be used, and may limit or prohibit the playing of golf or the use of a golf cart within any park or facility or any area thereof not designated for the same;

17.1.6 prohibit ignition of fires or any other conduct in any park or facility for such temporary duration as the Director, in his sole discretion, may deem necessary to protect or prevent damage thereat;

17.1.7 designate "No Smoking" areas in a park or facility.

17.1.8 authorize signage, excluding traffic signage, to be erected, removed or altered as he may deem necessary to carry out the provisions of this Bylaw.

17.1.9 authorize a designate to act in his stead to exercise his authority over any park or facility, to direct traffic, or to supervise parking at any performance.

PART 3 - PENALTIES, VOLUNTARY PAYMENTS AND APPLICATION

18. PENALTIES

18.1 Subject to Section 19, any person who violates a provision of this Bylaw shall be guilty of an offense and shall be liable upon summary conviction to a fine not exceeding:

18.1.1 \$ 2,000.00 in the case of an individual; or

18.1.2 \$ 5,000.00 in the case of a club.

19. VOLUNTARY PAYMENT

19.1 When a police officer, special constable or Director authorized to enforce this Bylaw has reason to believe that a person has contravened any provision of this Bylaw, that police officer, special constable or Director may issue a Bylaw Violation Tag as set out in Schedule "A" of this Bylaw to the person, may place the Violation Tag on the motor vehicle, or may mail or leave the Violation Tag at the person's last known address and such service shall be adequate for the purpose of this Bylaw.

19.2 The Violation Tag shall indicate whether the City will accept a voluntary payment in an amount as prescribed in Schedule "B" of this Bylaw.

- 19.3 If the alleged contravention is one for which the City will accept a voluntary payment in an amount as prescribed in the Schedule pursuant to 19.2, a recipient of a Violation Tag desiring to make a voluntary payment shall, within 15 days from the date of issue of the Violation Tag, produce and present the Violation Tag and prescribed payment to the City Treasurer at Swift Current at the City Hall between the hours of 8:15 a.m. and 4:45 p.m. (local time) except on Saturdays, Sundays and statutory or civic holidays or by depositing the payment in the night depository.
- 19.4 Subject to 19.3, where the City Treasurer receives voluntary payment of the prescribed amount, the person or owner of the motor vehicle receiving the Violation Tag shall not be liable for prosecution for the alleged contravention.
- 19.5 Where a person contravenes the same provision of this Bylaw two or more times within one twelve month period, the specified voluntary penalty payable in respect of the second or subsequent contravention shall be double the amount that is prescribed in Schedule "B".
- 19.6 Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this Bylaw.

20. PROSECUTION FOR DAMAGES

- 20.1 Nothing in this Bylaw shall be construed to curtail or abridge the right of the City to prosecute an action for damages by reason of injuries suffered to any park or facility resulting from the contravention of any of the provisions of this Bylaw.

21. APPLICATION OF THIS BYLAW

- 21.1 This Bylaw shall apply to all parks and facilities in the City, subject, however, to the exceptions provided in any statute of the Province of Saskatchewan or any agreement entered into by the City affecting any park or facility or any portion thereof.
- 21.2 The following are exempt from the provisions of this Bylaw:
- 21.2.1 the employees, servants and agents of the City while acting in the course of their employment or duty; or
 - 21.2.2 any person who has received prior written permission of the Director to use the park or facility or portion thereof as a temporary access to that person's private property.

21.3 If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall not be construed as having persuaded or influenced the Council to pass the remainder of the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and remain in force.

21.4 In the event of conflict between any of the provisions of this Bylaw and the provisions of any other bylaw of the City, the provisions of this Bylaw shall prevail.

21.5 In the prosecution of an alleged contravention of any of the provisions of this Bylaw, the onus of proof that the action giving rise to the charge was previously authorized shall lie upon the person charged.

21.6 In the prosecution of an alleged contravention of any of the provisions of this Bylaw, the status of the park or facility in question shall be established upon viva voce testimony of the Director or his designate, and the onus of proof that the park or facility where the contravention was alleged to have occurred is not a land protected by this Bylaw shall lie upon the person charged with the offense.

22. EFFECTIVE DATE

22.1 The Bylaw shall come into force and effect on the date of the final passing thereof.

_____ **MAYOR** _____ **CITY CLERK**

INTRODUCED AND READ a first time this 18th day of August, 1997.

READ a second time this 18th day of August, 1997.

READ a third time and finally passed this 18th day of August, 1997.

Schedule "A"

Schedule "B"
 Forming Part of Bylaw # 19 - 1997
Amounts Which Will Be Accepted By the City In Lieu of Prosecution

| OFFENCE | DESCRIPTION | AMOUNT |
|---------|---|--------|
| 3 | .1 Operate a motor vehicle in a facility or park | 120.00 |
| | .2 Park, in a park, where prohibited | 45.00 |
| 4 | .1 Ride a bicycle, in a park, where prohibited | 45.00 |
| 5 | .1 Set up a tent where prohibited | 45.00 |
| 6 | .1.1 Ignite a fire, where prohibited | 45.00 |
| | .1.2 Start a fire, other than in a fireplace | 45.00 |
| | .1.3 Leave a fire unattended | 70.00 |
| | .1.4 Throw any burning material within a park | 70.00 |
| | .1.5 Remove any firewood from a park | 45.00 |
| | .1.6 Bring firewood into a park or facility | 45.00 |
| 7 | .1 Allow a dog to be unleashed in a park | 70.00 |
| | .3 Allow a dog to enter a spray pool or paddling pool | 70.00 |
| | .4 Fail to clean up and remove defecation | 70.00 |
| 7 | .5.1 Injure, disturb, or trap any bird or animal | 120.00 |
| | .5.2 Destroy any bird or animal's habitat | 120.00 |
| | .5.3 Disturb or destroy any vegetation in a park | 150.00 |
| | .5.4 Disturb the comfort or safety of any person | 120.00 |
| 8 | .1 Permit livestock to enter a park | 45.00 |
| | .2 Permit livestock to disturb vegetation or person | 120.00 |
| 9 | .1.2 Walk, stand or sit on, or in, any flower or shrub bed | 45.00 |
| | .1.3 Walk, cross or use any grass or land where prohibited | 45.00 |
| | .1.4 Place earth, snow, refuse or grass clippings on a park | 70.00 |
| 10 | .1.1 Post or display any sign or billboard | 45.00 |
| | .1.2 Distribute hand bills, or other printed material in a park | 45.00 |
| | .1.3 Use any audible advertising device in a park | 45.00 |
| | .1.4 Sell any food or beverage in a park without approval | 45.00 |
| 13 | .1.1 Carry or discharge fireworks or explosives in a park | 70.00 |
| | .1.2 Cast any stone, missile or dangerous object in a park | 70.00 |
| | .1.3 Propel a golf ball in a park | 70.00 |
| 14 | .1 Willfully break glass in a park | 120.00 |
| 15 | .1 Litter in a park | 70.00 |
| | .2 Deposit offensive or injurious material in a park | 95.00 |
| 16 | .7 Participate in a performance without paying admission | 70.00 |
| | .8 Practice golf or use golf cart where not designated | 70.00 |
| | .9 Smoke in an area designated as "No Smoking" | 70.00 |

Subsequent offence committed within twelve (12) month of the first offence - DOUBLE THE ABOVE SCHEDULE