

BYLAW 2015-1956

A BYLAW OF THE CITY OF ESTEVAN IN THE PROVINCE OF SASKATCHEWAN TO REGULATE THE USE OF PARKS AND OPEN SPACE AREAS LOCATED WITHIN THE CITY OF ESTEVAN

WHEREAS, the Council of the City of Estevan, in the Province of Saskatchewan has deemed it necessary to regulate the use of parks and open space areas located within the city of Estevan

NOW THEREFORE, the Council of the City of Estevan in Open Meeting enacts as follows:

Definitions

amenity means any item installed in a park or open space that is intended to enhance a park or open space or benefit the public, such as public art, memorials or sculptures;

athletic field means an outdoor playing surface owned by or made available by a lease, agreement or otherwise to the City and includes: skate parks, tennis courts, soccer fields and ball diamonds.

City means the municipal corporation of the City of Estevan;

commercial activity means the selling or offering for sale of any goods or services;

designated area means any area defined, set aside or constructed for a specific use which may include posted conditions;

encroachment means any object, natural or manmade, including but not limited to: plant material or an item or structure of personal property which is left or installed on property designated as a park or open space;

Open space area includes pathways, flood plains, roadway medians, buffer strips, public walkways, traffic islands and utility parcels that are owned by or made available by a lease, agreement or otherwise to the City;

organized sports means non-spontaneous, regularly recurring activities or organized practice;

park means property owned by, or set apart, or made available for use as a public park, garden outdoor rink, athletic field or playground;

pathway means a multi-purpose path that is located in a park or open space area and includes sidewalks or portions of sidewalks that are part of the multi-purpose pathway system or are connectors between parks;

pedestrian means any person on foot or person using the aid of a mobility assistive device;

permit means a valid and subsisting permit issued by the City of Estevan pursuant to this Bylaw;

person includes a corporation, a partnership and any association or other body;

plant material includes all trees, shrubs, plants, flowers, natural grass and any organic ground cover

skate includes skateboarding, in-line skating, roller skating, ice skating or scooter riding.

Signs And Control Devices

1. a) The City of Estevan is hereby authorized to install signs, graphics, barriers or other control devices in a park or open space area for the purpose of the control, warning, guidance, information and direction of persons in accordance with this Bylaw;
- b) No unauthorized person shall mark, place, remove or alter any sign or control device in a park or open space area.

Hours Of Use

2. (1) No person shall remain in a park between the hours of 10:00 p.m. and 6:00 a.m. Except for the following:
 - a) Persons who have obtained a permit from the City to use a park after 10:00 p.m. or before 6:00 a.m. City employees, police officers or emergency responders who enter a park in the course of their duties.

Restricted Access

3. (1) The City Manager or designate may prohibit persons from entering a park or open space area or portion of a park or open space area where:
 - a) The City or an agent of the City is conducting any maintenance, repair or replacement, including park maintenance and sewer or water line construction, repair or improvements;
 - b) The City or an agent of the City is moving any building, structure, machine or other object;
 - c) The City or an agent of the City is constructing, repairing or demolishing a building, structure, athletic field, amenity or other object; or
 - d) Public access to the park or open space area would interfere with a person who has obtained a valid permit to use that park or open space area.
- (2) The City Manager or designate may prohibit persons from bringing dogs or operating bicycles in a park or open space area where these activities would interfere with:
 - a) an activity carried on by the City at that park or open space area;

- b) a person who has obtained a valid permit for the exclusive use of that park or open space area; or
 - c) a person who has obtained a valid permit to conduct a procession, parade, ceremony, public meeting, assembly, worship service, demonstration, festival, concert or other public gathering in that park or open space area.
- (3) Where the City Manager or designate restricts access to a park or open space area pursuant to subsection (1) or (2), the City Manager shall ensure that notices are posted at the entrances of the park or open space area setting out:
- a) the nature of the restrictions;
 - b) the dates that access is restricted; and
 - c) the times during which that access is restricted each day.
- (4) The notices in subsection (3) shall be posted during the time that access is restricted.

Licence Required For Commercial Activity

4. No person shall conduct any commercial activity within a park or open space area without obtaining:
- a) the appropriate license pursuant to the Business Licence Bylaw and;
 - b) the prior written approval of the City Manager or designate.

Permit Required

5. (1) No person shall carry on the following activities in a park or open space area without a permit:
- a) assume exclusive use of all or a portion of a park or open space area including an athletic field, outdoor rink, or reservation picnic site;
 - b) engage in organized sports;
 - c) conduct a procession, parade, ceremony, wedding, public meeting, assembly, worship service, demonstration, festival, concert or other public gathering;
 - d) leave or store personal property
 - e) set up a temporary shelter, tarp, canopy or other such device;
 - f) drive or arrange for a vehicle of any type or equipment to be driven through a park or open space area.

- (2) Notwithstanding subsection (1), no permit shall be required:
 - a) for an activity carried on by the City or at a location operated by an official or employee of the City acting on behalf of the City in his or her capacity as such official or employee;
 - b) for spontaneous, non-organized sports or recreational activities that are not otherwise prohibited by this Bylaw;
 - c) to operate an in service emergency vehicle in a park or open space, including a Estevan Fire Department vehicle, a Estevan Police Service vehicle, an ambulance, or a vehicle registered and licensed and in the service of the City for the purpose of responding to any hazardous material emergency; and
 - d) to operate a utility company vehicle where the particular utility has lawful authority to enter the specific area within the park or open space, either through an easement or other agreement, or as owner of the property.

Permits And Fees

- 6. (1) Every application for a permit shall apply to the City Manager or designate in a form prescribed by the City Manager.
- (2) The City Manager or designate shall only issue a permit to a person making an application pursuant to subsection (1) when that person:
 - a) agrees to all the terms and conditions included in the permit, including liability for any damage caused in the park or open space;
 - b) executes the permit; and
 - c) pays any applicable permit fees required.
- (3) The City Manager or designate shall have the authority to refuse or revoke a permit if:
 - a) a person does not comply with clauses (2) a to c; or
 - b) the proposed activity is not compatible with the public use of a park or open space area; or
- (4) The permit fee shall be established as \$25.00 increasing by \$5.00 per year on January 1, 2017 until January 1, 2022.
- (5) The damage deposit shall be established at \$500.00 increasing by \$50 per year on January 1, 2017 until January 1, 2022.

Other Bylaws, Legislation and Agreements Applicable

7. A permit issued pursuant to this Bylaw does not exempt a person from compliance with any other bylaws, statutes or regulations that may be applicable.

Prohibited Activities

8. 1) No person in a park, open space, athletic field, or pathway system area shall:
 - a) disturb, harass or interfere with a person who has a valid permit, or with any of the person's personal property or equipment;
 - b) damage, deface, destroy or remove any structure, fixture, improvement, sign or other property;
 - c) use a park, park property or open space area other than for its intended use or restrict public access to a park or open space;
 - d) destroy, alter, damage, cut, prune, mow or remove any plant material, rock, oil, water or minerals;
 - e) install irrigation lines, dig holes, trenches or other excavations or change the grade of the park or open space;
 - f) plant any plant material;
 - g) use or apply pesticides or drain or dump any chemically treated water or chemical product;
 - h) build a structure including but not limited to a fence, fire pit, planter box, compost bin, storage shed, stair, flag pole, deck or ramp;
 - i) establish or maintain a camp, or erect a tent for use as a lodging;
 - j) wade, swim or bathe in a body of water except in designated areas;
 - k) skate, except:
 - i) in designated areas or on the right hand side of a pathway;
 - ii) with due care and attention to that person's own safety and in a manner and at a speed appropriate to the surface being skated upon; and
 - iii) with due care and attention for the safety of other users of the pathway, park or open space area.
 - l) golf;
 - m) ice skate, except in designated areas;

- n) use any remote controlled aircraft, including drones or vehicle;
 - o) use equipment or footwear that could damage park turf or other property;
 - p) drive, park or store any vehicle, including but not limited to a licensed or unlicensed motorized or mote-less vehicle, trailer, or recreation vehicle;
 - q) dump, discard or place garbage, plant material or grass clippings on public property designated as a park or open space;
 - r) have animals uncontrolled or leave animal feces in any area other than designated trash containers, as per the Animal Control Bylaw.
- 2) Clause 8 (o) does not apply to a person who uses equipment or footwear at an athletic field or designated area where the equipment or footwear is used for the purpose of engaging in an organized sport.

Exemptions

9. 1) Nothing in the Bylaw shall prevent Police Officers, City employees or agents of the City from performing their duties.
- 2) The provisions of this Bylaw shall not apply to:
- a) Any emergency vehicle
 - b) Any municipal or provincial utility vehicle.

Enforcement

Any person who contravenes any provision of the Bylaw is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:

- a) Two thousand dollars (\$2,000) in the case of an individual; and
- b) Five thousand dollars (\$5,000) in the case of a corporation.

CITY OF ESTEVAN

 Roy Ludwig,
 Mayor

 Judy Pilloud,
 City Clerk

READ a first time this 17th day of August, 2015.

READ a second time this 17th day of August, 2015.

READ a third and final time, approved, and adopted for use by the City of Estevan this 17th day of August, 2015.

Schedule "A"

App/Permit# _____

CITY OF ESTEVAN
APPLICATION/PERMIT FOR SPECIFIC USE OF A PARK OR OPEN SPACE

I/WE HEREBY MAKE APPLICATION FOR A PERMIT TO USE A PARK OR OPEN SPACE

1. PERMITEE

NAME (Print): _____ ADDRESS: _____

TEL #: _____ FAX #: _____ CELL#: _____

2. LOCATION OF OCCUPANCY:

CIVIC ADDRESS:

3. TIME FRAME:

a) Scheduled date _____, 20__ ; and time _____ (am/pm); when activity is to commence.

b) Scheduled date _____, 20__ ; and time _____ (am/pm); when activity will be completed.

4. INTENDED USE:

Provide details on the intended use of the area;

5. SITE REQUIREMENTS:

- a) As applicant, or authorized officer for the applicant, I am responsible for;
 - i) maintaining tidiness of the site at all times;
 - ii) restoring the site upon completion of occupation to site conditions upon arrival;
 - iii) ensuring that the occupier will abide by the Safety Regulations as directed by the City’s Occupation Health and Safety Coordinator or any other safety regulations of senior governments or agencies thereof.

6. SECURITY DEPOSIT/BOND:

- a) As applicant, or authorized officer for the applicant, I agree to submit a \$500.00 deposit or bond to be held in trust by the City until final inspection proves satisfactory as determined by City Officials and in accordance with section 5 of this application.

7. EQUIPMENT LIST:

The following list of equipment is required for the specific use;

TERMS/CONDITIONS – TO BE COMPLETED BY AUTHORIZED CITY OFFICIAL:

A. SIGNAGE:

Please check the boxes which apply:

Signage indicating the nature of any restrictions to the public shall be erected _____ hours in advance of when the permitted activity commences.

B. BARRICADES, SAFETY DEVICES:

The applicant will undertake the erecting of barricades, warning devices and other safety devices at the following locations (not required if at same location as signage):

C. COMPLIANCE WITH CITY BYLAWS, STANDARDS AND POLICIES:

The Applicant hereby agrees to be bound by the Bylaws, Standards and Policies of the City of Estevan, and to such conditions, restrictions and regulations as may be imposed by the City, and hereby submit the required application fee together with any other required fees or deposits.

The signature presented below shall certify that, to the best knowledge and beliefs of the Applicant, or duly authorized Agent, the information furnished in this application is true, complete and accurate.

D. OTHER TERMS AND CONDITIONS:

Site Requirements

I/WE AGREE TO ASSUME SOLE COST AND RESPONSIBILITY FOR ANY DAMAGE CAUSED TO ANY PUBLIC OR PRIVATE PROPERTY AS A RESULT OF OUR USE AS NOTED ABOVE.

DATE

APPLICANT (PRINT AND SIGN)

(FOR OFFICE USE ONLY)

***PURSUANT TO THE PROVISIONS OF THE CITY OF ESTEVAN TRAFFIC BYLAW
THIS APPLICATION IS:**

APPROVED **DENIED** **APPROVED SUBJECT TO:**

CITY MANAGER: _____

DATE OF ISSUE: _____ **DEPOSIT FEE:** _____