

CITY OF PRINCE ALBERT

BYLAW NO. 33 OF 2020

A Bylaw of The City of Prince Albert providing for the use, maintenance and operation of recreation facilities and public parks in the City of Prince Albert

WHEREAS *The Cities Act*, enables the Council of The City of Prince Albert to provide for the maintenance, operation, regulation, improvement and use of recreational facilities and public parks and for the use, protection and regulation of municipal land or buildings;

AND WHEREAS it is deemed expedient by the Council of The City of Prince Albert to enact a Bylaw pursuant to the said powers to provide for the maintenance, operation, regulation, improvement and use of recreational facilities, public parks and other municipal land and buildings;

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be called the "Recreation Facilities and Parks Bylaw".

Definitions

2. In this Bylaw, unless the context otherwise requires, the expression:
 - (a) "Act" means *The Cities Act*, as amended, or any Act as may be passed in its stead from time to time.
 - (b) "Activity" means athletic, cultural, recreational, educational or leisure pursuits authorized to occur at a park or facility pursuant to a License, and meetings for administrative purposes related thereto.

- (c) "Aquatic facility" means swimming pool, spray park, or any other water sport or water play facility authorized by the Director of Community Services for such use.
- (d) "At large" means the same as the words "at large" as defined in the City of Prince Albert's Responsible Pet Ownership Bylaw, or such Bylaw as may be passed in its stead from time to time.
- (e) "Boulevard" means a boulevard as defined by the City of Prince Albert's Traffic Bylaw, or any Bylaw as may be passed in its stead from time to time.
- (f) "Bylaw Enforcement Officer" means a person appointed by Council pursuant to Section 337 of *The Cities Act*.
- (g) "City" means The City of Prince Albert.
- (h) "Club" means any incorporated or unincorporated group of persons.
- (i) "Council" means the Council of The City of Prince Albert.
- (j) "Director" means the Director of Community Services of The City of Prince Albert or his designate authorized to carry out the provisions of this Bylaw.
- (k) "Facility" means buildings or improvements owned or operated by the City of Prince Albert, 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.
- (l) "Fire Chief" means the same as the words "Fire Chief" as defined in the City of Prince Albert's Fire and Emergency Services Bylaw, or such Bylaw as may be passed in its stead from time to time.
- (m) "Hours of operation" means the designated hours that a park, facility or walkway is open to the public.
- (n) "License" means a permit issued by the Director or Council or a contract between the applicant for a license and the City of Prince Albert authorizing temporary use or occupation of a park or facility by any person. A License shall not be interpreted to constitute a current lease agreement.
- (o) "Natural person" means an individual and shall not include a Club.

- (p) "Park" means land owned by the City of Prince Albert whether controlled by a person under contract with the City of Prince Albert or otherwise and which is:
- (i) Land dedicated as a public reserve pursuant to *The Planning and Development Act*, or such Act that may be passed in its stead from time to time;
 - (ii) Zoned as Park or Conservation Zone pursuant to the City of Prince Albert's Zoning Bylaw, or such Bylaw as may be passed in its stead from time to time;
 - (iii) Reserved by resolution of Council for activities;
 - (iv) Public square, bicycle path, boulevard, whether or not the same is registered in the name of the City of Prince Albert but is under the control of the City of Prince Albert;
 - (v) The Cooke Municipal Golf Course; and,
 - (vi) The South Hill Cemetery as defined by the City of Prince Albert's Cemetery Bylaw, or such Bylaw as may be passed in its stead from time to time;

Except during such times as there exists a current lease agreement covering such park.

- (q) "Performance" means an activity in a park or facility that is organized for the convenience, information, entertainment, involvement or benefit of any Club or the public.
- (r) "Person" means an individual, Club or corporation.
- (s) "Police Officer" means any sworn member of a police force in Saskatchewan, and any person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer.
- (t) "Public" means persons not necessarily having membership in any Club or residency within the City of Prince Albert.
- (u) "Turf" means both natural grass turf and synthetic/artificial turf.
- (v) "Vegetation" means all areas in or at a park or facility that produce native or domestic grass, tree stands, shrubs or flower beds.

- (w) "Vehicle" means:
 - (i) "Motor vehicle" as defined as a vehicle propelled or driven by any means other than by muscular power in the City of Prince Albert's Traffic Bylaw, or any Bylaw as may be passed in its stead from time to time, excepting a motorized wheelchair or in the case of Cooke Municipal Golf Course only, a golf cart;
 - (ii) A sled, cutter, cart, trailer, toboggan or other carrier towed by a motor vehicle.
- (x) "Walkway" means a parcel of land primarily intended for pedestrian use by the public.

Regulations

- 3. The administration of this Bylaw and all matters arising therefrom shall be undertaken by the Community Services Department under the direction of the Director. The Director shall:
 - (a) Ensure the proper maintenance and improvement of parks and facilities, including the vegetation, fixtures, buildings, structures, signage, paths, motor vehicle roadways, fire pits and receptacles, and other improvements thereat;
 - (b) Encourage and develop leisure activities for the public at parks and facilities;
 - (c) Assist Clubs in their utilization of parks and facilities;
 - (d) Designate hours that any park, facility or walkway is open to the public and cause signage indicating same to be erected, with the exception of the Rotary Trail, where there shall be no limitations to hours of operation;
 - (e) Administer License applications for temporary use or occupation of any park or facility;
 - (f) Designate gates for entering and leaving a park or facility and areas for camping and picnicking in any park or facility and cause signage to be erected or by other means designate same;
 - (g) Authorize signage to be erected, removed or altered that he may deem necessary to carry out the provisions of this Bylaw;

- (h) Limit 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 of the enjoyment of users therein;
 - (i) Designate areas where golf may be played or practiced and limit golf playing within any park or facility, or area thereof, not designated for same;
 - (j) 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;
 - (k) Designate persons to act in his stead, to exercise his authority over any park or facility, to direct traffic and supervise parking at any performance.
4. No person shall:
- (a) Operate a vehicle within or at a park or facility except upon driveways or motor vehicle roads provided thereat;
 - (b) Operate a vehicle within or at a park or facility except for purposes directly required for participation in an event licensed or approved by the City and excepting those areas whereby operation of snowmobiles is permitted under the City's Traffic Bylaw;
 - (c) Disobey verbal instructions given by any person authorized by the Director to direct traffic and supervise parking at a performance.
5. Notwithstanding the provision of the City's Traffic Bylaw, it shall not constitute an offence:
- (a) To exceed the speed limit within or at a park or facility provided that same occurs under the terms and conditions of a License permitting racing within a performance; or,
 - (b) To park a service vehicle undertaking maintenance at a park or facility or a vehicle parked pursuant to a License to do so, including a camping permit.
6. It shall be an offence under this Bylaw if any person at any park, facility or walkway:
- (a) Trespasses, enters, uses or is found therein, without lawful excuse, in a park, facility or walkway after designated hours of operation or at any time that same is closed to the public;
 - (b) Passes into or out of through a door, gate or other aperture except through such door, gate or aperture designated by the Director for such access;

- (c) Participates in a Licensed activity or performance without having first paid such admission fee;
- (d) Participates in a performance other than as permitted by the Licensee by payment of admission fee or otherwise;
- (e) Participates in a Licensed activity or performance without the consent of the Licensee;
- (f) Obstructs, excludes or attempts to obstruct or exclude any person lawfully using or attempting to use a park or facility;
- (g) Engages in any conduct which impedes, obstructs or interferes with other persons lawfully using a park or facility;
- (h) Tampers with any door, fence, gate or other device designed for the control of vehicles or pedestrians;
- (i) Posts or otherwise displays any sign or distributes any printed material when not authorized to do so by the Director;
- (j) Tampers with a sign authorized to be erected by the Director or authorized pursuant to a Bylaw of the City or other law;
- (k) Tampers with furniture, fixtures, improvements, turf or vegetation;
- (l) Advertises, organizes, or assembles a public or Club meeting, activity or performance without first obtaining a License pursuant to this Bylaw;
- (m) Excepting as authorized by the terms and conditions of a License issued pursuant to this Bylaw, sells, offers for sale or receives orders for any food, beverage or other chattel, or any service;
- (n) Places any object or substance that may be disruptive to a licensed activity or performance, or that may be injurious to any person lawfully using or attempting to use a park or facility, or that may be injurious to turf, vegetation, playing surface or any part of an aquatic facility thereat;
- (o) Debarks, breaks, peels, cuts, defaces, removes, injures, digs up, roots up or damages by climbing or otherwise any tree, shrub, vine, flower, root grass or vegetation except where the Director authorizes a person to carry out acceptable forestry or horticulture practices;
- (p) Develops new trails, pathways or other passages which may distribute or destroy the material landscape or vegetation without written consent of the Director.

- (q) Places or removes earth, refuse or other material thereupon except as may be authorized by the Director;
- (r) Destroys, wounds, hunts, traps or disturbs any wild bird, bird's nest, wild animal's den, shelter or resting place, or any natural habitat;
- (s) Removes any firewood or logs therefrom, excepting pursuant to a License referred to in Section 12 of this Bylaw;
- (t) Causes or creates an open fire in any park covered under this Bylaw outside hours of operation unless permitted under a current lease or license agreement or permitted by resolution of Council;
- (u) Ignites a fire during any time that the Director or the Fire Chief shall have prohibited same;
- (v) Ignites a fire or permits any fire to burn other than in a designated fire pit, receptacle or other fixture provided for same, or ignites or permits a fire to burn of such size or in any manner so as to cause a hazard;
- (w) Leaves a fire unattended;
- (x) Camps or picnics in an area not designated by the Director for such use;
- (y) Permits a domestic animal to graze or be at large in an area not designated by the Director for such use.

7. It shall be an offence under the provision of the Bylaw if any person is found:

- (a) To be in possession of a glass beverage container at a park or facility which is a playground, aquatic facility or arena;
- (b) To willfully break any glass at a park or facility;
- (c) To smoke in any City-owned and/or operated facility and/or be in contravention of the City's Smoking in Certain Locations Bylaw, *The Tobacco Control Act, 2001*, of Saskatchewan, or any Bylaw or Act as may be passed in their stead from time to time.
- (d) To be using smokeless tobacco for use by mastication at a park or facility;
- (e) To be using photographic equipment in washrooms and/or change rooms in a park or facility;
- (f) To be in possession of alcoholic beverage(s) at any park or facility without proper license and/or permit;

- (g) To be in possession of illegal narcotics or intoxicating substances at any park or facility.
8. The Director may evict, or deny admission, or the right to gain entry to a park or facility, or the right to any privilege associated with the use or occupation of a park or facility, to any person who he reasonable believes:
- (a) To have attempted or impeded or interfered with the enjoyment of any person attending at a park or facility or participating in an activity or performance;
 - (b) To be under the influence of alcohol or other intoxicating substance;
 - (c) To have spit upon the grounds or floors thereat;
 - (d) To have used foul, obscene or profane language;
 - (e) To have breached or attempted to breach a provision of this Bylaw or the terms or conditions of a License or rule of conduct established by the Director pursuant to this Bylaw;

Whether or not a charge may be laid or conviction obtained in respect of same. Any person so removed shall have no right to demand or obtain refund of all or any portion of any admission or License fee paid. Any person so evicted failing to leave may be ejected from the park or facility.

9. In the event of any conflict between this Bylaw and the City's Responsible Pet Ownership Bylaw, Cemetery Bylaw, Noise Bylaw, Smoking in Certain Locations Bylaw, Fire and Emergency Services Bylaw and Dangerous Weapons Bylaw, Traffic Bylaw or such Bylaws as may be respectively substituted therefore from time to time, the term in conflict shall apply and shall not be interpreted to be superseded by the term of this Bylaw.
10. The charges for admission to or License fee for use of any park or facility shall be as set from time to time by the Director through policy of the Department of Community Services or by resolution of Council.
11. Excepting for persons utilizing areas so designated in parks or facilities for individual or family use or for small unorganized games and events, every person wishing to occupy all or any portion of a park or facility shall apply for a License to do so at the office of the Department of Community Services. Every application for a License must follow the application process established by the Director. All outdoor events held in parks or facilities are subject to the guidelines set forth in the Outdoor Special Events Policy or any City Policy as may be passed in its stead from time to time.

12. The Director may exercise his sole discretion to:
 - (a) Grant, reject or in the case of a conflict in applications, prioritize applications for a License for temporary use or occupation of a park or facility;
 - (b) Issue a License for the removal of firewood, logs or deadfall from any park or facility;
 - (c) Grant to any person, Club or corporation the right to use or rent any park or facility.

The Director may grant any License or right to use or rent a park or facility subject to such terms and conditions as he may deem appropriate under an agreement which may be signed by the Director or such person acting under his instruction in carrying out the provisions of this Bylaw.

13. The Director may refer any properly completed application for a License to Council, and Council may, by resolution, refuse same, or may grant any License subject to such terms and conditions as it deems appropriate, or Council may require the proposed Licensee to enter into a contract embodying the terms and conditions of the License.
14. No License shall be valid until payment of the License fee is made to the City in full, if applicable.
15. In respect of those lawfully participating in an activity or performance authorized under a License, the terms of the License specifying the times and schedules shall supersede the hours of operation of the park or facility.
16. A Licensee may not assign or transfer all or any portion of its rights or responsibilities set forward in the terms and conditions of a License.
17. If the Director is of the opinion that the terms of this Bylaw or the terms and conditions of any License have been or are about to be breached by the License or any member of the Club which is a Licensee, he may immediately revoke the License by causing written notice of revocation to be served on the address indicated on the application for the License.
18. Council may, by resolution, suspend, terminate or revoke any License for any reason it deems appropriate in its sole discretion without the giving of reasons therefore.
19. A person authorized by a governmental authority or the Director to carry out any works or improvements, including the eradication of noxious weeds, pests, or the destruction or interference of any wild bird, animal, bird's nest, wild animal's den, shelter or resting place, or any natural habitat at any park or facility, who, in the

course of carrying out that improvement or work, breaches a provision of this Bylaw, shall not be guilty of any offence under this Bylaw, provided that such act was reasonably necessary for the purposes of carrying out that improvement or work.

Offences and Penalties

20. Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$5,000.00.
21. When a Police Officer or Bylaw Enforcement Officer issues a summary ticket for a violation of this Bylaw, that Police Officer or Bylaw Enforcement Officer may enter on the ticket the amount of \$500.00 which, if paid within the prescribed time, will be accepted as a guilty plea to the offence.
 - (a) Non-compliance with any notice issued pursuant to this Section shall not in any way affect or prejudice the right of any person named in the Notice to defend any charge which subsequently may be laid against such a person in respect of the infraction described in the Notice.
 - (b) The owner of a vehicle is liable for any violation of any regulation made pursuant to this Section in connection with the operation of the vehicle unless they prove, to the satisfaction of the judge or court trying the case, that at the time of the violation the vehicle was not being operated by themselves or by any other person with this consent, express or implied.
22. Immobilization or Seizure of Vehicles
 - (a) Any person who tampers with or removes any immobilization device that may be used to immobilize or seize any vehicle shall be liable for any loss or damage to the immobilization device.
23. Records of Evidence
 - (a) In a prosecution for a contravention of any provision of this Bylaw, Act or the regulations thereof, copies of the following records that are verified in the following manner are admissible in evidence as proof, in the absence of evidence to the contrary, of the record, without proof of the appointment or signature of the person purporting to have signed the certificate:
 - (i) In the case of records kept by the board or any portion of those records are certified:
 - (1) By the chairperson of the board; or,
 - (2) By a person appointed to act in the chairperson's place;

- (ii) In the case of records kept by the administrator or any portion of those records, the copies of the records or portion of those records are certified:
 - (1) By the administrator; or,
 - (2) By a person appointed to act in the administrator's place.

24. Severability

- (a) If a Court of competent jurisdiction should declare any Section of this Bylaw, or Part thereof, to be invalid such Section or Part thereof is deemed severable from this Bylaw and shall not be construed as having influenced Council to pass the remainder of this Bylaw, and it is the intention of Council that the remainder of this Bylaw shall survive and remain in force.

Enforcement

25. Immobilizing and Seizing of Vehicles

- (a) Where any vehicle is driven, parked, placed, left, or kept in violation of this Bylaw, a Police Officer may immobilize or seize that vehicle from any of the following locations:
 - (i) any street
 - (ii) any public parking place
 - (iii) any property/land owned by the City
 - (iv) land dedicated as a public reserve, land zoned as Park or Conservation.
- (b) Where the owner of a vehicle is in default of parking fines, a Police Officer may immobilize or seize any vehicle registered to that owner from any of the following locations:
 - (i) any street
 - (ii) any public parking place
 - (iii) any property/land owned by the City
 - (v) land dedicated as a public reserve, land zoned as Park or Conservation.

- (c) The City shall have the right to immobilize and seize any vehicle in violation of this bylaw whether or not the owner of the vehicle is charged with or convicted of an offence.
- (d) No person shall:
 - (i) Obstruct or interfere with the immobilization or seizure of any vehicle; or,
 - (ii) Tamper with or remove any immobilization device that may be used to immobilize or seize any vehicle.

26. Notice of Seizure

- (a) Upon immobilizing and seizing any vehicle, a Notice of Seizure and Intention to Sell in the form set out in Schedule 101 of the Bylaw (the "Notice"), shall be provided to the owner of the vehicle;
 - (i) personally; or,
 - (ii) via registered mail to the address shown on the motor vehicle registration certificate.
- (b) A Notice served by registered mail is deemed to have been received on the seventh day following the date of its mailing.
- (c) A lack of sufficiency of the Notice or a claim that the Notice was not received shall not invalidate the seizure or the owner's responsibility to pay any costs and impounding charges, fines and late payment charges, if applicable.

27. Redemption of Seized Vehicle

- (a) Any vehicle seized pursuant to Section 22 shall be stored at the City Compound or any other place authorize by the Chief of Police, the Director of Community Services or a designate thereof, at the cost of the owner for a minimum of thirty (30) days after the date of deemed service of the Notice provided for in Section 27, unless the impounding charges, costs and any outstanding fines and late payment charges are sooner paid.
- (b) Upon proof of its ownership and upon payment of any outstanding fines, costs, late payment charges and impounding charges as set out in Schedule 102, any vehicle seized pursuant to section 28 may be redeemed by the owner, or a person authorized in writing, by the owner, at any time up to the date of sale.

28. Failure to Redeem a Seized Vehicle

- (a) If a vehicle is not redeemed prior to the date of sale in accordance with Subsection 27(b), the vehicle shall be sold by way of public auction or tender, and the proceeds applied to any outstanding impounding charges, costs, fines and late payment charges.
- (b) In the event that upon the sale of the vehicle, the amount recovered is in excess of any outstanding impounding charges, costs, fines and late payment charges, the owner of the vehicle shall be notified.
- (c) Upon notification that the City is holding any excess proceeds from the sale, the vehicle owner shall be responsible to contact the City and make arrangements to have the funds transferred.
- (d) Excess proceeds from the sale of a vehicle shall be claimed within one (1) year of the date of the sale, otherwise, they shall form part of the City's general revenue.
- (e) In the event that upon the sale of the vehicle, the amounts recovered are insufficient to satisfy all outstanding fines, costs, late payment charges and impounding charges, the deficiency becomes an amount owing to the City and may be collected by civil action for debt in a court of competent jurisdiction.

Repeal of Bylaws

29. That Bylaw No. 13 of 2018 and all applicable amendments and subsequent amending Bylaws are hereby repealed, including but not necessarily limited to Bylaw No. 4 of 2020. Notwithstanding, all actions, seizures and fines under such repealed bylaws remain authorized and enforceable.

Coming into Force

30. This bylaw shall come into force and take effect on, from and after the final passing thereof.

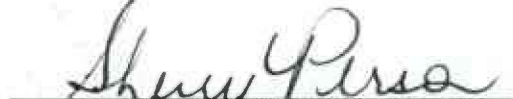
INTRODUCED AND READ A FIRST TIME THIS 13th DAY OF October , AD 2020.

READ A SECOND TIME THIS 13th DAY OF October , AD 2020.

READ A THIRD TIME AND PASSED THIS 13th DAY OF October , AD 2020.



MAYOR



CITY/CLERK

SCHEDULE 101

Schedule 101
Section 101, Bylaw No. 1 of 2013 – City of Prince Albert



NOTICE OF SEIZURE AND INTENTION TO SELL

Registered Owner: _____
Last Name First Name Initial

Date Of Birth: / / Telephone: _____
Day Month Year

Address: _____
Street or Box Number City Prov/State Postal Code

Driver's License #: _____ Saskatchewan Other Jurisdiction

VEHICLE INFORMATION:

License Plate or Certificate Number: _____ Prov/State: _____

Year: _____ Color: _____ Make/Model: _____ VIN: _____

TAKE NOTICE THAT THE VEHICLE DESCRIBED ABOVE has been seized by the Prince Albert Police Service on _____, the _____ day of _____, 2____, at _____ am/pm from _____, in the City of Prince Albert under the provisions of _____.

- a) The Criminal Code; OR
- b) The Traffic Safety Act; OR
- c) The Prohibition of Motor Vehicle in Public Places Bylaw No. 11 of 2007 ; Or
- d) The Traffic Bylaw No. 1 of 2013, OR
- e) The Property Amenities Bylaw No. 14 of 2007. OR
- f) *The Cities Act* and City of Prince Albert Impoundment Bylaw No. _____, OR
- g) The Snow Clearing Bylaw No. _____.

1. Please take notice that the vehicle has been impounded by the towing contractor, _____ and is presently stored at its compound located at _____ Prince Albert.

2. Please be advised that additional fines and late payment fees that have fallen into default after the date of this notice will be added to this total as will daily impound fees.

The expenses of seizing, holding, repairing, processing and preparing the Vehicle for disposition shall also include:

- a) seizing and towing charges
- b) daily storage charges
- c) other administrative expenses to be incurred in disposing of the Vehicle by sale

3. FURTHER TAKE NOTICE that unless you pay the costs of removal, impoundment, storage and any outstanding fines within 30 days after the date of the removal of the vehicle, the vehicle may be sold for salvage or destroyed for scrap metal with any proceeds thereof remaining for the sole benefit of the towing contractor.

The Prince Albert Police Service, the City of Prince Albert and the towing contractor will not be held liable for any loss or damage to the Vehicle or its contents.

Dated this _____ day of _____ A.D. 2 ____ at the City of Prince Albert, Sask.

PER: _____

FILE #: _____

Vehicle held for investigation purposes. DO NOT RELEASE VEHICLE.
Please contact Police prior to release of vehicle.

White – Peace Officer

Yellow - Registered Owner Only

Pink – Garage Keeper

SCHEDULE 102

IMPOUNDING CHARGES

1.	Towing	Actual Cost
2.	Impound Fee	\$ 25
3.	Storage Fee, to be paid in addition to the Impound Fee on the first day, and for each day thereafter	\$ 10
4.	Advertising Costs	Actual Cost
5.	Administration Fee: includes Lien search and preparation for sale	\$25.00
6.	Sales charge if sold	\$25.00

If a vehicle requires extra services, or if additional facilities are necessary for its proper handling, the cost of such extra service or additional facilities shall be added to the charged set out in this Schedule. Also, any costs associated with selling of a vehicle and of transferring title shall be paid by the Purchaser.