

BYLAW #2012-13

THE PARKS AND OPEN SPACE BYLAW

The Council of the Rural Municipality of Mervin #499, in the Province of Saskatchewan, enacts as follows:

Purpose:

1. The purpose of this Bylaw is to regulate the use of parks and open space areas located within the Rural Municipality of Mervin #499.

Authority:

2. The authority for this Bylaw is Section 8 of the *Municipalities Act*.

Definitions:

3. In this Bylaw:

“**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.

“**Municipality**” means the municipal corporation of the Rural Municipality of Mervin No. 499.

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

“**Administrator**” means the person appointed to the position of Municipal Administrator or his or her designate.

“**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 area.

“**missile**” includes any object fired or otherwise projected by a person.

“**open space area**” includes designated Public Reserves, Municipal Reserves, Environmental Reserves, Walkways and Buffer Strips.

“**park**” means property owned by, or made available by a lease agreement or otherwise to the Municipality, that is established, dedicated, set apart or made available for use as a public park, outdoor rink, athletic field or playground.

“**pedestrian**” means any person on foot or person using the aid of mobility assistive Device

“**person**” includes a corporation, a partnership, and any association or other body.

“**plant material**” includes all trees, shrubs, plants, flowers, natural grass, and ground cover.

Signs and control devices

- 4(1) The Administrator 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.
- (2) No unauthorized person shall mark, place, remove or alter any sign or control device in a park or open space area.

Hours of use

- 5(1) No person shall remain in a park between the hours of 11:00 p.m. and 6:00 a.m.
- (2) Subsection (1) does not apply to the following:
 - (a) persons who have obtained a permit from the Administrator to use a park after 11:00 p.m. or before 6:00 a.m.; and
 - (b) Municipal employees or police officers who enter a park in the course of their duties.

Restricted access

- 6(1) The Administrator may prohibit persons from entering a park or open space area or portion of a park or open space area where:
 - (a) the Municipality is conducting maintenance, repair or replacement, including park maintenance and sewer line construction, repair or improvements;
 - (b) the Municipality or an agent of the Municipality is moving any building, structure, machine or other object;
 - (c) the Municipality or an agent of the Municipality is constructing, repairing or demolishing a building, structure, athletic field 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 Administrator 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 Municipality 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 Administrator restricts access to a park or open space area pursuant to subsection (1) or (2), the Administrator 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.

Commercial activity

7. No person shall carry on any commercial activity within a park or open space area without obtaining prior approval from the Municipality.

Permission required

- 8(1) No person shall carry on the following activities in a park or open space area without first obtaining written permission from the Municipality:
- (a) leave or store personal property;
- (b) set up temporary shelter, tarp, canopy or other such device;
- (c) drive or arrange for a vehicle or equipment to be drive through a park or open space area.
- 8(2) Notwithstanding subsection (1), no permission shall be required:
- (a) for an activity carried on by the Municipality;
- (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 Volunteer Fire Department, the R.C.M.P. or an ambulance; and

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- (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 the owner of the property.

Encroachments

- 9(1) No person shall cause or allow an encroachment or amenity of any kind to be placed on or to continue to encroach on a park or open space area without the prior written approval of the Municipality.
- (2) This Bylaw shall apply to every encroachment or amenity existing prior to the date of the enactment of the Bylaw and any new encroachment or amenities.

Other bylaws, legislation and agreements applicable

- 10. Permission granted pursuant to this Bylaw does not exempt a person from compliance with any other bylaws, statutes or regulations that may be applicable.

Prohibited activities

- 11. No person in a park or open space area shall:
 - (a) disturb, harass or interfere with a person who has written permission, 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 are other than for its intended use or restrict public access to a park or open space;
 - (d) destroy, damage, cut, prune, mow or remove any plant material, rock, soil, water or minerals;
 - (e) use or apply a pesticide or herbicide or drain or dump any chemically treated water or chemical product;
 - (f) build a structure including but not limited to a fence, fire pit, planter box, compost bin, storage shed, flag pole, deck or ramp;
 - (g) establish or maintain a camp, or erect a tent for use as a lodging;
 - (h) construct a dock, launch or land any watercraft upon any body of water except in designated areas;



Exemptions

- 12(1) Nothing in this Bylaw shall prevent R.C.M.P. members, Municipal employees or agents of the Municipality from performing their duties.
- (2) The provisions of this Bylaw shall not apply to:
 - (a) any emergency vehicle or emergency watercraft; or
 - (b) any municipal or provincial utility vehicle.

Severability

13. If a Court of Competent Jurisdiction should declare any section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced 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 and effect.

Enforcement

- 14(1) Any person who contravenes any provision of this 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;
 - (b) five thousand dollars (\$5,000) in the case of a corporation.



Reeve

(S E A L)



Administrator

Certified a true copy of
Bylaw No. 2012-13 adopted by
resolution of Council this

11th day of *SEPTEMBER*, 2012



Reeve



Administrator

(S E A L)