



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: **The Parks Bylaw**

BYLAW #: **# SS-23**

Be it enacted and it is hereby enacted by the City Council of the City of Summerside, pursuant to Sections 21 & 65 of the City of Summerside Act, Stats, P.E.I. 1994, Cap. 59 and amendments thereto:

1. *Name*

This Bylaw shall be referred to as "The Parks Bylaw".

2. *Definitions*

In this Bylaw:

"C.A.O." means the Chief Administrative Officer for the City, or his or her designate.

"City" means the City of Summerside as established by the City of Summerside Act, Stats, P.E.I. 1994, Cap. 59;

"City Council" means the duly elected Council of the City;

"Motor Vehicle" means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power;

"Park" means any land, owned, leased, or controlled by the City of Summerside, designated or used as parkland or as a trail, including gardens, playgrounds, sport fields and beach areas.

"Special Event" includes but is not limited to a festival, procession, march, drill, parade, political, religious or musical function or religious organized event or other public meeting or assembly.

3. *Protection of Park*

(1) While in any park, no person shall do, cause or permit any of the following:

- (a) add to, remove, destroy, defile, or damage any fauna or flora, or any park facility, structure, gates, locks, bolts, equipment, road, walkway, lawn, fence, bench, seat, platform, or sign;
 - (b) indulge in any riotous, boisterous, violent, or threatening conduct, or use profane or abusive language;
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- (c) play any game in an area where signs have been erected pursuant to this Bylaw prohibiting such use;
 - (d) engage in skateboarding and rollerblading, except in areas approved by the C.A.O. or his or her designate;
 - (e) create a nuisance by spying, accosting, frightening, annoying or otherwise disturbing other persons;
 - (f) possess or drink any intoxicating liquor, except at licensed special events;
 - (g) throw a lighted match, cigarette, or other burning substance in any receptacles, or upon the ground;
 - (h) foul or pollute any fountain, pool or watercourse; or
 - (i) operate any motor vehicle, except as approved by the C.A.O. or his or her designate.
- (2) For further clarification, the provisions of subsection 1(i) do not apply to equipment utilized for snow removal, or to any motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine used or operated by, or on behalf of, the City, the Province of Prince Edward Island, or the Government of Canada.

4. *Protection of Wildlife*

No person shall molest, disturb, frighten, injure, kill, catch, trap, or ensnare any wildlife in a park unless it is performed by the Police Department, Fire Department, or staff of the Recreation Department.

5. *Fire*

No person shall light an open fire without permission and shall at all times be in full compliance with all Municipal Bylaws and Provincial Acts and Regulations.

6. *Firearms and Offensive Weapons*

While in any park, no person shall be in possession of any firearm, air gun, bow and arrow, axe or offensive weapon of any kind, except by permission.

7. *Litter*

- (1) No person shall dispose of or dump any litter, garbage, tree trimmings or any other refuse in a park except that which is generated through the normal use of the park and shall only deposit same in receptacles provided for such purposes.
- (2) No person shall bring, carry or transport any waste, refuse, garbage or tree trimmings into any park.

8. *Camping*

Camping is prohibited in a park unless otherwise posted or by permission.

9. Special Events

A Special Event is not permitted in any park unless written permission is first obtained from the C.A.O. or his or her designate, provided that:

- (a) the person seeking permission shall provide a written statement of the nature of the proposed Special Event, the number of people expected, the time and duration of the proposed Special Event and any other information required at least one (1) month (or less if otherwise agreed to by the C.A.O. or his or her designate) prior to the proposed date of the Special Event;
- (b) the person seeking permission shall be responsible for any damage that results from the Special Event.
- (c) the written permission in section (a) may be subject to such conditions as the C.A.O. or his or her designate deems appropriate.

10. Vending

- (1) No person visiting or using a park shall sell or offer to sell anything whatsoever, except by permission.
- (2) No person shall sell refreshments, or other merchandise or take money for or operate any games, shows or amusements, or operate any business whatsoever in any park without first having obtained the consent in writing of the C.A.O. or his or her designate, as well as a license pursuant to the City of Summerside Licensing Bylaw, SS-05 and Regulations made thereto, as applicable.

11. Signage

- (1) The C.A.O. or his or her designate may cause to be erected a sign or other device specifying an area in a park where specific activities are permitted, prohibited or restricted.
- (2) Every person in a park shall observe and obey every prohibition and restriction stipulated by a sign or other device erected under subsection 11 (1).
- (3) The C.A.O. or his or her designate may cause to be erected any sign as he or she deems appropriate in any park or on any trail including interpretive, special event and commemorative signage.

12. Hours of Operation

- (1) The C.A.O. or his or her designate may post signs respecting the hours during which a park is opened or closed.
- (2) No person shall enter or use a park where the entry or use is prohibited by a sign or notice.
- (3) No person shall be in a park any time during the period 10 p.m. to 5 a.m. without permission.

13. Permission

Any permission required pursuant to this Bylaw shall be given by the C.A.O. or his or her designate in writing.

14. Revocation of Permission

- (1) The C.A.O. or his or her designate may cancel, revoke or suspend any permission granted where there is a violation of this Bylaw or of any condition of any permission granted under this Bylaw.
- (2) Any person who has been refused permission or for whom permission has been revoked pursuant to the exercise of any discretion by the C.A.O. or his or her designate may appeal to the Council.
- (3) All appeals shall be in writing, in the form of a notice, and filed with the City within 15 days of the refusal or revocation and shall clearly state the grounds for the appeal.
- (4) The Council shall choose to:
 - (a) hear the appeal at a time and place as it determines, and may confirm the refusal or revocation by the C.A.O. or his or her designate; or
 - (b) direct the immediate issuance or re-issuance of permission by the C.A.O. or his or her designate.

15. Liability

Nothing in this Bylaw shall affect the City's right to commence an action for damages incurred by the City as a result of any of the matters regulated by this Bylaw.

16. Penalties

Everyone who commits an offence under this Bylaw is guilty of an offence punishable on summary conviction and liable to:

- (a) a minimum fine of not less than \$100.00 and nor more than \$5,000.00;
- (b) imprisonment for a term not exceeding 6 months; or
- (c) both;

and in default of payment of the fine to imprisonment for a further term, not exceeding 90 days.

Each day that the offence continues shall constitute a fresh offence.

17. Regulations

Council may, by simple resolution, make such regulations to this Bylaw as are necessary for the carrying out of the purposes of this Bylaw.

18. Effective Date

The effective date of this Bylaw is 21, October, 2002.

This Bylaw was read a first time by a majority of the Councillors present at the Council Meeting held on the __16__ day of _September __, 2002.

This Bylaw was approved by a majority of the Councillors present at the Council Meeting held on the __16__ day of _September____, 2002.

This Bylaw was read a second time by a majority of the Councillors present at the Council Meeting held on the __21__ day of _October__, 2002.

This Bylaw was approved by a majority of the Councillors present at the Council Meeting held on the __21__ day of _October____, 2002.

This Bylaw was adopted by a majority of the Councillors present at the Council Meeting held on the __21__ day of _October____, 2002.

This Bylaw is declared to be passed on the 21st day of October, 2002

Basil L. Stewart, Mayor [SIGNED]

Terry Murphy, Chief Administrative Officer [SIGNED]