

RURAL MUNICIPALITY OF BRITANNIA NO. 502

BYLAW NO. 26-2024

A BYLAW FOR THE PURPOSE OF CONTROLLING AND REGULATING THE USE OF PARKS WITHIN THE RURAL MUNICIPALITY OF BRITANNIA NO. 502

WHEREAS, the RM of Britannia has the duty to provide good government, to develop and maintain a safe a viable community, and to provide wise stewardship of public assets, as per Part II, subsection 4(2) of *The Municipalities Act*; and

WHEREAS, Part II, subsection 8(1)(a) of *The Municipalities Act*, gives the RM of Britannia No. 502 authority to pass bylaws respecting the peace, order and good government of the municipality; and

WHEREAS, Part II, subsection 8(1)(b) of *The Municipalities Act*, gives the RM of Britannia No. 502 authority to pass bylaws respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, Part II, subsection 8(1)(c) of *The Municipalities Act*, gives the RM of Britannia No. 502 authority to pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS, Part II, subsection 8(2) of *The Municipalities Act*, gives the RM of Britannia No. 502 authority to pass bylaws respecting the enforcement of bylaws;

The Council of the Rural Municipality of Britannia No. 502 in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

This bylaw may be referenced as the "Municipal Parks Bylaw."

2. DEFINITIONS

The following definitions will apply to the corresponding words in in this bylaw:

1. The following definitions will apply to the corresponding words in this bylaw:

- (a) "Abandoned" means left standing in a Park for more the seventy-two (72) consecutive hours without a Permit or authorization from the Municipality;
- (b) "All-terrain vehicles" or "ATVs" means vehicles designed for use on "off-road" surfaces such as dirt, mud, grass, or gravel. Four-wheelers and tracked ATVs, mini bikes, all-terrain cycles, and dirt bikes are all examples of ATVs.
- (c) "Amenity" means anything constructed or placed in a Park for the enjoyment or convenience of users of the Park, whether temporary or permanent, excluding Park vegetation and including any signs, building, wall, bench, table, railing, stairs, water feature, fire pit, playground equipment, waste receptacles, guardrail, headstone, memorial marker or similar thing;
- (d) "Animal" means a domestic animal and includes an animal that is wild by nature but has been domesticated;
- (e) "Business" means any trade, industry, employment, occupation, activity, or special event carried on in a Park for profit, gain, commercial promotion or fundraising including those taken on by a charitable organization, or by an organization, or individual on a non-profit basis including but not limited to;
 - (i) Food service;
 - (ii) Entertainment, including busking;
 - (iii) Festivals or events; and
 - (iv) Programs, lessons, equipment rentals or other Park related activities.
- (f) "Camp" means locating of, erecting of, or use of a camping accommodation unit for the provisions of sleeping accommodations, and includes overnight

- or any portion thereof;
- (g) "Cemetery" means a burial ground or graveyard.
 - (h) "Commercial Activities" means any activities associated with a Business;
 - (i) "Council" means the municipal council of the RM of Britannia No. 502;
 - (j) "Day-Use Area" means a Park or portion thereof formally developed and maintained by the municipality.
 - (k) "Fire Ban" means an order issued pursuant to the Fire Ban Bylaw, for the purpose of cancelling all fire permits, prohibiting the lighting of, and requiring the extinguishment of all fires within the municipality;
 - (l) "Firearm" means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things;
 - (m) "Horse" means any domesticated equine mammal;
 - (n) "Motor Vehicle" or "Vehicle" means a motor vehicle as defined under The Highways and Transportation Act, 1997;
 - (o) "Municipality" means the Rural Municipality of Britannia No. 502 or the "RM"
 - (p) "Natural Area" means a relatively intact parcel of land or portion of a parcel of land that has been left in a natural state and set aside for recreation or conservation.
 - (q) "Notice of Violation" means a violation ticket as per the General Penalty Bylaw.
 - (r) "Owner" means the person who owns or is responsible for the care and control of an animal;
 - (s) "Park" means a public space controlled by the Municipality and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes the following:
 - (i) Day-use areas;
 - (ii) Playgrounds
 - (iii) Cemeteries
 - (iv) Natural areas
 - (v) Sports fields
 - (vi) Picnic areas
 - (vii) Trails; and
 - (viii) Park Roadways
 - (t) "Park Roadway" means a road, including parking lots for Vehicles, in a park which is set aside specifically for use by Vehicles;
 - (u) "Peace Officer" means a peace officer as defined in the *Criminal Code*;
 - (v) "Permit" means any form of permission, including permit, license, approval, authorization, consent, or other form of concurrence that is or may be issued or otherwise given pursuant to this bylaw;
 - (w) "Person" means any individual, firm, partnership, association, corporation, or society;
 - (x) "Picnic Area" means a portion of a park designated for picnicking, with or without municipally supplied amenities (such as picnic tables) being present.
 - (y) "Playground" means land and their associated amenities within the municipality and controlled by the municipality which is designated for the recreation of children.
 - (z) "Remedial Order" means an order issued pursuant to the *Municipalities Act*.
 - (aa) "Sports Field" means an outdoor area designated and intended for use in a specific sporting event, such as baseball diamonds.
 - (bb) "Trail" means an established path designated by the municipality within a park.
 - (cc) "Vegetation" means all trees, fungus, shrubs, plants, flowers and grass and all ground cover, whether it is in its wild or natural state, or has been planted;
 - (dd) "Wildlife" means non domesticated animals, or an animal that is wild by nature and in living in its natural habitat.



3. INTERPRETATIONS

(a) The headings in this bylaw are for reference purposes only.

4. Use of Parks

(a) Public Access and Enjoyment

- (i) A person who enters a Park shall comply with any lawful order and instructions made or issued pursuant to this bylaw and the instructions, prohibitions and directions prescribed by all Municipality signs and notices.
- (ii) Parks are open for public use from 5:00 A.M. until 11:00 P.M. daily unless otherwise posted.
- (iii) A person shall not enter or remain in a Park from 11:00 P.M. to 5:00 A.M. without prior authorization from the municipal council.
- (iv) No person shall be in violation of Clause 4. (a)(iii) if they are attending a sanctioned function at a community hall facility, recreation facility, or school facility situated on or adjacent to a Park or at a function or event which has received permission from the municipality.

(b) Safe and Courteous Behavior

- (i) No person shall make or cause any noise or sound, including the playing of portable music devices that in the opinion of a Peace Officer:
 - a. Disturbs, or is likely to disturb the peace, enjoyment, or comfort of persons in the vicinity, or
 - b. Disturbs or disrupts or is likely to disturb or disrupt wildlife in the Park.
- (ii) No person shall act in a way that in the opinion of the Peace Officer is disorderly, dangerous, or offensive, including but not limited to: excessive and loud use of offensive language, drunkenness, nudity, and violent behavior.
- (iii) A person vacating a Park shall restore the land and improvements as nearly as possible, to a clean and tidy condition.
- (iv) No person shall mark, deface, injure, move, destroy or otherwise interfere with any Amenity that is erected in any Park.
- (v) Notwithstanding Clause 4(b)(iv), an employee, agent or contractor of the municipality, in carrying out their duties in a Park may add, remove or damage property.

(c) Certain Activities Allowed in Designated Areas Only

- (i) The municipality may designate areas in which certain activities are allowed at their discretion, to ensure the safety and enjoyment of all users of the Park.

(d) Prohibited Activities

- (i) The following activities are prohibited in all municipal parks:
 - a. Overnight camping;
 - b. Discharging a firearm;
 - c. Use of an ATV.
- (ii) The municipality may designate areas in which certain activities are prohibited at their discretion, to ensure the safety and enjoyment of all users of the Park.

(e) Activities Requiring a Permit or Permission From the Municipal Council

- (ii) A person may only engage in the following activities in a Park with a valid permit or permission from the municipal council by way of resolution:
 - a. Leave or place a sign
 - b. Conduct any business or commercial venture
 - c. Sell, display, distribute any goods or services, free or paid, including but not limited to:
 - i. Setting up temporary art installations;



- ii. Conducting a performance
 - iii. Hosting a registered or drop in/ spontaneous program or class.
 - d. Using an amplification system where the amplified sound is audible by others.
 - e. The municipal council may issue permission granting a person exclusive use of park or portion of a park for a specific event on a specific date, for a specific duration of time.
 - i. When the municipal council has granted exclusive use, no person shall interfere with the exclusive use of any area of the park granted to another person or group using the times and in the areas for which the permission is granted.
 - (iii) A Permit or permission from the municipal council will not be issued if the activity could negatively impact users or the natural environment of the Park or is inconsistent with the purpose of the Park.
- (f) Animals
- (i) The Owner of any dog shall clean up fecal waste from their dog and dispose of it sanitarily in a receptacle for litter or in some other suitable container.
 - (ii) No person shall bring livestock into a Park unless a Permit has been issued.
 - (iii) A person may ride, walk, or bring a horse in a Park where signs do not prohibit it.
 - (iv) A Peace Officer may refuse admittance to a Park or require to be removed from a Park any Animal if in their opinion, it is not under the control of a responsible person or may be a nuisance or damage to the life, safety, health, property or comfort of any person in the Park.
- (g) Waste
- (i) No person shall dispose of waste in a Park unless it is placed in the designated waste receptacle.
 - (ii) In areas in a Park where waste disposal receptacles are not provided, all users shall carry any waste produced by them out of the area for disposal.
 - (iii) No person shall bring commercial or residential waste matter into a Park for disposal.
 - (iv) Waste generated from commercial activity must be removed by the Permit holder.
 - (v) No person shall dispose of any organic materials including grass clipping, dirt, rubble and leaves in a Park.
- (h) Fires
- (i) No person shall set, light or maintain a fire in all or any part of the Park where a sign or notice prohibits the same.
 - (ii) No person shall:
 - (a) Set, light or maintain a fire in a Park except in a fireplace, pit or other facility designated for that purpose;
 - (b) Leave a fire unattended or allow it to spread;
 - (c) Deposit or dispose of hot coals, ashes, embers or other burning or smoldering material in a place other than a stove, fire pit or other designated location; or
 - (d) Leave a fire, hot coals, embers or other burning or smoldering material without extinguishing them prior to leaving the Park.
 - (iii) Notwithstanding clause 4(h)(ii)(d), an employee, agent or contractor of the Municipality, in carrying out their duties in a Park may, upon obtaining a valid fire Permit, conduct a prescribed burn when it is necessary for Park maintenance, development or improvement.
 - (iv) Where the Fire Chief is of the opinion that a fire hazard exists in a designated Park, they may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the



designated Park.

(i) Cemeteries

- (i) Park lands designated as cemeteries by the Municipality may have operating procedures established for each individual cemetery regarding the use, maintenance, and operations. All signage must be adhered to.

(j) Vehicles

- (i) No person shall:
 - (a) Operate a Motor Vehicle in a Park, except on a Park Roadway;
 - (b) Park a Vehicle in a Park except in areas designated for Vehicle parking;
 - (c) Leave a Vehicle in a Park between 11:00 P.M. and 5:00 A.M., unless the Vehicle is associated with a permitted event and a Motor Vehicle parking Permit has been issued;
 - (d) Drive a Vehicle in a Park at a speed limit greater than 20 kilometers per hour unless a higher or lower speed limit is posted; or
 - (e) Disobey a flagger or person directing traffic within a Park.
- (ii) A Peace Officer may prohibit the entry of a Vehicle into any part of a Park.
- (iii) If a Vehicle is abandoned or remains in an area after authorization to be in that area expires, or is located in a prohibited area, a Peace Officer may move the object or cause it to be moved and stored at a location determined by the Peace Officer.
- (iv) Notwithstanding Clause 4(j)(i), a person or persons may, with a Permit from the Municipality use an appropriate vehicle when it is necessary for special event management and operation.
- (v) Notwithstanding Clause 4(j)(i), an employee, agent or contractor of the Municipality, in carrying out their duties in a Park may use an appropriate vehicle when it is necessary for Park maintenance, development, or improvement.

(k) Environmental Protection

(i) Water

- (a) No person shall bathe, or clean clothing, cooking and eating utensils, vehicles or other items, at or near any bodies of water, drinking fountain, stand pipe, well or pump in any Park.

(ii) Wildlife

- (a) No person or animal under the care of a person shall hunt, tease, molest or injure any Wildlife in any Park nor throw any substance at or near such creatures in a Park in such a way to cause them alarm, possible injury or death.

(iii) Vegetation

- (a) No person shall engage in any activity in a Park that disturbs or damages Vegetation.
- (b) No person shall remove or disturb any Vegetation, weeds or invasive species in a Park, without permission from the municipal council.
- (c) No person shall plant any Vegetation in a Park without permission from the municipal council.
- (d) No person shall cut, irrigate, spray or apply any substance, including pesticides and fertilizers, to any grass or Park vegetation.
- (e) Notwithstanding Clause 4.(k)(iii)(d) the occupant of a property that is directly adjacent to a Park, is authorized to cut the grass in the Park within one (1) meter of the Park Boundary directly adjacent to their property but this does not include the trimming or removal of trees, bushes or any other vegetation.
- (f) No person shall drain or redirect any water from private parcel of land onto or into a Park.



- (g) An employee, agent or contractor of the Municipality, in carrying out their duties in a Park may plant, harvest or damage vegetation.

5. Enforcement and Penalties

(a) Offences

- (i) Any person who contravenes any provision of this bylaw is guilty of an offence pursuant to this bylaw.
- (ii) Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not exceeding the amounts stated in the RM's General Penalty Bylaw.

(b) Enforcement

- (i) No person shall interfere with or obstruct a Peace Officer in the exercise of their powers and duties pursuant to this bylaw.
- (ii) Where a Peace Officer believes that a person has contravened any provisions of this bylaw, they may commence proceedings against the person by issuing a Notice of Violation.
- (iii) No person shall refuse to leave a Park after having been asked to do so by a Peace Officer or who has been issued a Notice of Violation for contravening this bylaw may be removed from the Park.
- (iv) If a complainant fails to supply evidence to a municipal representative on any issue within this bylaw, the municipality may elect not to investigate the complaint.

(c) Penalty

- (i) The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in the RM's General Penalty Bylaw.
- (ii) The levying and payment of any fine or the imprisonment of any period provided in this bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs from which that person is liable under the provisions of this bylaw or any other bylaw.
- (iii) The Municipality has the ability to exercise discretion in the application of this bylaw and its contents.
- (iv) A Peace Officer may use discretion, mediation and provide increased awareness and education in lieu of applying notices of violation and penalties.

(d) Remedying Contraventions

- (i) Where a Person has contravened any provision of this bylaw, a Remedial Order may be issued requiring the Person to remedy the contravention.
- (ii) A Person who fails to comply with a Remedial Order within the time set out in the Remedial Order commits an offence.

6. LOCATIONS OF MUNICIPAL PARKS

(a) The following locations are deemed to be Municipal Parks in the Rural Municipality of Britannia No. 502:

- (i) Big Gully Park
- (ii) Deer Creek Recreation Site
- (iii) Albion Cemetery
- (iv) Natural area & boat launch at Greenstreet
- (v) Greenstreet Playground
- (vi) Hillmond Ball Diamonds
- (vii) Other existing/ future natural areas and developed areas within the municipality.

7. SEVERABILITY

- (a) If a portion of this bylaw is found by a court of competent jurisdiction to be invalid, the invalid portion will be voided, and the rest of the bylaw remains valid and effective.



8. EFFECTIVE DATE

This bylaw shall come into force and take effect upon third and final reading of the bylaw.

Read a first time, this 9th day of October, 2024.

Read a second time, this 9th day of October, 2024.

Read a third time, this 9th day of October, 2024.



[Redacted Signature]

Reeve

[Redacted Signature]

Administrator