

## BY-LAW NO. 7283

A by-law of the City of Portage la Prairie to provide for:

- a) The acquisition, use, regulation, protection, government and operation of parks and recreational facilities in the City; and
- b) The establishment, use, regulation and maintenance of boulevards in the City.

Whereas the City of Portage la Prairie has jurisdiction and control over parks within the City by virtue of ss. 385-388 of The Municipal Act, CCSM c. M225; and over boulevards within the City by virtue of s.s. 238, 245(1) (o) (p) and 245(5) of the Municipal Act;

And Whereas By-law 6882 was passed on October 26, 1988 pursuant to s. 381 (now s. 388) and s. 434 (now s. 442) of the Municipal Act establishing the Portage la Prairie Parks and Recreation Commission;

Now therefore the City of Portage la Prairie in Council assembled enacts as follows:

Definitions:

1. The following definitions shall apply to this by-law:
  - a. Boulevard – that portion of a street between the curb or lateral lines and the adjoining property line, excluding the sidewalk, and also that portion of a street between the curb or lateral lines of a divided highway;
  - b. City – the corporation of the City of Portage la Prairie;
  - c. Crescent Lake – that area shown as Crescent Lake on the plan of special survey of the City, which is owned or controlled by the City;
  - d. Director – the Director of Community Services of the City of Portage la Prairie;
  - e. Off-road vehicle – any wheeled or tracked motorized vehicle designed or adapted for cross country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and without limiting the generality of the foregoing includes:
    - i. A four-wheel drive motor vehicle, a motorcycle or a snow vehicle not registered under the Highway Traffic Act;
    - ii. An all-terrain vehicle;
    - iii. A mini-bike, dirt-bike and trail-bike;
    - iv. A miniature vehicle such as a dune or sport buggy;
    - v. An amphibious vehicle; and
    - vi. Snowmobile;

But does not include:

- vii. An implement of husbandry;
- viii. A farm tractor;
- ix. A special mobile machine;
- x. A garden or lawn tractor; and
- xi. A golf cart.

- f. Park-
  - i. Those areas of the City that it owns or controls and which are designated as “Parks and Recreation Districts: (PR) or “Open Space District” (O) as shown on the latest Zoning Districts Map of Zoning By-Law 6427 and all amendments thereto;
  - ii. The Banks of Crescent Lake extending from the waters edge to the adjacent curb or lateral lines of the nearest street or roadway or property lines of the nearest private property;
- g. Parking Area – an area designated by the Director for the parking of vehicles;
- h. Roadway – includes every road or thoroughfare within a park, but does not include highways that pass through a park but are established independently of the park;
- i. Unless the context otherwise requires, the definitions contained in The Highway Traffic Act and The Off-Road Vehicles Act shall apply mutatis mutandis where the same words are used in this by-law.

## 2. Designation, Development and Maintenance of Parks

- a. The City may acquire land for the purpose of establishing a park and upon so doing it shall designate the land as such and amend the Zoning Districts Map accordingly. Conversely the City may dispose of a park or portion thereof as it deems appropriate and thereafter it shall amend the Zoning Districts Map accordingly;
- b. The City may further designate a park as an area reserved for one or more of these purposes:
  - i. Recreation
  - ii. Preservation or conservation of flora and fauna
  - iii. Geological, cultural, ecological or other scientific interest
- c. The City may name any park within the City as it deems appropriate;

- d. The City may develop and maintain any park to the extent that it deems appropriate in accordance with the purpose for which it was established;
- e. The City shall take into consideration the recommendations of the Portage la Prairie Parks and Recreation Commission in the establishment, designation, development and maintenance of all parks within the City in accordance with By-law 6882 and amendments or substitutions thereof;

### 3. Parks Open to Public

- a. All parks in the City shall be open to any member of the public whether a resident of the City or not, unless:
  - i. Such person contravenes the provisions hereof and the Director prohibits such person from entering or remaining in a park as provided herein;
  - ii. The Director closes a park or portion thereof temporarily by declaration and the posting of signs to that effect; or
  - iii. The Director prohibits use of the park during certain specified hours by declaration and the posting of signs to that effect.
- b. No person shall enter a park or portion thereof while it is closed or during prohibited hours or while he is prohibited.

### 4. Private Use of Park

No person shall, without first obtaining the permission of the Director or Council and, if required, obtaining a licence therefore:

- a. Operate any kind of business in a park whether for profit or otherwise;
- b. Erect, construct, renovate or move any building or structure in or onto a park;
- c. Remove any object which forms part of a park or any facility within a park;
- d. Distribute, post, paste, affix or placard any bill, notice, leaflet, sign or advertisement in the park or upon any building or structure in a park;
- e. Conduct a speech, concert, parade, meeting or gathering in a park.

### 5. Fees, Rentals, Service in Park

The City may stipulate and collect the entrance fees payable to any park or portion thereof or any rents for the private use of any park facility or any charges for park services made available to members of the public, and those fees and/or rentals shall be payable by those persons as required.

6. Authority or Director

The Director shall have the authority to do the following:

- a. Make declarations and post signs as authorized by this by-law;
- b. Prohibit the use of a park or portion thereof during certain hours;
- c. Close or forbid entry to a park or boulevard or portion thereof temporarily;
- d. Impose speed limits within a park or boulevard or portion thereof upon obtaining such approvals as required;
- e. Prohibit any person who contravenes the provisions of this by-law from entering or remaining in a park for a period of time not to exceed one month;
- f. Issue a licence authorizing a speech, concert, parade, meeting or gathering in a park on such conditions as the Director or Council may determine is appropriate;
- g. Ensure that the parks are reasonably safe for members of the public and that proper order is maintained in the parks;
- h. Issue a licence authorizing a person to bring into a park only large domestic animals, including a horse or cow, on such conditions as the Director deems appropriate;
- i. Permit the use of a park for the operation of a business and issue a licence in respect thereof;
- j. Permit the erection, construction, renovation or removal of any building or structure in a park and issue a licence in respect thereof;
- k. Permit the removal of any object from a park and issue a licence in respect thereof;
- l. Permit the distribution, posting, pasting, painting, affixing or placarding any bill, notice, leaflet, sign or advertisement in a park and issue a licence in respect thereof.

7. Traffic in Park

- a. Subject to Section 7 (c) no person shall operate, stop, stand or park an off-road vehicle within the boundaries of any park except on the ice surface of Crescent Lake and from Crescent Lake to Saskatchewan Avenue between

Kelly K and Elm Street and then only between the hours of 9:00 a.m. and 11:00 p.m. (A.M. by-law 7762)

- b. The provisions of Section 7 (a) shall not apply to a vehicle used for police duty, by a fire department, as an ambulance, for the purposes relating to maintenance of a public utility or under authority of the City of Portage la Prairie.
  - c. Subject to the provisions of The Off-Road Vehicle Act and this by-law:
    - i. An operator of an off-road vehicle, in order to gain access to Crescent Lake from any point outside the boundaries thereof may operate the off-road vehicle directly across the bank of Crescent Lake at approximately 90 degrees to the direction of the roadway or the limit of the property.
    - ii. An operator of an off-road vehicle, in order to gain access to Crescent Lake from within the boundaries thereof, may, between the hours of 10:00 a.m. and 10:00 p.m. operate the off-road vehicle from a designated parking area in Island Park directly along a designated and signed route to Crescent Lake.
  - d. The Director may, from time to time, designate areas in parks to be used exclusively for parking areas, bicycle paths, pedestrian walks, nature trails, or other special uses and may cause to be erected such signs and traffic control devices as may be necessary to give effect thereto.
  - e. The Council of the City may, by resolution, authorize persons or groups or persons to use a roadway within a park for a purpose not authorized by this by-law.
  - f. No person shall place or deposit on any roadway in a park any object of material that may be hazard to a user of the roadway.
  - g. The Director may declare, and be erecting signs, identify any section of a roadway in a park to be closed to the public, either temporarily or at regularly stated intervals of time, and no person shall enter upon such closed section during the time it is closed.
  - h. Subject to obtaining such approvals as may be requisite, the Director may impose speed limits on any roadway in a park, but shall cause to be erected thereon standard signs indicated such limits.
8. Boats on Crescent Lake [original clause DELETED by BL 05-8279]

- a) No power driven boats shall be permitted on the east side of the Royal Road South Bridge of Crescent Lake except as provided for in By-Law N. 6849 and amendments or substitutions thereof. [EN by BL 05-8279]
- b) No power boats in excess of 10 horsepower shall be permitted on the west side of the Royal Road South Bridge of Crescent Lake. . [EN by BL 05-8279]
- c) All power boats and all operators of power boats must comply with Canada Shipping Act Small Vessel Regulations. . [EN by BL 05-8279]
- d) Power driven boats may only be operated between the hours of 10:00 a.m. and dusk. [EN by BL 05-8279]

9. Domestic Animals in Parks

- a. No person shall bring into a park any cat, dog, or other household domestic animal unless the animal is on leash or other physical control.
- b. No person shall bring into a park any large domestic animal, including a horse or cow without first obtaining the permission of the Director or Council and a licence evidencing same.
- c. Any person who brings a domestic animal into a park shall be solely responsible to keep it under control and to avoid it causing injury or inconvenience to any other person, or injury to property in the park. Such person shall immediately clean up and remove from the park any fecal or other waste material deposited by his animal.
- d. No person shall allow any domestic animal under his control to run at large in a park.

10. Miscellaneous Prohibitions in Parks

- a. Write upon, scratch, deface or damage any sign, fence, monument, structure or building in a park;
- b. Pick any flower, damage any grass, tree or shrub or remove any tree, shrub or plant from a park;
- c. Throw or deposit any offensive matter, garbage or substance of any kind into or upon a park or into any lake, stream, pool or pond with a park, except in a receptacle provided for waste;
- d. Tease, worry, disturb, capture or destroy any bird, animal or fish in a park;

- e. Throw upon the ground any lighted match, cigar, cigarette or other burning substance in a park;
- f. Light a fire in a park except a gas or bricket barbecue. An open fire may be permitted in designate areas as approved in writing by the Director of Community Services;
- g. Cross or travel upon any grass or lawn in a park where signs are posed forbidding entry thereto;
- h. Plant any tree, shrub or plant in a park, without permission of Council.
- i. Do anything in a park which requires a licence unless the licence is in his possession;
- j. Be a vagrant in a park;
- k. Bring in to or use any weapon, firearm or explosive in a park;
- l. Create any hazard or nuisance in a park;
- m. Disturb the quiet and good order of a park.

#### 11. Establishment of Boulevards

A boulevard is automatically established upon the opening and development of any street in the City.

#### 12. Prohibitions on Boulevards

No person shall:

- a. Pick any flower, damage any grass, tree or shrub or remove any tree, shrub or plant from a boulevard;
- b. Bring onto a boulevard any cat, dog or other household domestic animal unless the animal is on leash or other physical control;
- c. Bring onto a boulevard any large domestic animal including a horse or a cow without first obtaining the permission of the Director or Council and a licence evidencing same;
- d. Allow any domestic animal under his control to run at large on a boulevard;
- e. Operate any motor vehicle including any off-road vehicle on or over a boulevard. This does not apply to the proper and authorized use of a fire

department, police department or City of Portage la Prairie maintenance vehicle or where permission is obtained from the Director on such conditions as he deems appropriate;

- f. Place or deposit on a boulevard any object or material that may be a hazard to a user of the boulevard;
- g. Enter or remain in a boulevard or portion thereof which has been temporarily closed to the public by the Director;
- h. Throw or deposit any offensive matter, garbage, or like material on a boulevard;
- i. Throw upon the ground any lighted match, cigar, cigarette or other burning substance on a boulevard;
- j. Light a fire on a boulevard;
- k. Bring onto or use any weapon, firearm or explosive onto a boulevard;
- l. Cross of travel upon any grass or lawn on a boulevard where signs are posted forbidding entry thereto;
- m. Create any hazard or nuisance on a boulevard.

### 13. Domestic Animals on Boulevard

Any person who brings a domestic animal onto a boulevard shall be solely responsible to keep it under control and to avoid it causing injury or inconvenience to any other person, or injury to property on the boulevard. Such person shall immediately clean up and remove from the boulevard any fecal or other waste material deposited by his animal.

### 14. Maintenance of Boulevards

- a. Each owner of real property, which is adjacent to a boulevard, shall be responsible to maintain and care for that portion of the boulevard which is located on his or her side of street and which is immediately contiguous to his or her property line.
- b. The maintenance and care shall include the regular mowing of grass and weeds on the boulevard.
- c. The City may, after giving the said owner seven days written notice requiring him to requiring him to remedy his default:



- i. Cause such work to be done as is necessary to maintain and care for the said boulevards; and
  - ii. Recover, by action or distress, the cost of the work done together with the costs of the action or distress, or charge the cost against the land of that owner, and levy and collect the amount thereof from the owner in any manner in which taxes in arrears are collectable.
- d. Any owner of real property who fails or neglects to maintain and care for such a boulevard or portion thereof shall be responsible to repay the City its costs related to doing the work for the owner, as provided above.

15. Penalties

- a. Every person who contravenes, or refuses, neglects, omits or fails to obey or observe any provision of this by-law is guilty of an offence and is liable on summary conviction, to a fine of not less than \$20.00 and not more than \$1,000.00, or imprisonment for a term not exceeding one month, or to both such a fine and such an imprisonment.
- b. A peace officer may seize and detain an off-road vehicle with which an offence has been committed under this by-law until the final disposition of any prosecution under this by-law, but the off-road vehicle may be released if security for its production is given to the satisfaction of a Justice of the Peace.
- c. Costs and charges incurred in moving or storing an off-road street vehicle under this section, are a lien on the off-street vehicle that may be enforced under The Garage Keepers Act by the person who moved or stored the off-street vehicle at the request of the peace officer.
- d. A peace officer, or a member of the Corps of Commissionaires, or such other person or persons as may be appointed to enforce this by-law, who alleges that a person has contravened any provision of this by-law, with respect to the stopping, standing or parking of an off-street vehicle, may issue a written notice (hereinafter referred to as a “parking ticket”) to that person.
- e. Any person receiving a parking ticket may, within 14 days of the date of receipt thereof, and between such hours and at such places as may be determined by resolution of Council, report with such ticket and pay a penalty of \$5.00 for the contravention.
- f. On voluntary payment for such contravention, the employee of the City authorized by resolution of Council to receive the sum mentioned in subsection (e) shall issue a receipt therefore, and shall keep a record setting out the number of the ticket and the amount paid.

- g. Upon payment by any person as provided in subsection (e) hereof, he shall not be liable to prosecution for the contravention in respect to which the payment is made.

16. Repeal of Other By-laws

By-law Nos. 7008, 3120, and 4111 are hereby repealed.

DONE AND PASSED in Council, duly assembled this 11<sup>th</sup> day of February, 1991

The City of Portage la Prairie

(D. Edmondson)

Mayor

(Howard Roberts)

Clerk

Given first reading this 11<sup>th</sup> day of February 1999.

Given second reading this 11<sup>th</sup> day of February 1999.

Given third reading and passed this 11<sup>th</sup> day of February 1999.