



Bylaw No. 2004-27

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

Office Consolidation

THE PARKS AND OPEN SPACE BYLAW

No. 2004-27

Including Amendments to April 26, 2023

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- a) the original bylaw and of all bylaws amending it; and**
- b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

DATE PASSED

Bylaw No. 2009-71

November 23, 2009

Bylaw No. 2011-19

March 14, 2011

Bylaw No. 2011-64

December 19, 2011

Bylaw No. 2016-48

June 27, 2016

Bylaw No. 2023-40

April 26, 2023

BYLAW NO. 2004-27

THE PARKS AND OPEN SPACE BYLAW, 2004

(#2011-19, s. 2, 2011)

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

- 1 The purpose of this Bylaw is to regulate the use of parks and open space areas located within the city of Regina.

Authority

- 2 The authority for this Bylaw is section 8 of *The Cities 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.

“**athletic field**” means an outdoor playing surface owned by or made available by a lease, agreement or otherwise to the City and includes:

- (a) cycling courses;
- (b) skate parks;
- (c) volleyball, tennis, basketball and shinny courts;
- (d) fields used for sports such as football, rugby, cricket, lacrosse, soccer, ultimate disc, field hockey and track and field; and
- (e) ball diamonds;

but does not include golf courses, golf driving ranges or Taylor Field;

“**City**” means the municipal corporation of the City of Regina or where the context requires the geographical area within the city limits;

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

Repealed. (#2016-48, s. 15(2), 2016)

“designated area” means any area defined, set aside or constructed for a specific use which may include posted conditions;

Repealed. (#2011-19, s. 3, 2011)

“electric kick scooter” means a limited speed motor vehicle as defined in *The Limited Speed Motor Vehicle Regulations, 2022*, as may be amended from time to time.

“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.

“Executive Director” means the person appointed to the position of Executive Director, City Services, or his or her designate;

Repealed. (#2011-64, s. 15, 2011)

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

“mobility assistive device” means a device:

- (a) mounted on wheels;
- (b) driven by muscular or any other kind of power; and
- (c) used solely by a person who requires the device for mobility by reason of a physical disability;

“open space area” includes pathways, floodplains, roadway medians, buffer strips, public walkways, traffic islands and utility parcels that are owned by or made available by a lease, agreement or otherwise to the City but does not include boulevards;

“organized sports” means non-spontaneous, regularly recurring activities or organized practice;

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

“pathway” means a multi-purpose path that is located in a park or open space area and includes sidewalks or portions of sidewalks that are part of the multi-purpose pathway system or are connectors between parks;

“pedestrian” means any person on foot or person using the aid of a mobility assistive device;

“permit” means a valid and subsisting permit issued by the Executive Director pursuant to this Bylaw;

“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;

“police officer” means peace officer as defined in *The Highway Traffic Act*;

“skate” includes skateboarding, in-line skating, rollerskating, rollerskiing, or scooter riding but does not include ice skating.

(#2009-71, s. 15, 2009; #2011-19, ss. 4, 5, 6 and 7, 2011; #2011-64, s. 15, 2011, #2016-48, ss. 15(2), 15(3) and 15(4), 2016, #2023-40, s. 31, 2023)

Signs and control devices

4(1) The Executive Director 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.

(#2011-19, s. 7, 2011; #2011-64, s. 15, 2011, #2016-48, s. 15(4), 2016)

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 Executive Director to use a park after 11:00 p.m. or before 6:00 a.m.; and

(b) City employees or police officers who enter a park in the course of their duties.

(#2011-19, s. 7, 2011; #2011-64, s. 15, 2011, #2016-48, s. 15(4), 2016)

Restricted access

- 6(1) The Executive Director may prohibit persons from entering a park or open space area or portion of a park or open space area where:
- (a) the City or an agent of the City is conducting any maintenance, repair or replacement, including park maintenance and sewer or water line construction, repair or improvements;
 - (b) the City or an agent of the City is moving any building, structure, machine or other object;
 - (c) the City or an agent of the City 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 Executive Director 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 City 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 Executive Director restricts access to a park or open space area pursuant to subsection (1) or (2), the Executive Director 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.
- (#2011-19, s. 7, 2011; #2011-64, s. 15, 2011, #2016-48, s. 15(4), 2016)

Licence required for commercial activity

7 No person shall carry on any commercial activity within a park or open space area without obtaining:

(a) the appropriate licence pursuant to Bylaw No. 9565, being *The Licensing Bylaw*; and

(b) the prior written approval of the Executive Director.

(#2011-19, s. 7, 2011; #2011-64, s. 15, 2011, #2016-48, s. 15(4), 2016)

Permit required

8(1) No person shall carry on the following activities in a park or open space area without a permit:

(a) assume exclusive use of all or a portion of a park or open space area including an athletic field, outdoor rink, or reservation picnic site;

(b) engage in organized sports;

(c) conduct a procession, parade, ceremony, public meeting, assembly, worship service, demonstration, festival, concert or other public gathering;

(d) leave or store personal property;

(e) set up a temporary shelter, tarp, canopy or other such device;

(f) drive or arrange for a vehicle or equipment to be driven through a park or open space area.

8(2) Notwithstanding subsection (1), no permit shall be required:

(a) for an activity carried on by the City or at a location operated by an official or employee of the City acting on behalf of the City in his or her capacity as such official or employee;

(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 Regina Fire Department vehicle, a Regina Police Service vehicle, an ambulance, or a vehicle registered and licensed and in the service of the City for the purpose of responding to any hazardous material emergency; and

- (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 owner of the property.
(#2011-19, s. 8, 2011)

Permits

- 9(1) Every applicant for a permit shall apply to the Executive Director in a form prescribed by the Executive Director.
- (2) The Executive Director shall only issue a permit to a person making an application pursuant to subsection (1) when that person:
 - (a) agrees to all the terms and conditions included in the permit;
 - (b) executes the permit; and
 - (c) pays any applicable permit fees required pursuant to Bylaw No. 2002-63, being *The Community and Leisure Services Fees Bylaw*.
- (3) The Executive Director shall have the authority to refuse or revoke a permit if:
 - (a) a person does not comply with clauses (2)(a) to (c); or
 - (b) the proposed activity is not compatible with the public use of a park or open space area.

(#2011-19, s. 7, 2011; #2011-64, s. 15, 2011, #2016-48, s. 15(4), 2016)

Encroachments

- 9.1(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 approval of the Executive Director.
- (2) The Executive Director may approve or deny, in writing, at his or her sole discretion, an encroachment or amenity in a park or open space.
- (3) This Bylaw shall apply to every encroachment or amenity existing prior to the date of the enactment of the Bylaw and any new encroachments or amenities.

(#2011-19, s. 9, 2011; #2011-64, s. 15, 2011, #2016-48, s. 15(4), 2016)

Other bylaws, legislation and agreements applicable

- 10 A permit issued 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(1) No person in a park or open space area shall:

- (a) disturb, harass or interfere with a person who has a valid permit, 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 area 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) install irrigation lines, dig holes, trenches or other excavations or change the grade of the park or open space;
- (f) plant any plant material;
- (g) use or apply a pesticide or herbicide or drain or dump any chemically treated water or chemical product;
- (h) build a structure including but not limited to a fence, fire pit, planter box, compost bin, storage shed, stair, flag pole, deck or ramp;
- (i) establish or maintain a camp, or erect a tent for use as a lodging;
- (j) wade, swim or bathe in a body of water except in designated areas;
- (k) construct a dock, launch or land any watercraft upon any body of water except in designated areas;
- (l) skate, except:
 - (i) in a designated area or on the right hand side of a pathway;
 - (ii) with due care and attention to that person's own safety and in a manner and at a speed appropriate to the surface being skated upon; and
 - (iii) with due care and attention for the safety of other users of the pathway, park or open space area;
- (m) golf;

- (n) ice skate, except in designated areas;
 - (o) throw or cast any missile;
 - (p) use any remote controlled airplane or vehicle;
 - (q) use equipment or footwear that could damage park turf or other park property;
 - (r) drive, park, or store any vehicle, including but not limited to a licensed or unlicensed motorized or motor-less vehicle, trailer, or recreation vehicle;
 - (s) dump, discard or place garbage, plant material or grass clippings on public property designated as a park or open space.
- (2) Clause 11(1)(q) does not apply to a person who uses equipment or footwear at an athletic field or designated area where the equipment or footwear is used for the purpose of engaging in an organized sport.
(#2011-19, s. 10, 2011)

Skating prohibited in Victoria Park

12 Notwithstanding clause 11(1), no person shall skate in Victoria Park.

Bicycles or an electric kick scooter on pathways

13 A person operating a bicycle on a pathway in a park or open space area shall comply with Bylaw No. 9900, being *The Regina Traffic Bylaw, 1997*, and *The Highway Traffic Act*.
(#2023-40, s. 32, 2023)

Exemptions

14(1) Nothing in this Bylaw shall prevent police officers, City employees or agents of the City 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

15 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 City Council to pass the remainder of the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

Enforcement

16(1) The Executive Director or any person authorized by the Executive Director, the Chief of Police or his or her designate, and any person employed by the City as a Bylaw Standards Officer or Bylaw Enforcement Officer, including the Manager of Bylaw Enforcement, are hereby appointed as designated officers for the purposes of sections 324 to 337 of *The Cities Act* with respect to the enforcement of this Bylaw.

(2) A designated officer pursuant to section 16(1) may make an order that any encroachment be removed or any other order that the designated officer considers necessary to remedy a contravention of this Bylaw.

(3) An order shall be served in accordance with section 347 of *The Cities Act*.

(4) No person, after having been served with an order, shall:

(a) fail to comply with the order within the time specified in the order; or

(b) permit the same circumstances that precipitated the order to recur.

(#2011-64, s. 15, 2011, #2016-48, s. 15(4), 2016)

17(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.

(#2011-19, s. 11, 2011)

Repeal and coming into force

17 Bylaw No. 7807 is repealed.

18 This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 22ND DAY OF MARCH, 2004.

READ A SECOND TIME THIS 22ND DAY OF MARCH, 2004.

READ A THIRD TIME AND PASSED THIS 22ND DAY OF MARCH, 2004.

P. FIACCO
Mayor

R.M. MARKEWICH
City Clerk

(SEAL)

CERTIFIED A TRUE COPY

City Clerk

ABSTRACT

BYLAW NO. 2004-27

THE PARKS AND OPEN SPACE BYLAW, 2004

(#2011-19, s. 2, 2011)

PURPOSE: The purpose of this Bylaw is to regulate the use of parks and open space areas located within the city of Regina.

ABSTRACT: This Bylaw regulates the use of parks and open space areas located within the city of Regina. In addition, it allows for the Executive Director to issue permits for the use of parks and open space areas and it sets out a list of prohibited activities.
(#2011-19, s. 7, 2011; #2011-64, s. 15, 2011)

STATUTORY AUTHORITY: Section 8 of *The Cities Act*

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A

PUBLIC NOTICE: N/A

REFERENCE: Parks and Community Services Committee, March 17, 2004, PCS04-23

AMENDS/REPEALS: Repeals Bylaw 7807

CLASSIFICATION: Administrative and Regulatory

ORIGINATING DEPT.: Community Services