

**REPEALED BY THE PARKS BY-LAW NO. 85/2009**

**May 27, 2009**

**(effective June 1, 2009)**

**Extract from THE PARKS BY-LAW NO. 85/2009**

**"PART 6 - TRANSITION AND REPEAL**

**Transition**

38 Any power exercised and, in particular, any rules or regulations and any designations made, under the Parks and Recreation By-law No. 3219/82 are hereby continued and remain in effect until altered by the Chief Administrative Officer under this By-law.

**Parks and Recreation By-law replaced**

39 This By-law is a successor to the City of Winnipeg Parks and Recreation By-law No. 3219/82 and a reference in any by-law, policy, resolution or other document to the Parks and Recreation By-law No. 3219/82 is deemed to be a reference to this By-law.

**Repeal of Parks and Recreation By-law**

40 Subject to section 38 (Transition), and section 39 (Parks and Recreation By-law replaced), the Parks and Recreation By-law No. 3219/82 is repealed."

***CONSOLIDATION UPDATE: MAY 18, 2005***

**THE CITY OF WINNIPEG**

**THE CITY OF WINNIPEG PARKS AND RECREATION BY-LAW**  
**NO. 3219/82**

**A By-law of THE CITY OF WINNIPEG relating to  
the operation and control of the system of  
parks and facilities for recreation owned by or  
under the jurisdiction of The City of Winnipeg.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

**SHORT TITLE**

1. This By-Law shall be referred to as "**The City of Winnipeg Parks and Recreation By-Law**".

**DEFINITIONS**

*amended 8162/2002*

2. In this By-law,  
*added 6595/95*

**"Animal"** means any creature not human.

*amended 6595/95*

**"Chief Administrative Officer"** means the Chief Administrative Officer of The City of Winnipeg.

*added 8162/2002*

**"City"** means The City of Winnipeg.

*amended 6595/95*

**"Concessions"** shall include the offering or exposing of food and other goods for sale, the soliciting for rental by passengers, or the offering of rides by animal drawn vehicle, the offering to rent water craft, bicycles, trains or other modes of recreational conveyance or the sharpening of skates, and other similar businesses carried on in a public park but shall not include:

*amended 6595/95*

- (a) canteens operated for the purpose of a Community Centre;
- (b) lessees or licensees under a lease or license duly granted by The City of Winnipeg.

**"Council"** means the Council of The City of Winnipeg or such committee as Council may delegate.

*amended 6595/95*

**"Designated"** means designated by a sign or notice posted for the purpose under the authority of the Chief Administrative Officer.

*amended 6595/95; 8162/2002*

**"Park"** or **"Public Park"** means an area or grounds owned or controlled wholly by the City of jointly with another set aside and used, or principally used, for the purpose of recreation or sports, or both, together with the buildings and other structures and facilities if any, situated therein or thereon, and includes zoological gardens, botanical gardens and recreational areas together with the buildings and other structures and facilities situated therein or thereon, and includes squares, avenues, boulevards and drives therein or used in association therewith.

*amended 6595/95*

**"Person"** means any individual and includes corporation, firm, partnership and association or company.

*amended 6595/95*

**"Prescribed"** means prescribed by by-law of Council.

*amended 6595/95*

**"Vegetation"** includes trees, shrubs, decorative plants, flowers and grass.  
*amended 6595/95*

**"Vehicle"**, unless the context otherwise requires, includes an automobile, motorcycle, bicycle, traction engine, truck, tractor, trailer, snowmobile, go-cart, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include vehicles running only upon rails; lawn-mowers, or maintenance of other power driven machines owned or operated by the City; sleighs, wagons, or carriages, and other modes of conveyance intended primarily for children's play or transportation.  
*amended 6595/95*

**"Water Retention Area"** means that portion of the City's land drainage system functioning as a permanent storm-water impoundment area.  
*amended 6595/95*

### **APPLICATION AND ENFORCEMENT OF BY-LAW**

3. (1) Unless the contrary is expressly stated, the provisions of this By-law apply to parks in The City of Winnipeg and to parks owned by The City of Winnipeg which are located outside its boundaries.
- (2) The Chief Administrative Officer and his/her delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter* and for these purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.  
*amended 8162/2002*

### **FIRES**

4. No person shall:
  - (a) throw or place upon the ground or floor of any structure any lighted match, cigar, cigarette ember or other burning substance, within any public park; or
  - (b) light a fire in a public park except in such places and in such containers as may be provided for the purpose of The City of Winnipeg.

### **POSSESSION OF FIREARMS**

5. Unless such possession is otherwise lawful, no person shall possess a firearm in a public park except in a shooting range so designated.

### **THROWING STONES**

6. No person shall throw a stone, or other missile, or have in his possession or use any slingshot, catapult or other similar weapon within any public park.

### **PROHIBITED RECREATIONAL ACTIVITY**

7.1 No person shall:

- (i) engage in any recreational activity except in an area or areas of a park and at a time or times expressly designated by the Chief Administrative Officer under paragraph 27.1 and 27.2 as suitable for use for such a recreational activity.  
*amended 8162/2002*
- (ii) make use of a park or portion of a park designated under paragraph 27.1 and 27.2 for a particular recreational activity so as to interfere with such designated use.

### **USE OF GOLF COURSE**

7.2 No person:

- (i) shall be present upon any golf course controlled or operated by the City unless and until such person shall have paid in full the admission fee prescribed;
- (ii) subject to subparagraph (iii), shall be present on any golf course for any purpose other than for the playing of a game of golf or other designated activity;
- (iii) shall search for, take or remove from a golf course any golf ball or accessory to the game of golf left or lost upon the course.

### **FAILURE TO PAY CHARGES**

7.3 Where a fee for entry to a public park or portion thereof or for a recreational activity or for use of a facility in a public park has been prescribed no person shall engage or be present in such public park or portion thereof, or engage in such recreational activity or use such facility unless and until that person shall have paid in full such fee.

## **PUBLIC GATHERINGS**

8.1 No person shall hold, or take part in a public meeting or other similar gathering in any public except with the prior permission in writing of the Chief Administrative Officer.

*amended 8162/2002*

## **PARADES**

8.2 No person shall hold, take part in, or be a member of a parade off a highway in a park except with the prior permission in writing of the Chief Administrative Officer.

*amended 8162/2002*

## **BUSINESS ACTIVITIES**

9. Unless authorized by law, or under this or any other by-law of The City of Winnipeg, no person shall operate, conduct, carry on or attempt to operate, conduct or carry on any concession in any public park, unless he does so under the authority of Council.

## **DISTURBING ANIMALS**

10.1 No person

*amended 8162/2002*

- (a) shall, or shall allow, the teasing, annoying, disturbing or interfering with any animal in any park;
- (b) shall strike, injure, maim or kill an animal in any park;
- (c) shall disturb, rob, injure or destroy any habitat or any animal in a park.

10.2 Notwithstanding provisions (a), (b) and (c) of paragraph 10.1, the Chief Administrative Officer may designate areas in which fishing may take place in a park.

*amended 8162/2002*

## **PROHIBITED ANIMALS**

11.1 Except in areas designated for the use or presence of a particular animal, no person shall bring in to a park or have in his possession any animal which is not a usual domestic pet and which disturbs or might be reasonably expected to disturb the comfort or safety of other persons using the park, or cause or might reasonably be expected to cause damage to turf.

*amended 8162/2002*

### **PROHIBITED DOMESTIC ANIMALS**

11.2 No person shall have in his possession any animal which is a usual domestic pet in an area designated as forbidden to such an animal.

### **REMOVAL OF ANIMALS**

11.3 Where any person

- (a) who has brought into a park or has in his possession any animal described in paragraph 11.1 or 11.2, or
- (b) who has in his possession or control a dog, on a leash, which disturbs or has disturbed the comfort or safety of other persons using the park, or which causes or might reasonably be expected to cause damage to turf, and

who refuses upon reasonable request to remove such animal from the park, any person charged with the enforcement of this By-law may lawfully remove or cause to be removed any such animal.

### **DAMAGE TO TREES, TURF AND FACILITIES**

12. Unless he is an authorized employee of the City or is permitted by the Chief Administrative Officer, no person shall:

*amended 8162/2002*

- (a) disturb, remove, damage or destroy any rock, gravel, sand or soil;
- (b) disturb, damage, trim, or pick any vegetation;
- (c) break, injure, remove, or in any way physically interfere with any building, structure, fence, seat, bench, ornament, or other man-made structure within a public park;
- (d) pollute, foul or deposit any substance in any fountain, lake, stream, pool, pond, well, spring, or other body of water in a park.

### **RESTRICTED USE OF CERTAIN AREAS**

13.1 No person shall climb, walk or sit upon any buildings, wall, fence, or other structure excepting only play apparatus, pedestrian walkways and seating specifically provided to be climbed, walked or sat upon in a park.

### **WALKING ETC. ON GRASS**

13.2 No person shall walk on, cross, travel on or use or sit upon any grass, plot or land where signs have been posted forbidding any such use.

### **CAMPING AND TENTING**

14.1 Except by permission of the Chief Administrative Officer no person shall make use of a public park for the purpose of a trailer park, tenting or camp site or recreational vehicle site provided that no permission shall be given in the case of Assiniboine Park, Kildonan Park or St. Vital Park.

*amended 3679/84; 8162/2002*

### **RECREATIONAL VEHICLES FOR TRANSPORT**

14.2 No trailer, camper, or recreational vehicle shall be used for the purpose of a trailer park by reason only that it is used as a means of transport.

### **OPERATING VEHICLES, ETC., OFF ROAD**

15. No person shall operate a vehicle or take a horse or other animal used or capable of being employed to transport persons directly or by drawing a conveyance other than on a highway in a public park except:

- (a) as required or authorized by by-law or permitted under this or any By-law of The City of Winnipeg; or
- (b) in areas designated for the use or presence of a particular animal or vehicle.

### **USE OF BICYCLE PATHS**

16. No person shall use a path designated as a bicycle path in a park for a purpose other than the following:

- (a) the use of vehicles propelled solely by human muscular power;
- (b) roller skating, skate boards and similar means of human locomotion;
- (c) pedestrian traffic;
- (d) cross country skiing and snowshoeing;

- (e) motorized wheelchairs;
- (f) lawnmowers, maintenance and other motor driven machines owned and operated by The City of Winnipeg;
- (g) emergency vehicles.

### **BOATING REGULATIONS**

17. No person shall employ in a park any watercraft other than that driven by sail or muscular power except by permission of the Chief Administrative Officer.  
*amended 8162/2002*

### **LOADING, LANDING BOATS**

18. No person shall tie up, land, load or unload any water craft of any kind in any park other than at the place or places provided therefor, unless he is:

- (a) permitted by the Chief Administrative Officer; or  
*amended 8162/2002*
- (b) in an emergency situation.

### **OPERATION OF WATERCRAFT**

19. No person using watercraft shall:

- (a) disturb any water fowl; or
- (b) act in a noisy, disorderly or unsafe manner on the waters in or partly in or adjacent to any park.

### **BATHING PROHIBITED**

20. No person shall:

- (a) bathe or wade in or enter the waters of any park or water retention area, except at pools designated for this purpose; or



- (b) ride, drive, send, permit, allow, or bring any animal into the waters of any park or water retention area.

### **INTOXICATING LIQUORS**

21. No person shall take into any public park or consume therein any intoxicating liquor except for transportation to and consumption in either:

- (a) an area for which a license has been granted to the City pursuant to *The Liquor Control Act*; or
- (b) any area designated by the Chief Administrative Officer as an approved location for an occasional permit pursuant to *The Liquor Control Act*.  
*amended 8162/2002*

### **REMOVAL OF PERSONS**

22. Any person who:

- (a) disturbs or threatens to disturb the orderly and peaceful enjoyment of the public park by other persons; or
- (b) is found in the act of violating any provision of this or any other by-law applicable to parks, may be removed therefrom by any person authorized to enforce any provision of this or any other by-law of the City if such person refuses to leave the public park within a reasonable time after being requested to do so.

### **CLOSING OF PARKS**

23. Unless otherwise permitted by the Chief Administrative Officer no person shall enter, be, or remain in a public park between the hours of 11:00 p.m. and 7:00 a.m.

*amended 8162/2002*

### **CLOSED OR RESTRICTED AREAS**

24.1 The Chief Administrative Officer may from time to time designate any park or portion thereof restricted or closed to the public for any interval of time, either temporarily or at regularly stated intervals or entirely or for certain uses only as shall be reasonably necessary for any or all of the following reasons:

*amended 8162/2002*

- (a) public health or safety;
- (b) park improvement;
- (c) use of the park for permitted recreational or related activity necessitating restricted access.

### **ENTERING RESTRICTED OR CLOSED AREAS**

24.2 No person shall enter into or on any park or portion thereof which is designated as closed or into any park or portion thereof contrary to any designated restriction imposed pursuant to paragraph 24.1.

### **APPLICATION FOR PERMISSION**

25.1 Where any act is expressed to be prohibited unless permitted by the Chief Administrative Officer any person seeking such permission shall apply to the Board of Commissioners in writing and shall provide the following information:

- (1) the name, address and telephone number of the applicant;
- (2) the provision of the by-law in relation to which permission is requested;
- (3) particulars of
  - (a) the size and character, or groups of persons;
  - (b) the nature of the activity;
  - (c) proposed location or locations for which permission is requested;
- (4) the period of time for which permission is sought;
- (5) such other information as the Chief Administrative Officer may reasonably require.

*amended 8162/2002*

### **CONDITIONS**

25.2 Upon receipt of an application under paragraph 25.1 the Chief Administrative Officer shall give its permission if all of the following conditions are met:

*amended 8162/2002*

- (1) the activity for which permission is sought does not contravene or appear to contravene any law or this or any other by-law of The City of Winnipeg;

- (2) adequate provision is made for the control and supervision of the persons likely to attend such activity so as to ensure that the safety, health and convenience of such persons and other persons using or likely to use the public park are safe-guarded;
- (3) the location and time of the activity for which permission is sought is appropriate for such activity and does not or would not reasonably conflict with designated uses, park improvements or other requests for the permission of the Chief Administrative Officer for use of the park;
- (4) adequate provision by agreement or otherwise as deemed necessary by the Chief Administrative Officer is made for the restoration of the areas of the park reasonably affected by the activity.  
*amended 3679/84*
- (5) Where deemed necessary by the Chief Administrative Officer such policy or policies of insurance covering public liability and property damage on account of the activity or activities for which permission is sought, shall be placed by the applicant, and evidence thereof shall be provided to the Chief Administrative Officer, said insurance to be in the amount of \$1,000,000.00 (or such lesser amount as the Chief Administrative Officer shall determine to be appropriate in the circumstances) naming the City as an insured and containing a cross liability clause.  
*added 3679/84*

### **TIME AND LOCATION**

25.3 Permission may be given for the period of time and location requested in the application mentioned in paragraph 25.1 or may be for such other period of time or location as the Chief Administrative Officer shall think reasonable.  
*amended 8162/2002*

### **RULES AND REGULATIONS**

26.1 The Chief Administrative Officer may prescribe rules and regulations governing the safe and orderly use of the park consistent with this By-law or giving notice of any other by-law of the City and shall for the purpose of implementing the provisions of this By-law erect signs in conspicuous places designating the area of application of such rules and regulations.  
*amended 8162/2002*

### **COMPLIANCE WITH REGULATIONS**

26.2 No person shall use, enter upon or into, or participate in any activities in the park except in compliance with such rules and regulations as shall be made pursuant to paragraph 26.1.

### **DESIGNATION OF RECREATIONAL AREAS**

27.1 For the purpose of this By-law and consistent herewith the Chief Administrative Officer may in any park in The City of Winnipeg or the additional zone designate or alter the designation of any public park or area or areas in a public park as facilities available for a specific recreational activity or activities and the time or times, if any, during which any such area may be used for such specified recreational activity or activities so as to ensure the maximum use in keeping with the comfort, safety or convenience of all persons using or expected to use the park.

*amended 8162/2002*

### **AREAS PREVIOUSLY DESIGNATED**

27.2 All areas designated for a particular recreational purpose or purposes in any public park at the date of the commencement of this By-law shall be deemed to have been designated under paragraph 27.1 until altered by the Chief Administrative Officer pursuant thereto.

*amended 8162/2002*

### **PRESUMPTION**

27.3 In any legal proceeding a sign or notice designating a particular recreational purpose or purposes shall be presumed to have been placed under the authority of the Chief Administrative Officer or persons duly authorized until the contrary is shown.

*amended 8162/2002*

28.

*repealed 8162/2002*

### **EXEMPTION OF EMPLOYEES, ETC.**

29. The provisions of this By-law shall not apply to an employee, agent or other person authorized by The City of Winnipeg and acting in the course of his employment or authority, the onus of proof of which employment or authority shall be on the person so alleging.

### **SPEED RESTRICTION**

30. No person shall operate a vehicle in any public park at a rate of speed in excess of 30 kilometres per hour.

### **LITTER AND FIREWORKS**

31.1 No person shall dump, deposit, drip, throw, discard or leave litter or garbage in a park except where it is placed in a container provided for that purpose.

31.2 No person shall fire or set off any fireworks in a park except as permitted by the Chief Administrative Officer.

*amended 8162/2002*

### **PENALTY**

32. *repealed 8162/2002*

### **REPEAL**

33. (1) All by-laws and by-law amendments of an area municipality or of The Parks Board of any area municipality as defined in section 1 of *The City of Winnipeg Act*, and still in force respecting the use, regulation, protection and government of parks under the control of any such municipality or board are hereby repealed.

*amended 6595/95*

(2) Without limiting the generality of subsection 1, the following by-laws and any amendments thereto made from time to time are hereby repealed:

- (a) The City of Winnipeg By-law No. 19062
- (b) The City of Winnipeg By-law No. 19311
- (c) The City of Winnipeg By-law No. 19465
- (d) The City of Winnipeg By-law No. 19524
- (e) The City of Winnipeg By-law No. 19585
- (f) The City of Winnipeg By-law No. 19716
- (g) The City of Winnipeg By-law No. 428/73
- (h) Metropolitan Corporation of Winnipeg By-law No. 430
- (i) Metropolitan Corporation of Winnipeg By-law No. 626
- (j) Metropolitan Corporation of Winnipeg By-law No. 824
- (k) Metropolitan Corporation of Winnipeg By-law No. 852
- (l) Metropolitan Corporation of Winnipeg By-law No. 1078
- (m) Metropolitan Corporation of Winnipeg By-law No. 1192
- (n) Metropolitan Corporation of Winnipeg By-law No. 1268
- (o) Metropolitan Corporation of Winnipeg By-law No. 1511
- (p) Metropolitan Corporation of Winnipeg By-law No. 1655
- (q) Metropolitan Corporation of Winnipeg By-law No. 1667

- (r) Metropolitan Corporation of Winnipeg By-law No. 1843
- (s) The City of Winnipeg By-law No. 89/72
- (t) The City of Winnipeg By-law No. 352/73
- (u) The City of Winnipeg By-law No. 968/75
- (v) The City of Winnipeg By-law No. 1224/76
- (w) The City of Winnipeg By-law No. 1545/77
- (x) The City of Winnipeg By-law No. 2035/78
- (y) The City of Winnipeg By-law No. 2259/79
- (z) The City of Winnipeg By-law No. 2621/80
- (aa) The City of Winnipeg By-law No. 2954/81
- (bb) The former R.M. of St. Vital By-law No. 5366
- (cc) The former Town of Tuxedo By-law No. 1199

### **SEVERABILITY**

34. If any provision of this By-law is held to be invalid by any Court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.

35. (1) The fees and charges for admission to or use of any park or part thereof or any service, facility or activity therein shall be as determined by Council from time to time.

*amended 164/2004*

(2) Notwithstanding subsection (1), the fees and charges previously set out in Schedule "A" shall apply until Council determines a different fee and charge.

*added 164/2004*

(3) Notwithstanding subsections (1) and (2) and subject to limits and conditions imposed by the Operating Charter of Winnipeg Golf Services, effective April 1, 2005, the Chief Operating Officer of the Winnipeg Golf Services Special Operating Agency shall have the authority to establish and charge prices, rates and fees for all products and services within the jurisdiction of Winnipeg Golf Services.

*added 108/2005*

**DONE AND PASSED** in Council assembled, this 15<sup>th</sup> day of July, 1982.

### **SCHEDULE "A" TO THE PARKS AND RECREATION BY-LAW NO. 3219/82**

*(repealed 164/2004)*