

**CITY OF YELLOWKNIFE
BY-LAW NO. 4564**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to repeal and replace By-law No. 3964, a by-law to provide for the establishment and operation of recreation programs, services and facilities.

PURSUANT TO SECTION 70(1)(h) of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, which provides that the Council of a municipality may make by-laws for municipal purposes respecting programs, services, infrastructure and facilities provided or operated by or on behalf of the municipal corporation;

AND PURSUANT TO SECTION 70(1)(b) of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, which provides that the Council of a municipality may make by-laws for municipal purposes respecting people, activities and things in, on or near a public place or a place that is open to the public;

AND PURSUANT TO SECTION 70(1)(a) of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, which provides that the Council of a municipality may make by-laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND PURSUANT TO SECTION 70(1)(k) of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, which provides that the Council of a municipality may make by-laws for municipal purposes respecting the enforcement of by-laws;

WHEREAS Council wishes to operate and maintain certain areas of the City as Public Parks and Recreation Facilities;

AND WHEREAS Council is desirous of establishing rules and regulations concerning the use of the Public Parks and Recreation Facilities;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Public Parks and Recreation Facilities By-law".

DEFINITIONS

2. In this by-law:

"Bicycle"	means a cycle propelled by human power on which a Person can ride regardless of the number of wheels it has;
"City"	means the Municipal Corporation of the City of Yellowknife;
"Director"	means an employee of the City appointed as the Director of Community Services, or his or her designate;
"Dog"	means a Dog as defined by <i>Dog By-law No. 3710</i> ;
"Highway"	means a Highway as defined by the <i>Motor Vehicles Act, R.S.N.W.T. 1988, c.M-16</i> ;
"Improved Trail"	means an identifiable path, track or public right of way through a natural area intended for use by pedestrians, bicyclists and other authorized users;
"Motor Vehicle"	means a Motor Vehicle as defined by the <i>Motor Vehicles Act, R.S.N.W.T. 1988, c.M-16</i> , OR the <i>All-terrain Vehicles Act, R.S.N.W.T. 1988, c.A-3</i> ;
"Natural area"	means an area preserved in its natural or near natural state or an area created to remain thereafter in a natural state.
"Officer"	means a person who is appointed in accordance with the <i>Cities, Towns and Villages Act</i> as a By-law Officer to enforce the by-laws of the City and any Peace Officer who is entitled by law to enforce the by-laws of the City;

- "Person" means an individual or any business entity including a firm, partnership, association, corporation or society, but does not include the City or any of its employees, who are acting within the course and scope of their employment;
- "Public Parks" means all land that is maintained or operated by the City for community recreation activity including but not limited to those defined in Schedule A and Schedule B, attached to and forming part of this by-law;
- "Recreation Facility" means all or any part of a building or buildings or structure that is maintained or operated by the City for community recreation activity including but not limited to those defined in Schedule A and Schedule B, attached to and forming part of this by-law;
- "Senior Administrative Officer" means the Senior Administrative Officer of the City appointed pursuant to the *Cities, Towns and Villages Act, S.N.W.T., 2003, c. C.22*, or his or her designate;

PART I - SCOPE

3. This By-law shall apply to all Public Parks and Recreation Facilities in the City.
4. The City is hereby authorized to:
 - a) develop and maintain Public Parks and Recreation Facilities;
 - b) provide, establish, operate and maintain a comprehensive recreation delivery system; and
 - c) work independently or jointly with agencies to operate, improve and maintain property, both real and personal, for Public Parks and Recreation Facilities.

PART II - REGULATION OF ACTIVITIES

STRUCTURES

5. While in a Public Park or Recreation Facility no person shall:

- (a) climb on any building, structure or equipment unless it is designed specifically for the purpose of climbing;
- (b) build a structure, whether permanent or temporary; or
- (c) set up a temporary abode except in an area designated by the City for this activity;

except in an area where such activity is specifically allowed by the Director.

FIRE PREVENTION

6. No person shall make or kindle a fire for any purpose except in places provided therefore within any Public Park or Recreation Facility without a burning permit and prior written approval from the Director.

7. No Person in a Public Park shall burn:

- (a) treated lumber;
- (b) leaves or other dead fall from trees from within a Park;
- (c) Park vegetation, trees or parts thereof from within a Park, whether dead or alive;
- (d) tires or rubber; or
- (e) plastics or any other similar thing which may emit a noxious smell when burned.

8. Every Person who has a fire in a Public Park must ensure that such fire is extinguished completely, leaving only cold ashes, prior to leaving the site of the fire.

PRESERVATION OF NATURAL AREAS

9. While on an improved trail or designated public park a Person shall:
- (a) respect all signage and prohibitions with regards to entering into any undeveloped or natural area;
 - (b) not remove any rock, gravel, sand or soil; or
 - (c) not move, remove, cut or damage any tree, shrub, flower, other plant or deadfall.

PROTECTION OF THE ENVIRONMENT

10. While in a Public Park or Recreation Facility no Person shall:
- (a) attach any poster, notice, advertisement or other similar item to any property except in an area designated by the City for this activity;
 - (b) distribute any handbills or circulars;
 - (c) urinate or defecate except in a facility provided by the City for this purpose;
 - (d) leave garbage, litter or other refuse except in a receptacle provided by the City for this purpose;
 - (e) deposit grass clippings, dirt, rubble or other waste materials;
 - (f) deposit chemicals or pesticides;
 - (g) foul the water of any lake, pond or other similar body of water; or
 - (h) store or leave construction equipment or related items.

RESTRICTED AREAS

11. While in a Public Park or Recreation Facility no person shall:
- (a) enter any area to which access has been prohibited or regulated by signage or fencing or other barricade; or
 - (b) move, remove or alter any signage or fencing or other barricade prohibiting or regulating access to any area.

OTHER USERS

12. While in a Public Park or Recreation Facility no Person shall:
- (a) do anything that is reasonably likely to disturb the peace, safety or enjoyment of other persons using the Public Park or Recreation Facility; or
 - (b) interfere with the exclusive use of any area of the Public Park or Recreation Facility granted to another person or group.

DANGEROUS ACTIVITIES

13. While in a Public Park or Recreation Facility no person shall:
- (a) act in a way that is reasonably likely to cause injury to another person, or damage property;
 - (b) possess any firearm, bow, arrow or hunting type knife;
or
 - (c) modify any land in a way that is reasonably likely to cause injury to another person or damage to property.
14. When using a skating rink under the management of the City, no person shall race or speed so as to endanger or interfere with any other person using the skating rink.

OTHER ACTIVITIES

15. While in a Public Park or Recreation Facility no person shall:

- (a) recklessly use sporting equipment or recklessly engage in sporting activities outside of their intended facility;
- (b) operate an amplification system; or
- (c) take part in any procession, drill, performance, ceremony, concert or public gathering in contravention of this by-law;

except in an area where such activity is specifically allowed by the Director.

WATER

16. No Person shall:

- (a) store, dock or moor a boat, canoe, kayak or similar craft overnight within Public Parks.

PROHIBITED ACTIVITIES

17. No Person shall:

- (a) damage, injure, deface or disturb any tree, rock, building, monument, fence, bench, apparatus or property;
- (b) pull up, cut, or remove any shrub, bush, tree, plants or flowers;
- (c) mark or write upon any building, monument, fence, bench or other structure;
- (d) cut, damage or remove any wood, turf, grass, soil, rock, sand or gravel from any Public Park or Recreation Facility without prior written approval from the Director;

- (e) Ride a bicycle or skateboard within any Public Park or Recreation Facility except on highways or those trails, paths or areas specifically set apart by the City and signed for bicycles or skateboards;
- (f) Engage in riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language, which means making any verbal comments or physical gestures, about or toward anyone that could reasonably be considered to be offensive, derogatory or abusive;
- (g) make any noise likely to disturb any inhabitant or interfere with the enjoyment of the Public Park through the use of electronic equipment or any other means.

within any Public Park or Recreation Facility.

ANIMALS

18. Unless otherwise permitted by this by-law no Person shall allow any animal under their control, or for which they are responsible, to be in a Public Park or Recreation Facility.

Service animals are exempt from this section.

19. (a) A Person may have a Dog in a Public Park so long as the Dog is:
- (i) on a leash not exceeding two and one half meters (2.5m) in length); or
 - (ii) in a designated leash free area;
- (b) Notwithstanding this section, a Person having a Dog in a Public Park remains subject, at all times, to every provision contained in *Dog By-law No. 3710*.

20. While in a Public Park no person shall:

- (a) kill, injure, trap or disturb any animal, bird or other wildlife; or
- (b) touch, damage, disturb or remove any nest or egg therein.

SALE OF GOODS AND SERVICES

21. No Person shall sell or expose for sale any merchandise, or conduct any business in any Public Park or Recreation Facility without prior written approval from the Director.

MOTOR VEHICLES

22. No person shall:

- (a) leave a Motor Vehicle in a Public Park or Recreation Facility during the hours people are not permitted to enter or remain in a Public Park or Recreation Facility as set out in this by-law; or
- (b) service, maintain or, except in the event of an emergency, repair a Motor Vehicle in a Public Park or Recreation Facility;

unless prior written approval is granted by the Director.

INTERFERENCE

23. No Person shall interfere with a Peace Officer in the exercise of their powers and duties pursuant to this by-law.

PART III - EXCEPTIONS

24. The provisions of this By-law shall not apply to any agents or employees of the City in the course of performing their duties of employment.

PART IV - ENFORCEMENT

25. (a) In addition to any other penalty that may be imposed, any Person contravening:
- (i) this by-law;
 - (ii) any federal, territorial or other municipal legislation while in a Public Park or Recreation Facility; or

(iii) any rule of conduct governing a Public Park or Recreational Facility;

may be directed by a Peace Officer or authorized employee of the City to stop the activity or to leave the Public Park or Recreation Facility;

(b) Any Person directed to leave a Public Park or Recreation Facility pursuant to this by-law shall:

(i) do so forthwith; and

(ii) shall not return within the following twenty-four (24) hours, or such longer period of time as specified in the direction.

OFFENCE

26. A person who contravenes this by-law is guilty of an offence.

CONTINUING OFFENCE

27. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this by-law for each such day.

FINES AND PENALTIES

28. Any Person who is guilty of an offence is liable upon Summary Conviction to a fine not exceeding:

(a) Two thousand (\$2,000.00) dollars for an individual; or

(b) Ten thousand (\$10,000.00) dollars for a corporation.

29. An Officer may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act* and Regulations, to any person who violates any provision of this By-law and such person may, in lieu of prosecution, pay the City the voluntary penalty of \$100.00, prior to the court date specified on the ticket.

PART V - MISCELLANEOUS

30. Nothing in this by-law relieves a Person from complying with any federal or territorial law or regulation, other by-law or any requirements of any lawful permit, order, consent or direction.
31. Where this By-law refers to another Act, Regulation or by-law, it includes reference to any Act, Regulation or by-law that may be substituted therefore.
32. Every provision of this By-law is independent of all other provisions, if any provision of this By-law is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this By-law shall remain valid and enforceable.


PART VI - REPEAL

33. By-law No. 3964 is hereby repealed.

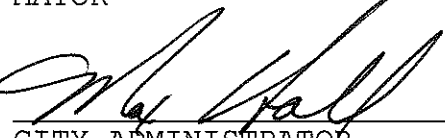
PART VII - EFFECT

34. This By-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First Time this 12 day of APRIL, A.D., 2010.




MAYOR




CITY ADMINISTRATOR

READ a Second Time this 12 day of APRIL, A.D., 2010.

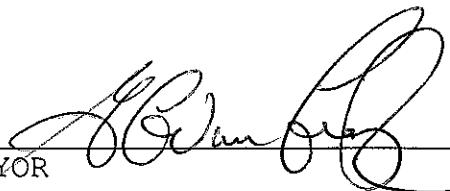


MAYOR




CITY ADMINISTRATOR

READ a Third Time and Finally Passed this 26 day of APRIL, A.D., 2010.




MAYOR

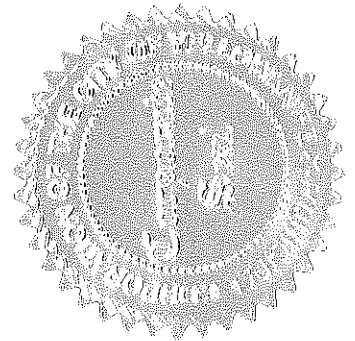


CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.


A/CITY ADMINISTRATOR

Docs #182775 v.2



CITY OF YELLOWKNIFE
BY-LAW NO. 4564
Schedule A

Natural Areas, Public Parks and Recreation Facilities
Maintained and Operated by the City

Areas within the City, established and defined under the Zoning By-law for Parks and Recreation uses.

NATURAL AREAS

1. A Public Park located on 0.31 hectares on Lot 8, Block 87, Plan 637 and on 0.22 hectares on Lot 32, Block 87, Plan 2155, being the intersection of **45th and 46th Streets**.
2. A Public Park located on Block 107, Plan 483 an area of 0.15 hectares bordered by Block 103 to the west, Block 60 to the north and Block 104 to the south.
3. A Public Park located on Lot 28, Block 545, Plan 1665 - **Lamoureux Road**.
4. A Public Park located on Lot 14, Block 145, Plan 864 and on Lot 5, Block 148, Plan 863, an area of 1.59 hectares **between Con Road and Burwash Drive**.
5. A Public Park located on 2.52 hectares at the intersection of 54th, 55th and 56th Streets with 51 Avenue, Block 106, Plan 483. (**54th Street sliding hill**)
6. A Public Park situated on a portion of land on Lot 971, Group 964, Plan 1069 - Surrounding a portion of Range Lake. (**Range Lake Trail**)
7. A Public Park defined as the **Lakeview Cemetery** - Portion of Lot 1, Block 314, Plan 4150.
8. A Public Park situated on Lot 9, Block 202, Plan 2168 - **Mitchell Drive**.
9. A Public Park defined as the **Niven Lake Trail** system located immediately adjacent to Niven Lake within Lot 1083, Quad 85J/8, Plan 2546.

10. A Public Park defined as the McMahon Frame Lake Trail System crossing portions of the following:

Block 124, LTO 634	Block 122, Lot 2, LTO 2015
Group 964, LTO 846	Lot 3, LTO 1708
Group 964, LTO 924	Block 162, Lot 1, LTO 1475
Lot 907, LTO 1005	

and other areas referred to as Commissioner's Land.

PUBLIC PARKS

11. A Public Park referred to as **Borealis Park** situated on Lot 29, Block 516, Plan 1703.
12. A Public Park defined as **Bristol Memorial Park** and located at a portion of Lot 1, Block 314, Plan 4150, being located near the intersection of Old Airport Road and Highway #3.
13. A Public Park defined as **Bush Pilots Memorial Park** and located on 0.78 hectares adjacent to Block 3, Plan 194.
14. A Public Park defined as **Demelt Crescent Park** located on Lot 28, Block 567, Plan 3826.
15. A Public Park defined as **Doornbos Park**, located on 46th Street - Lots 17 & 18, Block 68, Plan 69.
16. A Public Park defined as **Dusseault Court Playground** located at Lot 1, Block 515, Plan 2052.
17. A Public Park defined as **Forrest Drive Park** and located on 0.196 hectares on Forrest Drive North at the intersection of Burwash Drive, Lot 15, Block 145, Plan 864 and Lot 1, Block 147, Plan 863.
18. A Public Park referred to as **Horton Crescent Park** located on Lots 1 and 2, Block 542, Plan 1420 and a portion of Lot 33, Block 551, Plan 3826.
19. A Public Park defined as **Jeske Crescent Park** located on a 1.10 hectares median on Jeske Crescent being a portion of Road, Plan 2315.
20. A Public Park defined as **Joliffe Island Park** and located on 10.2186 hectares on Joliffe Island including Blocks 15, 16 and 17, Plan 68.

21. A Public Park defined as **Latham Island Park** and located on 0.16 hectares at the intersection of Hearne Hill and Otto Drive, Lots 1, 2, 3, 4 and 10 Block 8, Plan 68.
22. A Public Park defined as **Magrum Crescent Park** located on Lot 9, Block 556, Plan 2407.
23. A Public Park defined as **McNiven Beach and Playground** located at Lot 2, Block 122, Plan 2015.
24. A Public Park defined as the **Mitchell Drive Park** located on Lot 2, Block 165, Plan 1709.
25. A Public Park defined as **Olexin Park** and located on Lot 4, Block 110, Plan 4222 on 52nd Street at the west end of 54th Avenue.
26. A Public Park defined as **Otto Drive Park** located on Lots 6, 7 & 10, Block 202, Plan 2168.
27. A Public Park defined as **Parker Recreation Field** located on Lot 6, Block 550, Plan 1971.
28. A Public Park defined as the **Rotary Centennial Waterfront Park** situated on Lot 1, Block 201, Plan 2396.
29. A Public Park defined as **School Draw Park** and located on 0.028 hectares at the intersection of School Draw Avenue and 46th Street, Lot 15, Block 90, Plan 482.
30. A Public Park defined as **Somba K'e Park** and located on and including Lots 24, 25 and 26, Block 27, Plan 217; Lot 31, Block 27, Plan 1462; 66 Foot Road, Plan 176; Lots 1, 2, 3, 4 and 5, Block 65, Plan 176; 53rd Street from 49th Avenue to Frame Lake Ordinary High Water Mark; Lot 1, Block 118, Plan 634; all of Block 52; 52nd Street from 49th Avenue to Frame Lake Ordinary High Water Mark; all of 100' reserve bordering the above property descriptions and the Ordinary High Water Mark of Frame Lake.
31. A Public Park defined as **Watt Drive Park** located at on 0.26 hectares of land on the west shore of Latham Island, bordered on the west by the Ordinary High Water Mark; on the south by the common boundary of Lots 8 and 9, Block G, Plan 1028; then from the southeast corner of Lot 9, Block G to the southwest corner of Lot 10, Block 6, Plan 68; then to the northwest

corner of Lot 10, Block 6; then returning westerly to the Ordinary High Water Mark on the west shore of Latham Island.

RECREATIONAL FACILITIES

32. A Recreation Facility defined as **Frame Lake South Tennis Courts** and located on the Frame Lake Reservoir, Lot 2, Block 505, Plan 1015 at the intersection of Franklin (50th) Avenue and Kam Lake Road.
33. A Recreation Facility defined as **Ruth Inch Memorial Pool** located on a Portion of Lot 2, Block 122, Plan 2015.
34. A **Skateboard Park facility** located on a portion of Lot 22, Block 510, Plan 1080.
35. A Playing Field at **St. Joseph's Elementary School** - Lot 22, Block 510, Plan 1080.
36. **Tennis Courts** located on a Portion of Lot 2, Block 122, Plan 2015 and being a parcel of land bounded on the east by Franklin (50th) Avenue, on the west by the Mini Golf Course, on the south by the Yellowknife Community Arena, and on the north by McNiven Beach.
37. A Recreation Facility defined as the **Yellowknife Community Arena** located on Lot 2, Block 122, Plan 2015 - 6002 Franklin Avenue.
38. A Public Park defined as the **Yellowknife Dog Park** located on a portion of Lot 2, Block 122, Plan 2015.
39. A Recreation Facility defined as the **Yellowknife Fieldhouse** located on a portion of Lot 2, Block 500, Plan 2144 - 45 Kam Lake Road.
40. A Recreation Facility defined as the **Yellowknife Multiplex** located on a portion of Lot 2, Block 500, Plan 2144 - 41 Kam Lake Road.
41. A Recreation Facility defined as the **Yellowknife Public Library** located on Lot 33, Block 30, Plan 2535.
42. A **Public Dock** located within Block 13, Plan 1750, being in the Back Bay wetlands directly north of Lois Lane.

CITY OF YELLOWKNIFE
BY-LAW NO. 4564
Schedule B

Page 1

Public Parks and Recreation Facilities maintained and operated by the City under the terms of an agreement entered into by the City in reference to the subject properties:

1. A Public Park defined as **Fritz Theil Memorial Park** and located on 9.27 hectares on Franklin (50th) Avenue at 41st Street, Lot 1001, Quad 85J/8, Plan 1334.
2. A Public Park defined as **Tommy Forrest Ball Park** and located on 3.30 hectares on Franklin (50th) Avenue at the intersection of Reservoir Road, Lot 1, Block 132, Plan 717.
3. A Recreation Facility defined as the **Yellowknife Golf Club**, located at Lots 868-1, 730-5, Block Group 964, Plan 677.
4. A Recreation Facility defined as the **Yellowknife Curling Rink** located on a portion of Lot 2, Block 122, Plan 2015 - 6006 Franklin Avenue.
5. A Public Park defined as the **Yellowknife Ski Club** situated on all the area of land bounded on the south by Niven Lake ravine, on the north by Fault Lake, on the east by Back Bay and on the west by N.W.T. Highway #4 - Lease #L15347T, Sketch #140.
6. A Recreation Facility defined as the **Wildcat Café** located on Lot 5, Block 2, Plan 179 - 3508 Ingraham Trail.

School areas

7. Soccer field and ball diamond located at **William McDonald Junior High School** - Lot 2, Block 158, Plan 1393.
8. A playing field at **Sir John Franklin High School**.
9. A playing field at **Range Lake North School** - Lot 4, Block 558, Plan 2058.