

BYLAW NO. 2015 – 13

BUSINESS OPERATIONS

LAC PELLETIER REGIONAL PARK

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PART I: INTRODUCTION

1. Authority

- (a) Pursuant to section 13 of The Regional Parks Act, 2013, the Lac Pelletier Regional Park Authority, hereby enacts this Business Operations Bylaw.

2. Title

- (a) This Bylaw shall be known as the "Business Operations" of the Lac Pelletier Regional Park.

3. Scope

- (a) This Business Operations Bylaw shall apply to the whole of the Lac Pelletier Regional Park.

4. Purpose

- (a) The purpose of the Business Operations Bylaw shall be:
 - (i) To regulate the operation of businesses within the Lac Pelletier Regional Park; and
 - (ii) To provide for the health, protection, safety and general welfare of the persons within Lac Pelletier Regional Park.

PART II: DEFINITIONS

In this Bylaw, the following words and terms shall have the indicated meaning, unless otherwise indicated elsewhere in the Bylaw:

BOARD means the members of the Regional Park Authority.

BUSINESS means a person or organization of persons involved in the trade of goods, services, or both to consumers.

BYLAW means the Lac Pelletier Regional Park Bylaws.

FISCAL YEAR means the period commencing on January 1st and ending on December 31st.

OCCUPY means to reside in, to hold or dwell in, or on, or to use an area for any period.

PARK means the area that is designated as Lac Pelletier Regional Parks Authority.

PARK AUTHORITY means the people who are, from time to time, appointed for the purpose of carrying out the management and administration of the Lac Pelletier Regional Park.

PARK ENTRY PERMIT means a valid and subsisting permit issued by a Park Officer to allow entry into Lac Pelletier Regional Park for the time specified in the permit.

PARK OFFICER means any member of the Park Authority, as well as nay person employed by the Park Authority for the Administration and Management of the Park, and the enforcement of this bylaw within that area.

PERSON OR PERSONS means any individual, business, partnership, firm, corporation, or occupant of a residence.

PART III: BYLAWS

A. GENERAL

1. No persons shall carry on or be engaged in any business, calling, trade, or occupation within the Park except a permit issued by the Park Authority or authorized Park Officer.
2. No persons shall be granted a permit to operate a business within the park unless he/she has first entered into a written agreement with the Park Authority defining the conditions and terms under which he/she will operate.
3. The Park Authority, may upon the application of an interested persons or upon their own motion, cause to be advertised for disposition the right to operate any business within the Park.
4. Except in the case of a renewal of an existing agreement or of an operation expected to have gross sales of less than \$2,000.00, business opportunities will be publicly advertised for tender in which case the Park Authority may select an operator from among those tendering; providing, however, if no tenders are received or if none are acceptable in the opinion of the Park Authority, they may make such other arrangements as appear justified to enable the business operation to proceed.
5. The advertisement referred to in section 4 shall be published in such publications as the Park Authority may designate.
6. The Park Authority may require that any tender specify the percentage of gross revenue from the business operation or other payment which will be payable to the Park Authority and they may specify a minimum percentage or other payment which will be considered acceptable.
7. When a business is to be carried on in premises to be provided by the permittee in the Park, building plans and/or specifications in accordance with all required building codes, Bylaws, and legislation regarding such a building will be submitted for approval to the Park Authority, and such plans and/or specifications will become part of the agreement.
8. The right to reject any or all tenders shall be reserved by the Park Authority and the money submitted with the bids or offers by the unsuccessful applicants shall be refunded.
9. The form of any contracts for operation of a business in the Park, including those issued pursuant to tenders, shall be determined by the Park Authority.
10. Any persons carrying on business in the Park shall keep financial records, including financial statements, balance sheets, income/expense statements, and income tax returns available for inspection by the Park Authority at all reasonable times.
11. No agreement or contract for the operation of a business shall have the effect of granting to the lessee the exclusive right to carry on a business, calling, trade, or occupation in any area of the Park.

12. No persons shall institute charges or fees for functions or special events held within the Park, unless authorized to do so by the Park Authority.
13. No persons shall post or display in the Park, any signs, posters or advertisement other than one approved by a park officer in writing.
14. No persons shall advertise lotteries or display prizes in connection with draws or contests in the Park without the permission of the Park Authority.
15. Every person using the Park for any purpose whatsoever shall comply with the provisions of all Provincial and Federal Statutes as they may apply, including but not limited to The Regional Parks Act, 2013, The Prairie and Forest Fires Act, 1982, The Provincial Lands Act, The Public Health Act, The Traffic Safety Act, or any succeeding legislation, and in the event of his/her failing to do so, the Park Authority, Park Officer, Police Officer, or Peace Officer may cancel the lease, permit, license, contract, or other authority under which the Park is used.
16. The Park Authority may suspend the right to exercise the authority granted under any permit, lease, license, contract, or agreement and prohibit entry into or occupancy of any area within the Park during a period of high fire hazard.
17. The Park Authority may, in addition to any other penalties, withdraw from any person the privilege of obtaining any further or other permit, lease, license, contract, or agreement, upon his conviction under any Provision of The Prairies and Forest Fire Act, The Forest Act, The Provincial Lands Act, the Public Health Act or these regulations.
18. Persons who contravene any of the provisions of this Bylaw may be expelled from the Park, and a Park Officer, Police Officer or Peace Officer may cancel any park entry permit that person may have which allows entry into the Park and any other permits issued by the Park Authority or a Park Officer held by those persons.
19. The Park Authority may fix any charges not provided by these Bylaws.
20. Unless otherwise stated, any Act and regulations referred to in this Bylaw shall include any amendments to the legislation and regulations and any legislation and regulations proclaimed successive to that specifically referred to herein.

B. PENALTY CLAUSES

General Penalty Clause:

21. (a) Any person who contravenes any provision of these Bylaws is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:
 - (i) \$2,000 (Two Thousand Dollars) in the case of an individual;
 - (ii) \$5,000 (Five Thousand Dollars) in the case of a public corporation;or, in default of payment by an individual, by imprisonment for a term of not more than 30 (thirty) days.

Voluntary Penalty Clause:

22. Any person who contravenes any of the provisions of the Bylaw, may be, at the discretion of the officer, subject to a voluntary penalty as listed:

- (a) Section 1 = \$100.00;
- (b) Section 10 = \$100.00;
- (c) Section 12 = \$100.00
- (d) Section 13 = \$250.00; and
- (e) Section 14 = \$50.00.

PART IV: REPEAL AND EFFECTIVE DATE OF BYLAW

1. Repeal

(a) Bylaw 1997, sections 86 to 104, as amended, shall be repealed upon Bylaw 2015-13 coming into force and effect.

2. Park Authority Readings and Adoption

Introduction this 6th day of July, 2015

Read a first time this 6th day of July, 2015

Read a second time this 6th day of July, 2015

Read a third time this 26th day of October, 2015

Adoption of Bylaw this 26th day of October, 2015



Chairperson



Secretary

NOTE: Point 15 *The Prairie and Forest Fires Act, 1982* was essentially replaced by *The Fire Safety Act*, when it comes to Regional Parks. Section 6(1)(f) says that the fire commissioner will deal with Regional Parks, and section 11 says the fire commissioner can appoint a fire chief for park land.