

**Certificate of Approval**

**“Recreation Facility By-Law 19-02”, Village of Port Williams**

This is to certify that, pursuant to subsection 433(1) of the *Municipal Government Act*, the “Recreation Facility By-Law 19-02” submitted by the Village of Port Williams, Kings County, Nova Scotia, passed at a duly convened meeting of the Village Commission of the Village of Port Williams on the 15<sup>th</sup> day of October, 2019 is hereby approved, and the said by-law hereby has the force of law pursuant to subsection 433(1) of the *Municipal Government Act*.

DATED this 21<sup>st</sup> day of July, 2020.



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Honourable Chuck Porter  
Minister of Municipal Affairs and Housing

**VILLAGE OF PORT WILLIAMS**  
**BY-LAW 19-02**  
**RECREATION FACILITY BY-LAW**

Whereas, under the provisions of section 426 of the Municipal Government Act, S.N.S. 1998, c. 18, as amended, by-laws may be made by the Village Commission for regulating the management, and providing for the security, of public property belonging to the village and for providing for anything within the powers, duties, or control of the Commissioners, and section 423 of the Act permits the Commission to expend money on recreational facilities.

That Bylaw No. 04-01 respecting Recreation, adopted on May 26, 2004 is hereby repealed

NOW THEREFORE, the Commissioners of the Village of Port Williams HEREBY ENACT AS FOLLOWS:

**TITLE**

1. This By-Law is entitled the "Recreation Facility By-Law"

**DEFINITIONS**

2. In this By-Law:

- a. "Applicant" means the person who submits the application for use of Recreation Facility as defined in 2 (d).
- b. "Clerk" means Clerk for the Village of Port Williams
- c. "Commission" means the Commission of the Village of Port Williams
- d. "Minister" means the Minister as defined in the Municipal Government Act, S.N. 3. 1998, C.18, as amended;
- e. "Permit" means Recreation Facility Use Permit;
- f. "Public Place" means all parks and other areas owned or managed by the Village shown on Schedule "B" attached and forming a part of this By-Law;
- g. "Recreation Department" means Recreation Director of the Village of Port Williams or assigned delegate.
- h. "Recreation Facility" means all recreational facilities and other areas owned or managed by the Village shown on Schedule "A" attached to and forming a part of this By-Law;
- i. "Smoke" means to smoke, hold or otherwise have control over ignited tobacco and cannabis products;
- j. "Use" designates the applicant to a three-hour block of time.
- k. "Vending" means sale, or offering for sale, of
  - i. Food, beverages or other merchandise
  - ii. Services;
- l. "Village" means the body corporate of the Village of Port Williams

### **BY-LAW DOES NOT APPLY TO THE VILLAGE**

3. This By-Law does not apply to the use of the Recreation Facilities or Public Places by the Village.

### **GENERAL**

4. No person shall unreasonably interfere with the lawful use and enjoyment of a Recreation Facility, a recreation asset, or a Public Place by other persons.
5. Without limiting the generality of section 4:
  - 1) no person shall use a Recreation Facility or Public Place contrary to the rules pertaining to such Facility or Place as attached as Schedule "C" to and forming a part of this By-Law;
  - 2) no person shall use obscene language at any Recreation Facility or Public Place;
  - 3) no person shall expectorate or defecate in a Recreation Facility or Public Place, except in a toilet;
  - 4) no person shall light or have a fire at any Recreation Facility or Public Place;
  - 5) no person shall camp or tent at any Recreation Facility or Public Place;
  - 6) no person shall engage in begging, whether aggressive, persistent, or passive, at any Recreation Facility or Public Place;
  - 7) no person shall litter or deposit or leave waste at a Recreation Facility or Public Place except in a waste receptacle designated to accept such waste;
  - 8) no person shall deface, damage or destroy Village Property at any Recreation Facility or Public Place, and, in addition to any penalty upon a prosecution for contravention of this provision, the Village may recover the expense incurred in remediating the damage together with costs and pre-judgement interest, by action in any court of competent jurisdiction;
  - 9) no person shall engage in vending at any Recreation Facility or Public Place except pursuant to a Permit; and
  - 10) no person shall post, nail, place, attach or leave at any Recreation Facility or Public Place any sign, poster, handbill, notice or advertisement, except on public poster boards that may be located at such places and clearly designated as such and only poster in compliance with the following requirements may be erected;
    - (a) the maximum size of any poster shall be 28cm x 43 cm;
    - (b) a poster advertising or giving notice of an event shall not be erected more than 3 weeks before that event;
    - (c) the person erecting a poster shall, at the time of erecting it, inscribe upon it the date and the name, address and telephone number of the person erecting it;
    - (d) the person erecting a poster shall remove the poster within 3 weeks of placing it there and dispose of it without littering;
    - (e) posters shall be erected by means of thumbtacks and not less than 4 such tacks shall be used to affix it to a designated area; and

- (f) posters on the designated area shall not be removed or covered by a person erecting another poster on the poster board, except that posters may be removed in the event they are overdue for removal pursuant to paragraph (d).

## **RECREATION FACILITY USE PERMITS**

- 6.
  - 1) No person shall use a Recreation Facility except in accordance with the terms and conditions of a Permit
  - 2) Subsection 6 (1) does not apply to a person who enters into a written agreement with the Village, approved by the Commission by resolution, for the use of Recreation Facility.
- 7. The fee, if any, for the Permit for use of a Recreation Facility shall be shown in Schedule "D" attached to and forming a part of this By-Law.
- 8. All Permits shall be obtained by application to the Recreation Department. The application for Permit, or amendment to a Permit, shall be made in writing, in duplicate, on such form as may be specified by the Recreation Department from a time to time, and signed by the person applying therefore. Every application for a Permit shall be accompanied by any Permit fee established by Section 7. The application shall contain the following information:
  - 1) the Recreation Facilities, the activities, and the time period for which the Permit shall be effective;
  - 2) the name, postal and civic address and telephone number of the applicant, and the name of the applicant shown must be the actual proposed user of the Recreation Facility and not the agent or trustee of the user;
  - 3) confirmation that the application shall:
    - a) comply with all applicable Village, Municipal, Provincial and Federal laws;
    - b) prevent noise from being heard outside the Recreation Facility in such a manner that it disturbs others;
    - c) allow the Recreation Department to enter the Recreation Facility at all times;
    - d) be liable for any damage, loss, or injury to any property or any personal injury or death arising in any manner whatsoever from the use of the Recreation Facility or associated area or any Village assets;
    - e) indemnify the Village against all claims directly or indirectly related to the use of the Recreation Facility or associated areas or any Village assets and all costs, including defence costs, of such claims, and waive all claims of the applicant against the Village.
  - 4) the amount of any Permit fee pursuant to Section 7.
- 10. Subject to the other provisions of this By-law, the Recreation Department shall issue a Permit, containing terms and conditions consistent with this By-law, for each use of a Recreation Facility that complies with the requirements of this By-law.

11. A Permit shall remain in effect for the period shown on the Permit.
12. The Recreation Department may refuse, amend, suspend or revoke a Permit for breach of this or any other By-law or of the terms or conditions of a Permit upon notice to an applicant or Permit holder.
13.
  - 1) A person aggrieved by the decision of the Recreation Department pursuant to section 12 may appeal that decision to the Commission, within 15 days of the mailing or delivery of the decision to the applicant or Permit holder, by written notice of appeal to the Clerk.
  - 2) After the hearing of an appeal, the Commission may confirm, rescind or vary the decision of the Recreation Department, and may require the applicant to maintain insurance for third party liability in the amount of not less than \$2 million throughout the period for which the permit is sought.
14. A Permit issued under this By-law shall be in possession on site by the Permit holder at the applicable Recreation Facility while using the Facility pursuant to this By-law.

#### **ACCESS TO RECREATION FACILITY**

15.
  - 1) The Recreation Department shall arrange access to the Recreation Facility by a Permit holder.
  - 2) the Recreation Department may provide a key or keys to recreation assets at the Recreation Facility to a Permit holder in exchange for a \$50.00 deposit for each key, which deposit shall be refunded upon the return of all keys to the Recreation Department and confirmation by the Recreation Department that all assets remain and no damage has been suffered by the asset or the Facility.

#### **NO SMOKING**

16. No person shall smoke, vape or consume tobacco or cannabis products at any Recreation Facility or Public Place.

#### **PENALTIES**

17. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$5000.00 and to imprisonment of not more than 90 days in default of payment thereof.

**REPEAL**

18. This Bylaw hereby repeals Bylaw No. 04-01 respecting Recreation, adopted on May 26, 2004.

**EFFECTIVE DATE**

19. This By-Law shall come into force and effect when it is approved by the Minister.

BY-LAW passed this 15 day of October, 2019

Lewis R Benedict

Chair

[Signature]

Clerk

**SCHEDULE "A"**  
**RECREATION FACILITIES**

1. Soccer fields located south of Port Williams Elementary School at Civic #1225, Belcher Street.
2. Soccer/Rugby field and building located at Civic #61, Collins Rd.
3. Ball field, lights, and equipment building located at Civic #1225, Belcher Street.
4. Throw Pitch and building located at Civic #211, Collins Rd.
5. Tennis courts located at Civic #1255, Belcher Street

**SCHEDULE "B"**  
**PUBLIC PLACES**

1. Walking Park, Planter's Square Subdivision, Civic #1701 Kidston Ave.
2. Community Park, Civic #1084, Hwy 358
3. Walking Trail, located in Lawrence Park Subdivision
4. Walking Trail, located at Civic #211, Collins Rd.
5. Beach Volleyball court, located at Civic #1225, Belcher Street.
6. Basketball court, located at Civic #1084, Hwy 358
7. Skating pond and skate-changing portion of building located at Civic #1400, Belcher Street.



## **SCHEDULE "C"**

### **RULES**

1. Failure to comply with the Facility Use Agreement may result in the permit being cancelled.
2. No person shall enter or remain on the Recreation Facilities or Public Places between the hours of 10PM and 8AM
3. No person shall use the Recreation Facilities after dusk if the lights installed by the Village of Port Williams for such purpose are not illuminating the area.
4. Alcoholic beverages or narcotics of any kind are not allowed in any area of the recreation facilities or public spaces.
5. Permit cancellations due to inclement weather may be re-scheduled or a credit may be put on an account to be reconciled at the end of the season, if the weather cancellation is communicated to the Recreation Department within 3 days of the cancellation.
6. The Applicant is responsible for the discipline of its group or organization. The Applicant will not do or permit to be done any act which will or may be a nuisance, annoyance, inconvenience or damage to the community or its members and other persons using the premises. The Applicant is responsible for any persons, which are in attendance and affiliated in any way with their league, team or organization for the duration of the Agreement.
7. The Applicant is responsible for the actions of all users of the Facility, including spectators. The Applicant will not do or permit to be done any act which will or may be a nuisance, annoyance, inconvenience or damage to the community or its members and other persons using the premises.
8. The Village of Port Williams reserves the right to cancel or change any facility rental time to accommodate the needs of other users, if necessary.

**SCHEDULE "D"**  
**RECREATION FACILITY USE FEES**

1. Ball Field, Civic #1255, Belcher Street

a) Single Use Booking

\$25.00/use

\$30.00/ use with lights

b) Season Rate (1 day per weekly use)

\$200.00

\$400.00 with lights

c) Tournament Rate (full weekend use)

\$50/day

2. Soccer/Rugby Field, Civic #61 Collins Road

a) Single Use Booking

\$25.00/use

b) Season Rate (1day per weekly use)

\$200.00

3. Soccer Field, Civic #1255 Belcher Street

a) Single Use Booking

\$25.00/use

b) Season Rate (1 day per weekly use)

\$200.00