

VICTORIA PARK AND PROMENADE BYLAW

AMENDED JUNE 14, 1999
AMENDED JUNE 11, 2008

AMENDED AUGUST 11, 2003
AMENDED JUNE 15, 2009

Summary of Bylaw Amendments at end of Bylaw

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN, PURSUANT TO THE PROVISIONS OF SECTIONS 21 AND 64 OF THE “CHARLOTTETOWN AREA MUNICIPALITIES ACT”, R.S.P.E.I., 1988, CAP.C-4.1:

BE IT ENACTED by Council of the City of Charlottetown as follows:

PART I - TITLE

1.
 - 1.1 The Victoria Park and Promenade Bylaw enacted effective December 13, 1989, is repealed.
 - 1.2 This Bylaw may be known and cited as the “Victoria Park and Promenade Bylaw”.

PART II - PURPOSE AND INTERPRETATION

2.
 - 2.1 The purpose of this bylaw is to protect and regulate the use of Victoria Park in a manner consistent with the intent of the original legislation which vested these lands in the care and control of the City of Charlottetown, as referenced in Schedule “A” of this bylaw.

PART III - DEFINITIONS AND INTERPRETATION

3. In this Bylaw:
 - 3.1 **“Bicycle”** means any cycle propelled by human power on which a person may ride, regardless of the number of wheels it has;
 - 3.2 **“Boardwalk”** means the lands and improvements shown in red on the Plan annexed as Schedule “B” hereto;
 - 3.3 **“City”** means the Corporation of the City of Charlottetown and, where the context requires, the area contained within the boundaries of the City of Charlottetown;
 - 3.4 **“Child”** means a person of no more than twelve (12) years of age;
 - 3.5 **“Parks & Recreation and Culture Committee”** means the Committee of Council which has been assigned the responsibility for parks within the City of Charlottetown.

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- 3.6 **“Council”** means the Council of the City;
- 3.7 **“Development”** has the same meaning as defined in the City’s Zoning & Development Bylaw;
- 3.8 **“Facility”** means a building, structure or improvement under the ownership or control of the City Parks/Recreation Department, including swimming pools, arenas, and athletic fields;
- 3.9 **“Park”** means the area commonly known as Victoria Park including vegetation and improvements located therein, over which the City has ownership or exercises control, and so as not to restrict the generality of the foregoing, includes;
- (a) the lands and facilities generally known as Victoria Park and designated for use as a public park and more particularly described on the map or plan annexed hereto as Schedule “C”.
 - (b) lands and facilities placed under the jurisdiction of the Parks and Recreation Manager;
 - (c) boardwalks, pathways, or the like;
 - (d) roads, streets, median strips, boulevards, and traffic islands.
- A legal description outlining the area included in the Park is annexed as Schedule “C”.
- 3.10 **“Pathway”** means a multi-purpose path whether improved or unimproved for use by pedestrians and non-motorized conveyances, except motorized wheelchairs and includes the boardwalk;
- 3.11 **“Pathway lane”** means a longitudinal division of a pathway whether or not the division is indicated on the pathway surface;
- 3.12 **“Roadway”** or street" has the same meaning as defined in the *Highway Traffic Act*;
- 3.13 **“User”** means any person travelling on the boardwalk or a pathway, and shall include, but not be limited to persons walking or jogging and persons using bicycles, roller skates, in-line skates, skis of any type, skateboards and wheelchairs of any type;
- 3.14 **“Vehicle”** has the same meaning as defined in the *Highway Traffic Act*;
- 3.15 **“Moped”** has the same meaning as defined in the *Highway Traffic Act*;
- 3.16 **“Motor Vehicle”** has the same meaning as defined in the *Highway Traffic Act*.

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PART IV - ADMINISTRATION

4.

Parks & Recreation Manager

- 4.1 There shall be a Parks and Recreation Manager for the City, whose duties shall include the administration of this Bylaw.
- 4.2 Hours
 - (a) Council may by Resolution regulate the hours for use of the park or any portion(s) thereof.
 - (b) Save and except for temporary closures of Roadways, Council may by resolution close the Park temporarily or for a period(s) of time or for such hours as it may specify.
- 4.3 In exceptional or emergency circumstances the Parks and Recreation Manager may, notwithstanding Section 4.4, where he/she considers it necessary for the protection or beneficial administration of the Park, close the Park or a portion of the Park to public use, for such period of time, as he/she deems necessary.
- 4.4
 - (a) Commencing June 30, 2009 and continuing to October 31, 2009, both dates inclusive and continuing from May 01 – October 31 in each calendar year thereafter (“Temporary Closure Period”), the interior laneway of the Victoria Park Roadway running in a westerly and northwesterly direction from Kent Street towards Queen Elizabeth Drive shall be closed to Motor Vehicle and Moped traffic (“Closed Laneway”).
 - (b) No Motor Vehicle or Moped shall be operated on or over the Closed Laneway during the Temporary Closure Period.
 - (c) Usage of the Closed Laneway during the Temporary Closure Period shall be restricted to usage by the public for non-motorized wheeling activity such as rollerblading, skateboarding or bicycling. Notwithstanding the foregoing motorized wheelchairs shall be permitted to use the Closed Laneway during the Temporary Closure.
 - (d) During the Temporary Closure the exterior laneway of the Victoria Park Roadway running in an easterly and southeasterly direction from Queen Elizabeth Drive towards Kent Street shall remain open for Vehicle traffic.
 - (e) The Parks and Recreation Manager shall ensure there is adequate signage posted throughout the park advising the public of the Temporary Closure and the restricted uses of the Closed Laneway.

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PART V - PROHIBITED ACTIVITIES

5.

Signs

- 5.1 No person shall disobey a directive sign placed in the park.
- 5.2 No signs shall be placed in the park that are for informational or advertising/commercial purposes unless approved by Council through the process prescribed in Section 6.11.

Damage

- 5.3 No person shall damage, deface, destroy or remove:
 - (a) a facility, structure, fixture, improvement, sign, natural feature or other property in the park;
 - (b) vegetation, soil, sand, gravel or wood, or any other natural or artificial substance or thing as located in the Park.

Litter

- 5.4 No person shall deposit waste or refuse of any nature or kind in a park except designated areas.

Park Use

- 5.5 No person shall engage in any activity in a park, which may:
 - (a) damage the park; or,
 - (b) be incompatible with other common uses of the park.
- 5.6 No person shall, in the park, engage in:
 - (a) propelling a golf ball in any manner;
 - (b) archery;
 - (c) the use of a sling-shot;
 - (d) the shooting of a projectile of any nature.

Public Gathering

- 5.7 No person(s) shall in the Park:
 - (a) operate an amplifying system;
 - (b) make a public address, demonstrate, do anything likely to cause a public gathering;
 - (c) organize any special event of any type.
 - (d) have any gathering in which alcoholic beverages are consumed.

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- 5.8 The City Council may authorize a public gathering otherwise prohibited by this Section but only in accordance with the process prescribed by Sections 6.9, 6.10, 6.11, and 6.12.

Prohibited Activities

- 5.9 No person shall:
- (a) use obscene or vulgar language nor conduct himself in a disorderly or offensive manner or molest or injure any other person or loiter or take up permanent or temporary abode in the park or obstruct the free use and enjoyment of the park by any other person;
 - (b) other than on the boardwalk or roadways, be in the park between 12 o'clock p.m. and 6 o'clock a.m. the following morning unless written permission or license has been given by the Parks and Recreation Manager; or,
 - (c) make or light a bonfire in the park or set fire to any fireworks in the park unless the Parks and Recreation Manager has issued a license therefor.
 - (d) launch a boat or craft of any nature or kind on the water bordering the Park property without written authorization from the Parks and Recreation Manager.

Vehicles

- 5.10 No person shall operate a vehicle in the park, except on a road or street provided for such use.
- 5.11 No person shall park a vehicle in the park, except in an area designated for such use.
- 5.12 No person shall operate an off-highway vehicle in the park.
- 5.13 No person shall operate a vehicle in the park in excess of 20 kilometers per hour as posted or as otherwise posted.

Vegetation Protection

- 5.14 No person shall:
- (a) remove, damage, or destroy any tree, flower or shrub;
 - (b) remove the bark of any tree or shrub;
 - (c) use an object of any kind to penetrate through the bark of any tree;
 - (d) prune any tree;
 - (e) alter the grade level of drainage pattern so as to interfere with the access of water, air, or nutrients to any tree;
 - (f) remove or interfere with any protective barrier placed around any tree, flower or shrub;

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- (g) commence any work or activity liable to interfere with the root system of any tree, flower or shrub;
 - (h) by any means, affix or attach a sign or poster to any tree or shrub;
 - (i) place any liquid or solid substance that is harmful or toxic on or near any tree, flower or shrub;
 - (j) plant any tree, flower or shrub in the park;
- without the prior written consent of the Parks and Recreation Manager.

5.15 Section 5.14 shall not apply to any person authorized to act under the authority of any municipal Bylaw or any provincial or federal legislation.

Zoological

- 5.16 No person shall:
- (a) trap, molest or injure any bird or animal within the confines of the park; or
 - (b) do anything as a result of which a bird or animal within the confines of the park may injure itself.

PART VI – REGULATED ACTIVITIES

6.

Pathways & Boardwalks

- 6.1 Every user shall:
- (a) exercise due care and attention to avoid colliding with any other user;
 - (b) exercise reasonable consideration for any other uses;
 - (c) where applicable, travel only in the right pathway lane except
 - (i) when overtaking and passing another user travelling in the same direction, or
 - (ii) when turning left off the pathway into another pathway, public highway, private road or driveway;
 - (d) give an audible sign or signal before overtaking another user, which signal shall be produced a reasonable time prior to overtaking, by voice, bell, or other warning device, which is audible to the other user;
 - (e) when entering or crossing a pathway, yield to users on the pathway;
 - (f) take all necessary precautions to enter the pathway safely;
 - (g) obey all signs, markings and user control devices on the pathway;

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- (h) not travel on a pathway where signs, markings or user control devices prohibit travel for any or all types of users;
 - (i) yield the right of way to slower travelling users;
 - (j) not travel at any rate of speed that is unreasonable having regard to all the circumstances, including but not limited to:
 - (i) the nature, condition and use of the pathway,
 - (ii) any conditions, including weather, that may affect visibility, and
 - (iii) the number of users on the pathway or that might reasonably be expected to be on the pathway.
- 6.2 No group of users, including animals travelling with them, shall span more than half the pathway at any time.
- 6.3 No user on the pathway shall use poles or other hand held aids while wearing roller blades, in line skates or roller skis of any type.
- 6.4 No user shall roller blade, skateboard or bicycle on the boardwalk.

Bicycle Use

- 6.5 A person who is operating a bicycle shall:
- (a) be in control of the movement of the bicycle,
 - (b) yield the right of way to all other users,
 - (c) not use the bicycle to carry more persons at one time than the number for which it was designed and equipped.
- 6.6 A person who is operating a bicycle shall not:
- (a) ride to the side of another bicycle travelling in the same direction except when overtaking and passing the other bicycle;
 - (b) ride with any animal on a leash either attached to the bicycle or held by a person.
- 6.7 A bicycle shall be equipped in the same manner as if any designated pathway for bicycles were a highway and the *Highway Traffic Act* applied to the bicycle, including the requirement for a brake and bell or horn and headlamp and tail lamp for night time operation.
- 6.8 The Parks and Recreation Manager, may through the posting of signs, markers or user control devices:
- (a) prescribe a maximum speed of travel for user for any part of a pathway;
 - (b) designate all or any part of a pathway for exclusive use by a specific type of user;

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- (c) prescribe specific times of the daytime or night time for all or any part of a pathway to be designated for exclusive use by a specific type of user.

Special Events

- 6.9 The Parks and Recreation Manager may, in consultation with the Parks & Recreation and Culture Committee, make guidelines:
- (a) designating a portion(s) of the park as an area(s) which may be licensed to the exclusive use of a person or a group for a special event;
 - (b) prescribing the conditions upon which such use or exclusive use may be made of an area(s) or portion(s) of the park for the special event;
 - (c) governing area(s) of the park temporarily excluded from general use by the public for the special event;
 - (d) prescribing reasonable requirements for indemnity and insurance to protect users, the public and the City;
 - (e) prescribing a reasonable user fee or charge for the park or portion(s) or area(s) of the park for a special event; and
 - (f) generally for the protection of the City's interests and the safe and convenient conduct of the special event.
- 6.10 The Parks and Recreation Manager may, in consultation with the Parks & Recreation and Culture Committee, upon application temporarily grant a permit to a person for the exclusive use of an area(s) so designated for a special event provided it does not involve activities otherwise prohibited by this bylaw or inconsistent with the intent of the original legislation.

Major Events

- 6.11 Where the Parks and Recreation Manager, in consultation with the Parks & Recreation and Culture Committee, determines that a proposed special event is a major event, then the application for use shall be referred to Council who will by resolution approve (with or without conditions) or reject the application. Council will, before reaching a decision, hold a public meeting to receive public input as to whether or not, and if so, on what conditions the proposed major event ought to proceed. Notice of such meetings shall normally be given at least six (6) months prior to the proposed event /activity taking place and all costs associated with hosting the meeting shall be at the expense of the applicant. Furthermore, all notices shall utilize all forms of local media available and be placed in a prominent section of the local newsprint on at least three (3) occasions prior to the meeting. Council may shorten the normal notice period but only if satisfied of exceptional circumstances and for good and sufficient reasons established by the applicant.
- 6.12 In determining whether any particular event is a major event, the Parks and Recreation Manager and Parks & Recreation and Culture Committee shall give due consideration to the following factors:

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- (a) the nature, scope and extent of the proposed major event;
- (b) the expected number of people attending and participating in the proposed major event;
- (c) the compatibility of the proposed major event with other uses and traditional uses of the park; respecting as well the presence of Government House.
- (d) the duration of the proposed major event; and,
- (e) such other factors as may appear relevant.

Guidelines for Use

- 6.13 The Parks and Recreation Manager may make guidelines generally for the orderly use of the facilities or park, including the prohibition or regulation in the park or a portion(s) of the park of activities not otherwise prohibited by this Bylaw.
- 6.14 No person shall:
 - (a) use a park contrary to the guidelines made pursuant to Sections of 6.9 or 6.13; or
 - (b) interfere with the use of an area by a person or group to which exclusive use has been temporarily granted.

Sale of Goods and Services

- 6.15 No person shall offer for sale or sell goods or services in the park without having first obtained:
 - (a) a resolution of City Council; and,
 - (b) a permit from the Parks and Recreation Manager

Advertising

- 6.16 No person shall advertise or publicize anything in the park by any means without the prior written approval of the Parks and Recreation Manager.

PART VII – NEW PARK DEVELOPMENT

7.

- 7.1 Any new development in the park or alterations to existing facilities which are not deemed to be maintenance oriented may only be permitted by Council after following the process prescribed by Section 6.11.

PART VIII – SURVEY STONES

8.

- 8.1 The Parks and Recreation Manager shall ensure that the original survey stones are clearly identified and preserved, as illustrated in Schedule “D” in order to ensure the continued identification of the meridional lines for Victoria Park.

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PART IX - ENFORCEMENT

- 9.
- 9.1 Any person who contravenes a provision of this Bylaw commits an offence under this Bylaw and is guilty of an offence punishable on summary conviction and liable to:
- (a) a fine of not less than \$50.00 and not exceeding \$5,000.00;
 - (b) imprisonment for a term not exceeding 90 days; or
 - (c) both;
- and in default of payment of the fine to imprisonment for a further term, not exceeding 90 days.
- 9.2 Where applicable, each day during which an offence continues constitutes a separate offence.
- 9.3 In addition to or in lieu of a prosecution, the City may seek an injunction as a complementary or supplementary means of enforcing this bylaw.

PART X - SEVERABILITY

- 10.
- 10.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent from all other provisions of this Bylaw, such that if any provision of this Bylaw is declared invalid, all other provisions of this Bylaw shall remain valid and enforceable.

PART XI - SCHEDULES

11. Schedules –
- “A” Original Legislation (all relevant *Acts*)
 - “B” Map of Boardwalk
 - “C” Description of Land/Boundaries
 - “D” Meridian Stones Map

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SCHEDULE "A"

CAP. XXX.

An Act to vest a certain portion of Government House Farm in the City of Charlottetown, for certain purposes therein mentioned.

[Passed June 14, 1873.]

BE IT ENACTED by the Lieutenant Governor, Council and Assembly, as follows: —

I. The lands mentioned in the description hereinafter set forth and particularly delineated on the plan, dated the second day of June, 1873, and made and signed by John Ball, Land Surveyor, witnessed by D. O'M. Reddin, and to be recorded in the office of the Registrar of Deeds for the said Island, shall be, and are hereby vested in the City of Charlottetown, to hold to the said City forever, to and for the use and benefit of all Her Majesty's subjects, for the purpose hereinafter declared.

Lands for Park vested in the City of Charlottetown.

II. The said lands shall be used, appropriated and set apart by the said City, at the expense of the said City, for the sole purpose of a Park, Promenade and Pleasure Ground, for the use of the citizens, the inhabitants of this Island, and all Her Majesty's subjects.

To be used for a Park, &c.

III. The said City shall not, on any account whatsoever, use, or permit to be used, the said lands, for the purposes of Circuses, Shows, or Exhibitions of any kind, whatsoever, and should the same be so permitted to be used by the said City, the lands hereinbefore mentioned shall revert to and be vested in Her Majesty, her heirs and successors.

Purposes for which Park may not be used.

IV. The City Council of the City of Charlottetown shall have power to make Rules, Regulations, and By-laws, for the management and regulation of the said Park, and to impose fines and penalties, not exceeding twenty dollars, on persons infringing such rules and regulations, and such fines and penalties shall be recovered before the Police Court of the City, and imprisonment may be imposed, for non-payment thereof, for such term, not exceeding thirty days, as the City Council shall, by by-law, direct.

City Council to make Rules, &c., for management of Park. Impose fines, &c.

V. All by-laws made hereunder, shall be approved of by the Lieutenant Governor in Council.

By-laws to be approved by Lieut. Governor.

VI. The lands and premises vested in the City of Charlottetown by this Act, shall be, and the same are hereby declared to be bounded and described as follows, that is to say: — Commencing at the eastern shore of York River, at the Brighton Road; thence following the course of the said road eastwardly, for the distance of twenty chains; thence by a right-angle line therewith, running southwardly thirteen chains and sixty links, or until it meets the road leading from Government House to the shore; thence following the course of the same south-westwardly, about nine chains; thence southwardly to said shore; thence following the various courses of the said shore westwardly and northwardly to the place of commencement, containing forty acres a little more or less.

Boundaries of Park.

VII. The land and shore fronting on the land by this Act vested in the said City, and bounding the same on the south south-west and west, shall up to the channel of the Hillsborough River, save and except as the same may be owned by any person or persons having a legal right

Shore front bounding the Park vested in the City.

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thereto, be and the same is hereby vested in the said city: provided always, that the said City of Charlottetown shall have no power, right or authority to build or make any wharves, buildings or other erections or constructions of any kind, whatsoever, to be used for any commercial or business purposes, other than those for which or incidental to which the said land are by this Act vested in the said City, in front of, adjoining, or contiguous to the said land or any parts thereof.

Proviso.

CAP. IX.

An Act respecting an Avenue to Victoria Park.

[Assented to, 7th May, 1887.]

BE IT ENACTED by the Lieutenant Governor, Council and Assembly, as follows: —

Preamble.

1. The lands mentioned in the description hereinafter set forth and particularly delineated on the Plan dated the thirtieth day of April, A.D., 1887, and made and signed by Henry J. Cundall, Land Surveyor, witnessed by Angus A. McLean, and to be recorded in the office of the Registrar of Deeds for the said Island, shall be and are hereby vested in the City of Charlottetown for ever to and for the use and benefit of all Her Majesty's subjects for the purpose hereinafter declared.

Lands vested in City of Charlottetown.

2. The said lands shall be used, appropriated and set apart by the said city at the expense of the said city for the sole purpose of a road, highway, and promenade leading to and in connection with Victoria Park, for the use of the citizens, the inhabitants of this Province, and all Her Majesty's subjects.

Lands to be used as a road etc.

3. A substantial embankment or breastwork shall be constructed by the city along the seashore in places where the same may be required for the said road or highway and for the protection thereof. And the said city shall continually keep in repair and maintain said embankment or breastwork, as well as the said road or highway.

Embankment.

4. A substantial fence not less than three feet in height, with perpendicular palings, or battens, not more than three inches apart, or such other fence as may be approved by the Lieutenant Governor in Council, shall be erected by the city immediately on the said city accepting or taking possession of the roadway or commencing operations under this Act inside the field along the full length of the northern edge thereof, and shall at all times thereafter be maintained and kept in repair by the city. Provided, however, that the said city may plant a hedge along the line of said fence, and when said hedge shall have attained the height of three feet, the said fence may be removed and the said hedge shall at all times thereafter be properly cared for by the city.

Fence.

5. The city shall have power to make rules, regulations, and by-laws for the management and maintenance of the said road or highway, and to impose fines and penalties, not exceeding twenty-five dollars, on person infringing such rules and regulations, and such fines and penalties shall be recovered before the Stipendiary Magistrate of the city, and imprisonment may be imposed for non-payment thereof for such term not exceeding three months, as the City Council shall by by-law direct: Provided always that the said road or highway shall not be used for commercial or business purposes, and shall only be used as a promenade and roadway in

By-laws, &c.

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connection with the Park.

6. No by-law made hereunder shall have any force or effect until approved of by the Lieutenant Governor in Council.

By-laws to be approved by Government

7. The lands and premises vested in the City of Charlottetown by this Act shall be, and the same are hereby declared to be bounded and described as follows, that is to say: By a line commencing at a post built in the southern side of the Governor's Bridge, at four feet six inches westerly from the western side of the opening of the stone culvert in said bridge, and running thence in a straight course southwesterly two hundred feet to the board fence protecting the bank of Hillsborough River marked A in the plan; thence along the said board fence southwesterly to a point marked B on the plan one hundred feet northeasterly from the intersection therewith of the first cross fence partly of thorn-hedge; thence southwesterly to and along the face of an old breastwork near to the said cross fence; thence continuing southwesterly one hundred feet marked C on the plan to the bank aforesaid, and along the same to the division line between the said Government House Farm and Victoria Park; thence northwesterly along the said division line to the intersection therewith of the meridional line of the year 1764 then established; thence northeasterly eighty-seven feet to a point distant from the bank aforesaid and at right angles thereto fifty feet; thence northeasterly (parallel as near as possible with the southeastern boundary line of the avenue already described and distant therefrom fifty feet) to the thorn hedge before mentioned; thence southeasterly ten feet; thence northeasterly parallel as near as possible with the southeastern boundary line aforesaid and distant therefrom forty feet to the southern side of the road to Government House; thence along the same and the southern side of Governor's Bridge aforesaid to the place of commencement, agreeably to the place of commencement, agreeably to the plan mentioned in the first section of this Act.

Boundaries of lands.

8. The construction and making of the said road or highway shall be commenced within eighteen months after the passing of this Act, and in case the construction thereof should not be commenced and prosecuted within said eighteen months, or in case said road or highway should be permitted to be used by the said city for any other purpose than herein mentioned, or should the city fail to comply with all the provisions of this Act, the lands heretofore described shall revert to and be vested as at present, for the use of the Government and Legislature of Prince Edward Island.

Lands to revert should road not be commenced, etc.

MARKET PLACE

121. The land and premises vested in the City of Charlottetown by virtue of the Acts of this Province 23rd Victoria, Cap. 26; and 35 and 36 Victoria, Cap. 25 shall be, and are hereby declared to be, vested in the city of Charlottetown, and shall and may be held by the said city of Charlottetown, and its assigns, forever, as and for a site for a Public Market House for the sale and exhibition of butcher's meat, and such other articles and commodities as shall be permitted under such bye-laws or rules and regulations as shall from time to time be prescribed by the Mayor and Council of the said city. Provided always that no part of the said ground hereby declared to be vested in the said city corporation shall be enclosed to the exclusion of the public or be appropriated for the purpose of any edifice, building, shed or erection of any nature or kind whatsoever, of a permanent description, other than the said Market House, but this proviso shall not prohibit the placing thereon, with the consent or authority of the City Corporation, of any booth, tent or other structure, intended for, and to be used for any public utility, or for purposes

Lands for Market place.

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of public entertainment or amusement, and retained thereon for a less period or time than thirty days.

PARK

122. The lands mentioned in the description hereinafter set forth and particularly delineated on the plan, dated the second day of June, 1873, and made and signed by John Ball, Land Surveyor, witnessed by D. O'M. Reddin, and recorded in the office of the Registrar of Deeds for the said Island, shall be and are hereby vested in the City of Charlottetown, to hold to the said city forever, to and for the use and benefit of all Her Majesty's subjects, for the purpose hereinafter declared.

Lands vested in city.

123. The said lands shall be used, appropriated and set apart by the said city, at the expense of the said city, for the sole purpose of a Park, Promenade and pleasure ground, for the use of the citizens, the inhabitants of this Island, and all Her Majesty's subjects.

For a Park.

124. The said City shall not, on any account whatsoever, use or permit to be used, the said lands, for the purposes of Circuses, Shows, or Exhibitions of any kind whatsoever, and should the same be so permitted to be used by the said City, the lands hereinbefore mentioned shall revert to and be vested in Her Majesty, her heirs and successors.

Not to be used for circuses, &c.

125. The City Council of the City of Charlottetown shall have power to make rules, regulations and bye-laws, for the management and regulation of the said Park, and to impose fines and penalties, not exceeding twenty dollars, on persons infringing such rules and regulations, and such fines and penalties shall be recovered before the Police Court of the City, and imprisonment may be imposed for non-payment thereof, for such term, not exceeding thirty days, as the City Council shall, by bye-law, direct.

By-laws for Park

126. The lands and premises vested in the City of Charlottetown by this Act shall be, and the same are hereby declared to be bounded and described as follows, that is to say:— Commencing at the eastern shore of York River, at the Brighton Road; thence following the course of the said road eastwardly, for the distance of twenty chains; thence by a right angle line therewith, running southwardly thirteen chains and sixty links, or until it meets the road leading from Government House to the shore; thence following the course of the same southwestwardly about nine chains; thence southwardly to said shore; thence following the various courses of the said shore westwardly and northwardly to the place of commencement, containing forty acres, a little more or less.

Boundary of city.

127. The land and shore fronting on the land by this Act vested in the City, and bounding the same on the south, south-west and west, shall up to the channel of the Hillsborough River, save and except as the same may be owned by any person or persons having a legal right thereto, be and the same is hereby vested in the said City. Provided always, that the said City of Charlottetown shall have no power, right or authority to build or make any wharves, buildings or other erections or constructions of any kind, whatsoever, to be used for any commercial or business purposes, other than those for which, or incidental to which, the said land are by this Act vested in the said City, in front of, adjoining, or contiguous to the said land or any parts thereof.

Shores vested in city.

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CAP. VIII.

The Victoria Park Roadway Act, 1896.

[Assented to 30th April, 1896]

WHEREAS by a statute passed by the Legislature of this Province on the twenty-ninth day of April, one thousand eight hundred and seventy-six, it was enacted amongst other things that a strip of shore front of a width not exceeding one hundred feet, running from Kent Street along the outside of the then existing bank of Government House Farm till it strikes the line from Brighton Road to the shore, should be vested in the City of Charlottetown for the purpose of a carriage or roadway to and from what is now known as Victoria Park, as the said carriage or roadway was delineated upon a certain plan referred to in the said statute. Preamble

And, whereas, the said statute was reserved by the then Lieutenant-Governor of Prince Edward Island for the consideration of His Excellency the Governor-General of Canada.

And, whereas, the said statute was afterwards assented to by the Governor-General in Council, and a proclamation stating such assent was duly published in the Royal Gazette of Canada, volume ten, page seven hundred and seventy-two, as by reference thereto will appear.

And, whereas, by some error or omission the said statute, although assented to as aforesaid, was never published amongst the statutes of this Province.

And, whereas, no steps were taken with respect to the making of the roadway referred to in the said statute until as in hereinafter stated.

And, whereas, the Legislature of this Province by a statute Fifty Victoria, Chapter Nine, passed in the year one thousand eight hundred and eighty-seven intituled "An Act respecting an Avenue to Victoria Park," enacted that certain lands described in section seven of the said Act should be vested in the City of Charlottetown for the purpose of a roadway from Charlottetown to the said Park, subject to certain conditions as to the erection of a breastwork by the City of Charlottetown for the protection of the said roadway and otherwise, which conditions were to be performed within the space of eighteen months after the passing of the said last mentioned Act, but the description in said last mentioned Act did not agree with the description in the said statute of the year one thousand eight hundred and seventy-six.

And whereas by reason of the non-performance of the conditions referred to above, the said last mentioned Act became of no effect.

And whereas in the year one thousand eight hundred and ninety-five, the Council of the City of Charlottetown claimed that under and by virtue of the statute hereinbefore recited, passed in the year one thousand eight hundred and seventy-six, they had a right to make a road along the inside of the bank in front of Government House property, the inside line of which should be one hundred feet from the bank as it existed in the year one thousand eight hundred and seventy-six, and particularly claiming that the inner line of the said roadway was delineated upon the plan referred to in the said statute of one thousand eight hundred and seventy-six.

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And whereas the Lieutenant-Governor disputed the right of the City of Charlottetown to such claim, contending that the said statute did not vest in the said City of Charlottetown the land claimed by the said City, but that as a matter of law the statute of one thousand eight hundred and seventy-six merely vested in the City of Charlottetown the right to a piece of fore shore outside the bank of the said Government House property of the width of one hundred feet.

And whereas in pursuance of such claim the City of Charlottetown caused a survey to be made and placed stakes upon the Government House property along the line claimed by them to be the correct one.

And whereas His Honor the Lieutenant-Governor took proceedings against the said City of Charlottetown in the Supreme Court of this Province with the view to contest the claim put forward by the City of Charlottetown, and to obtain an injunction to prevent the city from proceeding to enforce their claim.

And whereas the said suit duly came before the Judges of the Supreme Court for decision, and it was decided by them that the statute of one thousand eight hundred and seventy-six did not vest in the City of Charlottetown the land claimed by them, and that the contention of His Honor the Lieutenant Governor was correct.

And whereas the City of Charlottetown have appealed to the Supreme Court of Canada claiming that the decision of the said Supreme Court of Prince Edward Island was erroneous as a matter of law.

And whereas such appeal is still pending.

And whereas it is desirable both in the interests of the Province and of the City of Charlottetown that the point in dispute should be amicably arranged.

And whereas the City of Charlottetown has consented to accept in lieu of the land claimed by them under the statute of one thousand eight hundred and seventy-six, a strip of land bounded by the line hereinafter specifically described.

BE IT THEREFORE ENACTED by the Lieutenant-Governor and Legislative Assembly as follows:

1. The strip of land hereinafter described along the front of Government House property, being all the land to the southward of the line hereinafter specifically described, is hereby vested in the City of Charlottetown in fee simple for the purposes of a carriage or roadway from the said Victoria Park to the City of Charlottetown. The construction placed upon the Act of one thousand eight hundred and seventy-six by the Supreme Court of this Province, namely, that the said statute only vested in the City of Charlottetown a strip one hundred feed wide of fore shore along the front of the said Government House property, is hereby declared to be correct, and nothing herein contained shall have the effect of taking away that right from the City of Charlottetown.

Land hereinafter described vested in City of Charlottetown.

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2. It shall be the duty of the City of Charlottetown to erect a breastwork or other sufficient protection along the outside edge of the bank of the property hereby conveyed. It shall also be their duty to erect along the inside of the property hereby conveyed a sufficient fence dividing the same from Government House property.

City to erect breastwork and fence.

3. The following is the description of the line hereinbefore referred to, namely:—
“Commencing at a point in the northern extension of the western side line of a stone dwelling house owned by James Beales, situated on the southern side of Kent Street and the eastern side of the West Street, the said point being thirty-three feet four inches (33 ft. 4 in.) from the angle of the lowest stone in the base of the building, and taking a bearing to southern edge of the tower in the City Building situated on the said Kent Street showing a course of north sixty degrees fifty minutes (60°, 50') east by the magnet of the year one thousand seven hundred and sixty-four (1764), thence running westwardly on the course south fifty-eight degrees, two minutes (58°, 2') west by the said magnet of one thousand seven hundred and sixty-four (1764) for the distance of three hundred and ninety-seven feet six inches (397 ft. 6 in.), thence south fifty-six degrees, twenty-three minutes (56°, 23'), west three hundred and fifty-seven feet two inches (357 ft. 2 in.), thence south fifty-six degrees, forty-four minutes (56°, 44') west two hundred and fourteen feet eight and one-quarter inches (214 ft. 8¼ in.), thence south forty-six degrees, thirty-eight minutes (46°, 38') west three hundred and forty-four feet nine inches (344 ft. 9 in.), thence south thirty-eight degrees fifty-three minutes (38°, 53') west one hundred and seventy-one feet seven and one-half inches (171 ft. 7½ in.), thence south thirty-four degrees, forty-one minutes (34°, 41') west two hundred and seventy-four feet five inches (274 ft. 5 in.) to the eastern boundary of Victoria Park.”

Description of line.

4. For the sake of greater certainty the said line hereinbefore described is laid down upon a plan dated the Seventeenth day of April, one thousand eight hundred and ninety-six, signed by W.E. Dawson, Mayor of the City of Charlottetown, and by the Speaker of this House, and which plan for its protection shall be filed with the Registrar of Deeds at Charlottetown, who is hereby authorized and commanded to receive and keep the same as of record.

Plan showing line to be filed with Registrar of Deeds

CAP. XVIII.

An Act to vest in the City of Charlottetown certain lands therein mentioned.

[Assented to 18th April, 1902.]

WHEREAS it is very desirable that the Victoria Park Roadway should be connected with the Brighton Road by a street or way along the northwest side of Governor's Pond, and also that said Pond should be vested in the said city.

Preamble

BE IT THEREFORE ENACTED by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows:—

1. That the lands mentioned in the description hereinafter set forth and particularly delineated on the plan dated the 7th day of April, A.D. 1902, signed by his Worship James Warburton, Mayor of the city, and by His Honour Samuel Reid, the Speaker of this House, and filed with the Registrar of Deeds at Charlottetown, shall be and are hereby vested in the City of Charlottetown in fee simple forever, to and for the use and benefit of all His Majesty's subjects for the purposes of a carriage or roadway and promenade from Brighton Road to Victoria Park

Certain lands vested in the city.

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Roadway, and also as a place of recreation.

2. A curb or embankment shall be constructed along the western side of said Pond and a substantial fence shall be erected along the western side of said carriage or roadway, and the City shall hereafter continually keep said curb or embankment, as well as said road or highway and fence in good repair.

Erection of embankment.

3. The lands, and premises, and pond vested in the City of Charlottetown by this Act shall be, and the same are hereby declared to be bounded and described as follows, viz: — Commencing at a square stake fixed in the south side of Brighton Road, at a distance of two hundred and nineteen feet and nine inches by a straight line westerly from the centre of the new stone bridge at the west end of Euston Street; thence from said square stake south eight degrees thirty minutes west by the magnetic meridian of the year 1764, a distance of three hundred and seventy-seven feet nine inches; thence south seventeen degrees west for a distance of three hundred and sixty-three feet; thence south nine degrees east for a distance of two hundred and fifty-three feet to the north boundary line of the Park Roadway; thence north fifty-six degrees east along said boundary line for the distance of one hundred and sixty-seven feet nine inches to an iron stake, being the eastern termination of said boundary line; thence from the said iron stake northeasterly along the eastern boundary of Governor's Pond to the centre of the above mentioned stone bridge; thence to the place of commencement.

Description of land.

4. The City Council shall have power to make rules, regulations and by-laws for the management, maintenance and control of said carriage or roadway, hereby provided, as also the Victoria Park Roadway, and the said Pond, and shall have power to impose penalties, not exceeding Twenty-five dollars, on persons infringing such rules, regulations, or by-laws, and to provide for the recovery of said fines before the Stipendiary Magistrate of said City, and imprisonment may be imposed for non-payment of such fines for such term, not exceeding one month, as the City Council may by by-law direct.

Power to make by-laws, etc.

The following Bill has been reserved by His Honour the Lieutenant Governor for the signification of His Excellency the Governor General's pleasure thereon.

CAP. XXIV.

An Act Respecting North River Road and Victoria Park.

[Assent Reserved, April 30th 1901.]

WHEREAS it is desirable to extend the North River Road, in the Common of Charlottetown, through the Government House property to the Park Roadway, and to add a small piece of land to Victoria Park:

Preamble.

BE IT THEREFORE ENACTED by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows:

1. That all that tract, piece and parcel of land bounded and described as follows, that is to say: "Commencing at a stake fixed on the south side of the Brighton Road at a point fifty feet to the east of the intersection of a continuation of the east side line of the North River Road, and the south side line

Description.

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of the said Brighton Road, and running thence southerly in a line parallel with the prolongation of the said east side line of the said North River Road to the northern boundary of the Park Roadway; and running thence westwardly along the said north boundary of the Park Roadway to the eastern boundary of Victoria Park; thence northerly along the said eastern boundary of Victoria Park to the said Brighton Road; thence eastwardly along said Road to the stake at the place of commencement,” is hereby vested in the City of Charlottetown in fee simple to be an addition to Victoria Park and to be appropriated, set apart, and used by the City of Charlottetown at the expense of the said City for the sole purpose of a pleasure ground and place of recreation for the Citizens of Charlottetown and the public of Prince Edward Island generally, and not to be used for Commercial purposes, and to be subject in all respects to the same restrictions, provisions and regulations governing Victoria Park and the Park Roadway.

2. It shall be the duty of the City of Charlottetown to erect a suitable and sufficient fence along the east side of the property hereby granted, dividing the remainder of the Government House property from the same, and to continue the said North River Road to the said Park Roadway.

CAP. XII.

“An Act respecting North River Road and Victoria Park.”

[Assented to 5th May, 1905]

WHEREAS it is desirable to extend the North River Road, in the Common of Charlottetown, through the Government House Property to the Park Roadway, and to add a small piece of land to Victoria Park.

BE IT THEREFORE ENACTED by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows:

1. That all that tract, piece, and parcel of land, bounded and described as follows, that is to say: “Commencing at a stake set in the south side of Brighton Road in a direct line with the east side of North River Road; thence southward for a distance of thirty feet, being the prolongation of the east side line of the North River Road; thence south $41^{\circ} 35'$ west by the magnetic meridian of the year 1764 for a distance of one hundred and sixty-three feet; thence south $16^{\circ} 30'$ east for a distance of four hundred and eighty feet; thence south $3^{\circ} 55'$ west for a distance of one hundred feet; thence south $38^{\circ} 50'$ west for a distance of one hundred and fifty feet; thence south $26^{\circ} 55'$ east for a distance of three hundred and thirty-five feet; thence south $49^{\circ} 55'$ east for a distance of ninety-seven feet to the north boundary of the Park Roadway; thence following the said north boundary of Park Roadway southwesterly to the eastern boundary of Victoria Park; thence northwardly along said eastern boundary to the south side of Brighton Road; thence easterly along Brighton Road to place of commencement,” is hereby vested in the City of Charlottetown in fee simple, to be an addition to Victoria Park, and to be appropriated, set apart, and used by the City of Charlottetown at the expense of the said City, for the sole purpose of a pleasure ground and place of recreation for the Citizens of Charlottetown and the public of Prince Edward Island generally, and not to be used for commercial purposes, and to be subject in all respects to the same restrictions, provisions and regulations governing Victoria Park and the Park Roadway.

Description.

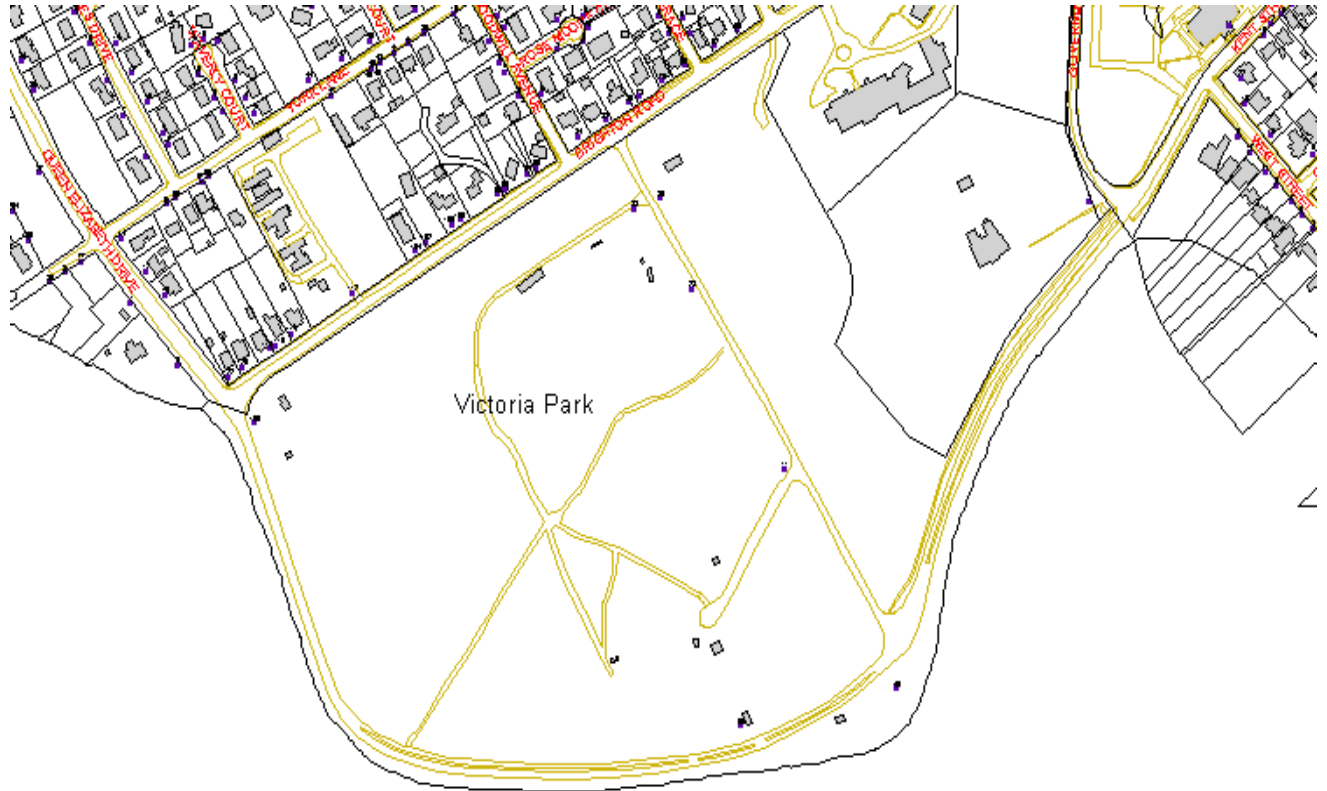
VICTORIA PARK AND PROMENADE BYLAW

2. It shall be the duty of the City of Charlottetown to erect a suitable and sufficient fence along the east side of the property hereby granted, dividing the remainder of the Government House Property from the same, and to continue the said North River Road to the said Park Roadway.

City to
maintain fence
and extend
N.R. Road

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SCHEDULE "B"



VICTORIA PARK AND PROMENADE BYLAW

SCHEDULE "C"

The lands hereinafter described in subsections (A), (B), (C) and (D), and vested in the City of Charlottetown by virtue of the Acts of this Province, 51 Victoria, Chapter 12, 59 Victoria, Chapter 18 and 2 Edward VII, Chapter 18, respectively shall be and are hereby declared to continue to be vested in the City of Charlottetown, to hold to the said City forever, to and for the use and benefit of all Her Majesty's subjects for the purpose hereinafter declared:

(A) ALL that parcel of land described as follows, that is to say:

Commencing at the Eastern shore of York River, at the Brighton Road;

Thence following the course of the said Road Eastwardly for the distance of Twenty chains;

Thence by a right angle line therewith running Southwardly Thirteen chains and Sixty links, or until it meets the Road leading from Government House to the shore;

Thence following the course of the same Southwestwardly about Nine chains;

Thence Southwardly to said shore;

Thence following the various courses of the said shore Westwardly and Northwardly to the place of commencement, containing Forty Acres, a little more or less, as the same is particularly delineated on the Plan, dated the second day of June, 1873, and made and signed by John Ball, Land Surveyor, witnessed by D.O'M.Reddin and recorded in the Offices of the Registrar of Deeds for the said Island;

And also the land and shore fronting on the above described land and bounding the same on the South, Southwest and West, shall up to the Channel of the Hillsborough River, save and except as the same may be owned by any person or persons having a legal right thereto, be, and the same is hereby vested in the said City; provided always that the said City of Charlottetown shall have no power, right or authority, to build or make any wharves, building or other erections or constructions of any kind whatsoever to be used for any commercial or business purposes other than the present canteen owned by the City or one of a similar use, as long as it is run by the City or for the City by a registered charitable organization pursuant to the *Income Tax Act* and approved by resolution of the Council and those for which, or incidental to which, the said lands are by this Act vested in the said City, in front of, adjoining, or contiguous to said land or any parts thereof. It is hereby understood that the City shall have the right to charge user fees for the use of its facilities and to operate its own facilities.

(B) The strip of land hereinafter described along the front of Government House property being all the land to the Southward of the line described as follows:

Commencing at a point in the Northern extension of the Western side line of stone dwelling house owned by James Beales, situated on the Southern side of Kent Street and

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the Eastern side of West Street, the said point being Thirty-three Feet, Four Inches (33' 4") from the angle of the lowest stone in the base of the building, and taking a bearing to the Southern edge of the tower in the City Building, situated on the said Kent Street showing a course of North Sixty Degrees, Fifty Minutes (60 degrees, 50 minutes) East by the Magnet of the year One Thousand, Seven Hundred and Sixty-four (1764);

Thence running Westwardly on the course South Fifty-eight degrees, Two Minutes (58 degrees, 2 minutes), West by the said Magnet of One Thousand, Seven Hundred and Sixty-four (1764) for the distance of Three Hundred and Ninety-seven Feet Six Inches (397' 6");

Thence South Fifty-six degrees, Twenty-three minutes (56 degrees, 23 minutes) West Three Hundred and Fifty-seven Feet, Two Inches (357' 2");

Thence South fifty-six degrees, Forty-four minutes (56 degrees, 44 minutes) West Two Hundred and Fourteen Feet, Eight and One-quarter Inches (214' 8¼");

Thence South Forty-six degrees, Thirty-eight minutes (46 degrees, 38 minutes) West, Three Hundred and Forty-four feet, Nine inches (344' 9");

Thence South Thirty-eight degrees, Fifty-three minutes (38 degrees, 53 minutes) West One Hundred and Seventy-one feet, Seven and one-half inches (171' 7½");

Thence South Thirty-four degrees, Forty-one minutes (34 degrees, 41 minutes) West, Two Hundred and Seventy-four feet, Five inches (274' 5") to the Eastern boundary of Victoria Park.

For the sake of greater certainty the said line hereinbefore described is laid down upon a plan dated the seventeenth day of April, One Thousand, Eight Hundred and Ninety-six, signed by W. E. Dawson, Mayor of the City of Charlottetown, and by the Speaker of the Legislative Assembly, and which plan for its protection was filed with the Registrar of Deeds at Charlottetown, who is hereby authorized and commanded to receive and keep the same as of record.

- (C) The lands and pond bounded and described as follows:
Commencing at a square staked fixed in the South side of Brighton Road at a distance of Two Hundred and Nineteen feet and Nine inches (219' 9") by a straight line Westerly from the centre of the new stone bridge at the West end of Euston Street;

Thence from said square stake South Eight degrees, Thirty minutes (8 degrees, 30 minutes) West from the magnetic meridian of the year 1764, a distance of Three Hundred and Seventy-seven feet, Nine inches (377' 9");

Thence South Seventeen degrees (17 degrees) West for a distance of Three Hundred and Sixty-three feet (363');

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Thence South Nine degrees (9 degrees) East for a distance of Two Hundred and Fifty-three feet (253') to the North boundary line of the park roadway;

Thence North Fifty-six degrees (56 degrees) East along said boundary line for the distance of One Hundred and Sixty-seven feet, Nine inches (167' 9") to an iron stake, being the Eastern termination of said boundary line;

Thence from the said iron stake Northeastwardly along the Eastern boundary of Governor's Pond to the centre of the above mentioned stone bridge;

Thence to the place of commencement as the same are set forth and particularly delineated on the plan dated the seventh day of April, A.D. 1902, signed by His Worship, James Warburton, Mayor of the City, and by His Honour, Samuel Reid, the Speaker of the Legislative Assembly, and filed with the Registrar of Deeds at Charlottetown.

- (D) All that tract, piece and parcel of land, bounded and described as follows, that is to say:

Commencing at a stake set in the South side of Brighton Road, in a direct line with the East side of North River Road;

Thence Southward for a distance of Thirty (30) feet, being the prolongation of the East side of the North River Road;

Thence South 41 degrees 35 minutes West by the Magnetic Meridian of the year 1764 for a distance of One Hundred and Sixty-three (163) feet;

Thence South 16 degrees 30 minutes East for a distance of Four Hundred and Eighty (480) feet;

Thence South 3 degrees 55 minutes West for a distance of One Hundred (100) feet;

Thence South 38 degrees 50 minutes West for a distance of One Hundred and Fifty (150) feet;

Thence South 26 degrees 55 minutes East for a distance of Three Hundred and Thirty-five (335) feet;

Thence South 49 degrees 55 minutes East for a distance of Ninety-seven (97) feet to the North boundary of Park Roadway;

Thence following the said North boundary of Park Roadway southwestwardly to the Eastern boundary of Victoria Park;

Thence Northwardly along the said Eastern boundary to the South side of Brighton Road to the place of commencement.

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HISTORIC NOTE:

In 1809 the government of this colony, recognizing the importance of promoting accuracy in surveying and of regulating Surveyors passed “An Act for establishing a Meridional Line to regulate Surveyors in this colony.” In this act the direction for establishing the three stones and a true Meridian were laid down.

The three stones so fixed were to be used by all Surveyors, “— to regulate and rectify their several instruments once in every year at least —.”

The 4th stone was established under 9 Vic. C. 20, being “An Act relating to the Meridional Line”, which states in part “—: and whereas it is found necessary for the better correction of Land Surveying Instruments, that a line to be run in an easterly and westerly direction, at right angles with the said first mentioned line, and adjoining there to, should be shown and fixed:—“

The Cannon Barrel is on the line of the Magnetic Meridian of 1764, the year Captain Holland began the original survey of P.E.I.

These stones have been traversed and related to the P.E.I. Stereographic System by actual survey.

The location of the stones on this plan have been plotted accurately. The location of the two roads and other information have been scaled from the 1/1250 line map of Charlottetown Area. The sketches of the stones were made by W. R. Vey on site.

SUMMARY OF AMENDMENTS – VICTORIA PARK AND PROMENADE BYLAW

| Amendment Summary | Previous Wording | Amendment Detail | 1st Reading | 2nd Reading | 3rd Reading |
|---|---|--|-------------|-------------|-------------|
| Amend by updating the bylaw to better meet the concerns of residents as it relates to acceptable uses of Victoria Park, as managed and protected by the City of Charlottetown | ? | Amended sections not identified in Bylaw. | 22-Apr-99 | 14-Jun-99 | 14-Jun-99 |
| Amend by changing the Committee name reference throughout the Bylaw from "Community Services" to "Parks & Recreation and Culture" | Committee Services | Replace the words "Community Services" with " Parks & Recreation and Culture " in the following Sections: 3.5, 6.9, 6.10, 6.11, 6.12 | 14-Jul-03 | 14-Jul-03 | 11-Aug-03 |
| Amend to allow temporary closure of one lane (interior lane) of Park Roadway from Kent Street to Queen Elizabeth Drive to motor vehicles and pedestrians for the period June 30 to September 30, 2008 | <i>Nil</i> | Add new definition: 3.15 "Moped" has the same meaning as defined in the <i>Highway Traffic Act</i> ; | 09-Jun-08 | 09-Jun-08 | 11-Jun-08 |
| | <i>Nil</i> | Add new definition: 3.16 "Motor Vehicle" has the same meaning as defined in the <i>Highway Traffic Act</i> . | | | |
| | 4.2 (b) Council may by Resolution close the park or portion(s) thereof temporarily or for a period(s) of time or for such hours as it may specify. | Amend as follows: 4.2 (b) Save and except for temporary closures of Roadways , Council may by resolution close the Park temporarily or for a period(s) of time or for such hours as it may specify. | | | |
| | 4.3 In exceptional circumstances the Parks and Recreation Manager may, notwithstanding Section 4.2, where he/she considers it necessary for the protection or beneficial administration of the park, close the park or a portion of the park to public use, for such period of time, as he/she deems necessary. | Amend as follows: 4.3 In exceptional or emergency circumstances the Parks and Recreation Manager may, notwithstanding Section 4.4, where he/she considers it necessary for the protection or beneficial administration of the Park, close the Park or a portion of the Park to public use, for such period of time, as he/she deems necessary. | | | |

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| | | | | | |
|---|--|--|-----------|-----------|-----------|
| | <i>Nil</i> | <p>Add new section:</p> <p>4.4 (a) Commencing June 30, 2008 and continuing to September 30, 2008, both dates inclusive ("Temporary Closure Period"), the interior laneway of the Victoria Park Roadway running in a westerly and northwesterly direction from Kent Street towards Queen Elizabeth Drive shall be closed to Motor Vehicle and Moped traffic ("Closed Laneway")</p> <p>(b) No Motor Vehicle or Moped shall be operated on or over the Closed Laneway during the Temporary Closure Period.</p> <p>(c) Usage of the Closed Laneway during the Temporary Closure Period shall be restricted to usage by the public for non-motorized wheeling activity such as rollerblading, skateboarding or bicycling. Notwithstanding the foregoing motorized wheelchairs shall be permitted to use the Closed Laneway during the Temporary Closure.</p> <p>(d) During the Temporary Closure the exterior laneway of the Victoria Park Roadway running in an easterly and southeasterly direction from Queen Elizabeth Drive towards Kent Street shall remain open for Vehicle traffic.</p> <p>(e) The Parks and Recreation Manager shall ensure there is adequate signage posted throughout the Park advising the public of the Temporary Closure and the restricted uses of the Closed Laneway.</p> | | | |
| Amend to allow temporary closure of the interior lane of Park Roadway to motor vehicles and pedestrians for the period of May 01 – October 31 each year (June 30 – October 31 in 2009 only) | 4.4 (a) Commencing June 30, 2008 and continuing to September 30, 2008, both dates inclusive ("Temporary Closure Period"), the interior laneway of the Victoria Park Roadway running in a westerly and northwesterly direction from Kent Street towards Queen Elizabeth Drive shall be closed to Motor Vehicle and Moped traffic ("Closed Laneway") | <p>Amended as follows:</p> <p>4.4 (a) Commencing June 30, 2009 and continuing to October 31, 2009, both dates inclusive and continuing from May 01 – October 31 in each calendar year thereafter ("Temporary Closure Period"), the interior laneway of the Victoria Park Roadway running in a westerly and northwesterly direction from Kent Street towards Queen Elizabeth Drive shall be closed to Motor Vehicle and Moped traffic ("Closed Laneway")</p> | 02-Jun-09 | 15-Jun-09 | 15-Jun-09 |
| | | | | | |