

# CITY OF WHITEHORSE

## COUNCIL POLICY

**POLICY:**           **USE OF CITY PARKS AND PAVED TRAILS**

**PURPOSE:**        To legitimize and manage commercial use and temporary bookable private use of City parks and paved trails without over-encumbering public use

**AUTHORITY:**     Council Resolution 2015-15-07 dated July 27, 2015

## **USE OF CITY PARKS AND PAVED TRAILS POLICY**

### **Policy Statement**

The council of the City of Whitehorse believes that City parks and paved trails are a vital part of the recreational, cultural and economic wellbeing of the community. To that end, the council of the City of Whitehorse believes in accessibility, diversity, commercial use, bookable private use, and compatibility as follows:

- *Accessibility* – that every Whitehorse resident and visitor is entitled to the opportunity to enjoy year-round access to the community’s parks and paved trails
- *Diversity* – that every Whitehorse resident and visitor is entitled to a diversity of uses of parks and paved trails
- *Commercial use* – in providing opportunities for commercial use of City parks and paved trails
- *Bookable private use* – in providing bookable spaces for temporary private use of City parks and paved trails
- *Compatibility* – legitimizing commercial use and temporary bookable private use is compatible and supports public use of City parks and paved trails

### **Application**

This policy applies to City parks and paved trail-related activities within the municipal boundaries of the City of Whitehorse. Its purpose is:

- To maximize sustainable use
- To legitimize commercial use
- To legitimize advertising in designated areas
- To legitimize bookable spaces for temporary private-use
- To manage groups of ten or more individuals
- To ensure private use does not over-encumber public use
- To minimize conflict between booked-users and spontaneous-users

- To ensure appropriate risk management measures are in place
- To move liability for commercial activities away from the City
- To ensure appropriate commercial quality assurance measures are in place
- To identify available commercial and bookable public park and paved trail spaces
- To guide City decisions on permitting commercial use and bookable spaces

### **Context**

The City of Whitehorse is experiencing two national trends for municipal parks and trails that require management in the context of maintaining spontaneous use:

- Increased demand for commercial use by operators and clients, and
- Increased demand for bookable spaces for temporary private-use by commercial businesses, not for profit organizations, unregistered community groups, and individual citizens

The City has an interest in maximizing the sustainable use of public parks and trails, which includes commercial use and the ability to book a space for temporary and exclusive private use, so long as public use is not over-encumbered.

The City has an interest in legitimizing commercial use:

- To facilitate more use
- To ensure liability is moved away from the City
- To ensure a level of quality-assurance in the public interest
- To identify park and paved trail locations suitable for commercial use
- To coordinate shared use between commercial and public use
- To ensure cost-recovery from commercial park or paved trail use

The City also has an interest in facilitating demand for bookable spaces for temporary private-use:

- To give interested parties certainty of space for event planning
- To coordinate and communicate booked and spontaneous use to minimize conflict between spontaneous and users wishing to book
- To identify park and paved trail locations suitable for temporary bookable private use

This policy applies to all City parks.

This policy applies to the City's paved trails and associated paved trail infrastructure, such as the Millennium Trail and the Rotary Bridge. Natural surface trails and associated infrastructure are not considered under this policy.

### **Authority**

The City of Whitehorse is the owner and operator of City parks and paved trails. In accordance with the terms and conditions of the City of Whitehorse Zoning Bylaw, permitted uses of City parks and paved trails shall be regulated by council policy.

## Definitions

1. In this policy,

"City" means the municipality of the City of Whitehorse.

"City Park" means any park space as listed in the City's Parks Maintenance Policy and 'Regional Parks' as identified in the Official Community Plan.

"Club, Group, Organization" means a non-profit association of individuals whose purpose is to provide a service to the community. Registration under the *Societies Act* is not a requirement.

"Commercial" means a private for-profit business, organization or individuals whose purpose is to provide a product or service for monetary gain. A valid business license from the City is a requirement.

"Concession Services" means the sale of food, beverages and refreshments (other than spirituous, fermented or intoxicating liquids).

"Council" means the duly elected council of the City of Whitehorse.

"Manager" means the Manager of the Parks and Community Development Department or his/her duly authorized representative.

"Non-Concession Goods and Services" means the sale of non-food and beverage items.

"Participant Recreation Services" means any service of activity that engages participants with a physical, cultural, societal and / or artistic experience.

"Parks Department" means the Parks and Community Development Department of the City of Whitehorse.

"Paved trail" means any trail with a paved surface as inventoried in the City's Trail Plan, and includes connecting built-infrastructure such as stairs or bridges.

"Public" means ordinary people in general and the community of residents and visitors as a whole.

"Rotary Peace Park" means the area, amenities and structures encompassed in Lot 286 Downtown.

"Shipyards Park" means the area, amenities and structures encompassed in Lot 2205 Downtown.

"Temporary Mobile Refreshment Stand" means a booth, stand, trailer or vehicle which is designed to be portable and includes a tray or container.

## General

2. City Council may, by resolution, authorize the inclusion of uses as per the provisions of the Zoning Bylaw.

3. All City parks and paved trails are available for the public free of charge without limit to access unless a space is booked for exclusive use by a club, group, organization, business, or individual.
4. Such club, group, organization, business or individual shall:
  - (1) comply with all statutes, regulations and bylaws whether federal, territorial or municipal;
  - (2) be responsible for obtaining all licenses, liability, event insurance, and permits required at his/her expense;
    - (a) Special requests to waive the insurance requirement can be made in writing to the Manager, and such requests shall be considered on a case-by-case basis.
  - (3) if commercial, be responsible for liability insurance and shall name the City as covered under said insurance;
  - (4) not book competing events within two or more different park and / or paved trail spaces during the same time-frame unless authorized by the Manager.
5. The City will only allow advertising within their parks and paved trail corridors on designated advertising kiosks, and will not allow advertising in its parks, either directly or through third party arrangements. All ads placed in City-owned advertising spaces must conform to the [Canadian Code of Advertising Standards](#) and meet the following criteria:
  - (1) All advertisements must comply with the laws, statutes, regulations and bylaws in force in the Yukon;
  - (2) No advertisement will be accepted which the City, in the exercise of its sole discretion, considers to be of questionable taste or in any way offensive in the style, content or method of presentation;
  - (3) All advertisements shall be of a moral and reputable character;
  - (4) All advertisements shall be free of any demeaning, derogatory, exploitative or unfair comment or representation of any person or group of persons, or any comment or representation based on race, colour, ancestry, ethnic origin, creed, religious affiliation, sex, sexual orientation, disability, age, marital or family status;
  - (5) Advertisements otherwise acceptable under this directive that convey information about a meeting, gathering or event must contain the name of the sponsoring group, the name of the persons participating in the event, and the location, date and time of the event;
  - (6) No advertisements will be accepted that promote any tobacco company, tobacco product or tobacco brand, including sponsorship or promotion of cultural or sporting events; and

- (7) Advertisements that promote or oppose a specific theology or religious ethic, point of view, policy or action, OR advocate or oppose any ideology or political philosophy, point of view, policy or action, OR convey information about a political party or the candidacy of any person for a political position or public office, must visibly display the name of the sponsoring group and display this disclaimer:  

*“The opinions expressed in this advertisement or by the sponsor of this advertisement do not in any way represent the opinions of, and are not endorsed by, the City of Whitehorse.”*
- (8) Otherwise at the City Manager’s discretion.
6. The City will not accept park or paved trail bookings from organizations or businesses whose reputation could prove detrimental to the City's public image in accordance with section 5 of this policy (Advertising), or at the City Manager’s discretion.
7. The City may, at its discretion, bring any proposals to council for approval even if they do not meet the guidelines of this policy. Council may also consider any proposal or direct staff to pursue any opportunities for parks or paved trail bookings or advertising that do not strictly adhere to this policy.
8. Sections of all City parks and paved trails will be available for group activities, services and events but must be pre-authorized through application for use at the City’s Parks and Community Development Office.
9. Shipyards Park is considered the designated park for all park-relevant festivals and special events by reference of the Riverfront Plan. Other parks including Rotary Peace Park will not be available for festivals or special events unless pre-authorized by the Manager.

**Uses of City Parks and Paved Trails**

10. Permitted uses of City parks and paved trails shall abide the Zoning Bylaw
11. Permitted uses of City parks and paved trails include:
  - (1) Small social events such as but not limited to weddings, receptions, picnics, public gatherings (Parks only);
  - (2) Carnivals, Festivals, and Fairs (Shipyards Park only);
  - (3) Markets (Shipyards Park only);
  - (4) Advertising in designated areas;
  - (5) Commercial activities;
  - (6) Outdoor amphitheatre and shelter (Shipyards Park only);
  - (7) Outdoor participant recreation services;
  - (8) Indoor participant recreation services (Shipyards Park only);
  - (9) Parks, playgrounds, splash pads and trails within parks;

- (10) Fire pits, picnic shelters, toboggan hills, skating loop (Shipyards Park only) and;
- (11) Temporary mobile refreshment stands (Rotary Peace Park only)
- 12. The sale of concession services, non-concession goods and services and the operation of mobile refreshment stands shall be as per the Council Policy on Sale of Goods and Services, and the Public Vendor Policy. These services could be included as a sub-contract or component of a major event at Shipyards Park.
- 13. The consumption and/or serving of alcoholic beverages shall be as per the Council Policy on Public Drinking.
- 14. Activities, services, and or events must be booked through application for use of City Parks if any or all of the following apply:
  - (1) The intent is commercial;
  - (2) Parties wish to temporarily book a space for exclusive use for under ten people;
  - (3) An organized event involves ten or more people.

**Application for Use of City Parks and Paved Trails**

- 15. For individuals, clubs, groups, businesses and organizations wanting to book a City Park for any service, activity, or event:
- 16. Applicants must complete a Booking Form and Organizer Checklist for use of any City Park or Paved Trail. Forms are processed by the Parks Department prior to any service, activity or event where a pre-event meeting with Parks Department is scheduled.
- 17. Any applicant seeking in-kind support from the City for events, festivals, carnivals or fairs must apply to the City under the Festivals and Special Events Grant Fund Policy process.
- 18. Park fees are established in the Fees and Charges Bylaw. Pursuant to the *Municipal Act*, City Council does not have the authority to waive any fees.

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