

CONSOLIDATION OF TERRITORIAL PARKS ACT
R.S.N.W.T. 1988,c.T-4

(Current to: December 18, 2007)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:
S.N.W.T. 1995,c.11

AS AMENDED BY NUNAVUT STATUTES:
S.Nu. 2003,c.26,s.253
s.253 in force July 9, 2005: SI-001-2005

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A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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TERRITORIAL PARKS ACT

INTERPRETATION

Definitions

1. In this Act,

"Community Park" means a park referred to in paragraph 3(1)(c); (*parc communautaire*)

"Historic Park" means a park referred to in paragraph 3(1)(e); (*parc historique*)

"Natural Environment Recreation Park" means a park referred to in paragraph 3(1)(a); (*parc naturel récréatif*)

"Outdoor Recreation Park" means a park referred to in paragraph 3(1)(b); (*parc récréatif*)

"park officer" means a park officer appointed under subsection 7(3); (*agent des parcs*)

"park use permit" means a permit issued under subsection 8(1); (*permis*)

"Superintendent" means the Superintendent of Parks appointed under subsection 7(1); (*directeur*)

"Territorial Park" means an area in the Territories established as a park under section 5; (*parc territorial*)

"Wayside Park" means a park referred to in paragraph 3(1)(d). (*parc routier*)

APPLICATION

Application

2. This Act does not restrict or prohibit, in a Territorial Park, the exercise of Inuit rights to harvest wildlife or rights of access exercised in accordance with the *Wildlife Act*. S.Nu. 2003,c.26,s.253.

TERRITORIAL PARKS

Classification of parks

3. (1) Territorial Parks established under section 5 shall be classified as follows:
- (a) Natural Environment Recreation Parks to preserve the natural environment in those parks for the benefit, education and enjoyment of the public;
 - (b) Outdoor Recreation Parks to provide opportunities for outdoor recreational activities to the public;
 - (c) Community Parks to provide outdoor recreational activities for the benefit of particular communities;

- (d) Wayside Parks to provide for the enjoyment, convenience and comfort of the travelling public;
- (e) Historic Parks to provide for the designation and commemoration of historic and archaeological sites and their lands for the education and enjoyment of the public.

Development of Natural Environment Recreation Parks

(2) The development of a Natural Environment Recreation Park shall be directed and limited to the development that is necessary for the preservation of the natural environment in the park for public enjoyment.

Development of Outdoor Recreation Parks

(3) The development of an Outdoor Recreation Park shall be directed and limited to the provision of the facilities required for the outdoor recreational activities that are suitable to the park.

Development of Community Parks

(4) The development of a Community Park shall be directed towards the provision of recreational opportunities for the benefit of a community.

Development of Wayside Parks

(5) The development of Wayside Parks shall be directed towards the provision of facilities for the enjoyment, convenience and comfort of the travelling public.

Development of Historic Parks

(6) The development of Historic Parks shall be directed and limited to the measures required to designate, commemorate and explain historic and archaeological sites and their lands while ensuring their protection.

Consultation on proposed park

4. (1) Where the establishment of a new park is proposed, the Minister shall consult with representatives of those persons or groups who

- (a) reside in or near the location of the proposed park; or
- (b) may be affected by the establishment of the proposed park.

Parks Consultative Committees

(2) Where the Minister considers it necessary, the Minister may

- (a) establish, by order, one or more Parks Consultative Committees; and
- (b) consult with Parks Consultative Committees on matters of public interest concerning Territorial Parks, including matters concerning the establishment, operation or management of Territorial Parks.

Designate

(3) The Minister may designate a person to Act for and in the name of the Minister, for the purposes of subsection (1) and paragraph 2(b).

Appointment of members

(4) The members of a Parks Consultative Committee shall be appointed by the Minister.

Number of members

(5) A Parks Consultative Committee shall be composed of not more than five members.

Establishment of parks on recommendation

5. (1) The Minister may, on the recommendation of the Legislative Assembly, by order, establish a Natural Environment Recreation Park or an Outdoor Recreation Park.

Establishment of other parks

(2) The Minister may, by order, establish a Community Park, Historic Park or Wayside Park.

Naming of parks

(3) A park established under this section may be given a name by the Minister

- (a) by which the park is to be known; and
- (b) that reflects local culture and heritage.

Aboriginal land claims settlements

(4) A park established under this section is subject to the terms and conditions of an aboriginal land claims settlement.

Agreements with persons and municipalities

6. (1) The Minister may enter into agreements with persons, sole proprietorships, societies, associations, partnerships, municipalities or other bodies to operate and maintain Territorial Parks.

Agreements with province or Yukon Territory

(2) The Minister may, on behalf of the Government of the Northwest Territories, enter into agreements with the government of a province or the Yukon Territory relating to

- (a) the use, development, operation and maintenance of parks in the Northwest Territories; or
- (b) other matters concerning parks in the Northwest Territories.

Agreements with the Government of Canada

(3) The Minister and the Commissioner may, on behalf of the Government of the Northwest Territories, enter into agreements with the Government of Canada relating to

- (a) the use, development, operation and maintenance of parks in the Northwest Territories; or
- (b) other matters concerning parks in the Northwest Territories.

Superintendent

7. (1) The Minister may appoint a Superintendent of Parks.

Duties of Superintendent

(2) The Superintendent is responsible for the administration and enforcement of this Act and the regulations in a Territorial Park.

Park officers

(3) The Minister may appoint park officers to assist in the administration and enforcement of this Act and the regulations in a Territorial Park.

Park use permits

8. (1) Subject to this Act and the regulations, the Superintendent or a person designated in writing by the Superintendent may, on application in the prescribed form and on payment of the prescribed fee, issue a park use permit on the terms and conditions that the Superintendent or the person designated by the Superintendent in writing specifies, authorizing a person to

- (a) occupy or use the surface of any land in a Territorial Park;
- (b) establish, conduct or engage in a business, commercial enterprise or industrial activity in a Territorial Park;
- (c) construct, erect or move a building or structure in a Territorial Park; or
- (d) conduct or engage in scientific research on the condition that the applicant holds a licence issued under the *Scientists Act*.

Duration of permit

(2) A park use permit is valid for the period of time specified in the permit and is not transferable.

Form of permit

(3) A park use permit must be in the prescribed form. S.N.W.T. 1995,c.11,s.61.

Cancellation of permit

9. The Superintendent may cancel a park use permit where the holder of the permit contravenes this Act, the regulations or the terms and conditions contained in the permit.

Power of Superintendent where contravention

10. (1) Where a building, structure, fixture, sign or means of access is located or erected in contravention of this Act, the regulations or the terms and conditions contained in a park use permit, the Superintendent may, by notice, require the owner of the building, structure, fixture, sign or means of access to move, remove or alter it as specified in the notice within

- (a) the time specified in the permit;
- (b) an extension of time specified in the permit; or
- (c) an extension of time allowed by the Superintendent.

Notice

(2) A notice under subsection (1) must be in writing and served on the owner personally or by mail.

Powers of park officer

- 11.** (1) A park officer may, at any reasonable time of day or night,
- (a) enter on and inspect land or a road, structure, building or works in a park;
 - (b) make the necessary examination and inquiry to ascertain if a person in a park
 - (i) is complying with this Act, the regulations or the terms and conditions contained in a park use permit, or
 - (ii) has in his or her possession a park use permit in parks where park use permits are required by the regulations; or
 - (c) order a person to desist from an action or conduct that, in the opinion of the park officer,
 - (i) is dangerous to life or property,
 - (ii) interferes unduly with the enjoyment of the park by others, or
 - (iii) alters or damages the natural environment in the park.

Additional powers

(2) A park officer has the powers of a peace officer for the purposes of enforcing this Act and the regulations.

OFFENCES AND PUNISHMENT

Prohibitions

- 12.** Notwithstanding any other Act, but subject to any Act of Canada, no person shall
- (a) establish, engage in or conduct a business, commercial enterprise or industry,
 - (b) acquire a surface right or the right to use or occupy the surface of any land,
 - (c) hunt or molest game or a game bird or migratory game bird,
 - (d) have in his or her possession or explode or discharge an explosive device, firearm, spring gun, bow or device that fires or propels projectiles, or
 - (e) construct, alter or move a building, structure, fixture, sign or means of access,

in a Territorial Park except under the authority of the regulations or a park use permit.

Other prohibitions

- 13.** No person shall, in a Territorial Park,
- (a) damage or destroy a natural feature, or damage or remove a building, furnishing or equipment;

- (b) subject to the regulations, deposit or leave garbage, sewage, refuse or any noxious material;
- (c) have in his or her possession an animal unless the animal is on a leash or under his or her direct physical control;
- (d) permit horses or other domesticated livestock to roam at large; or
- (e) operate a motor vehicle, motorcycle or snowmobile except in an area designated for that purpose.

Offence and punishment

14. Every person who contravenes this Act, the regulations or a park use permit is guilty of an offence and liable on summary conviction,

- (a) for a first offence, to a fine not exceeding \$500 or to imprisonment for a term not exceeding 30 days or to both;
- (b) for a subsequent offence, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months or to both.

REGULATIONS

Regulations

15. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) respecting the form of park use permits and applications for park use permits;
 - (b) prescribing fees for park use permits;
 - (c) controlling the use and development of resources in a Territorial Park;
 - (d) governing the operation and use of public campgrounds, picnic areas and other public facilities in a Territorial Park;
 - (e) prescribing the specifications for the construction of buildings or other structures in a Territorial Park;
 - (f) respecting the standards to be observed in the conduct of a business in a Territorial Park; and
 - (g) that the Commissioner considers necessary for carrying out the purposes and provisions of this Act.
- S.N.W.T. 1995,c.11,s.61.