

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1431

A bylaw to regulate the use of community parks

WHEREAS the Regional District of Central Okanagan wishes to adopt a bylaw to regulate the use of community parks;

NOW THEREFORE THE REGIONAL BOARD OF THE REGIONAL DISTRICT OF CENTRAL OKANAGAN, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

1. **DEFINITIONS**

In this bylaw, unless the context requires otherwise, the following definitions apply:

Animal includes a mammal, reptile, amphibian, bird, fish or insect as defined in the *Wildlife Act*;

Beach means the areas designated as beaches in a community park;

Regional Board means the Regional Board Directors of the Regional District of Central Okanagan;

Business includes any trade, industry, employment, occupation, activity or special event carried on in a park for profit, gain, fundraising or commercial promotion, and includes an undertaking carried on in a park by a charitable organization, or by an organization or individual on a non-profit basis;

Bylaw officer means any person designated by the Regional District of Central Okanagan to administer and enforce this Bylaw, the *Community Charter* and the *Local Government Act*; and includes any employee, servant, agent, or contractor appointed by the Board to assist in carrying out the provisions of this bylaw;

Community park means the parks managed by the Regional District of Central Okanagan as a community park;

Contaminants includes any explosives, radioactive materials, asbestos materials, ureaformaldehyde, chlorobiphenyls, hydrocarbon contaminants, underground tanks, pollutants, contaminants, hazards, corrosive or toxic substances, special waste or waste of any kind or any other substance the storage, manufacture, disposal, treatment, generation, use, transport, remediation or release into the environment of which is prohibited, controlled, regulated or licensed under environmental laws;

Cycle includes a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skateboard, roller skates or in-line roller skates;

Dog means an animal of the canine species including dog-wolf and dog-coyote hybrids;

Domestic waste includes garbage, trash, refuse, cans, bottles, papers, ashes, cuttings, or other waste of any kind that is not generated by an individual in connection with reasonable park use;

Environmental laws means any and all enactments of any federal, provincial, municipal or other governmental authority, now or hereafter in force with respect to contamination or pollution of the environment, or goods or substances that, if discharged into the environment, could cause material harm to the natural environment or its ecosystems;

Firearm includes any gun using, as a propellant, compressed air, explosives or gas;

Leash means a leash with a fixed total length of 2 metres or less;

Liquor includes beer, wine, spirits or other product that is intended for human consumption and that contains more than 1% alcohol by volume as defined by the *Liquor Control and Licensing Act*;

Motor assisted cycle means a motor assisted cycle as defined by the *Motor Vehicle Act* and Motor Assisted Cycle Regulation;

Motor Vehicle means a vehicle, not run on rails, that is designed to be self-propelled but does not include a motor assisted cycle;

Natural boundary means the visible high water mark of any lake, river, stream or other body of water as defined by the Land Act (BC);

Natural park feature includes a tree, shrub, herb, flower, grass, turf, or other plant or fungus and all soil, sand, silt, gravel, rock, mineral, wood, fallen timber, or other park resource in a community park;

Owner of a dog or domestic animal means a person owning, harbouring, or having custody, care and control of a dog or domestic animal or being in possession of a dog or domestic animal;

Park use permit means a written authorization issued in accordance with this bylaw, and includes community park facility permits and special event permits;

Posted notice means a written notice affixed to a notice board or sign post by the RDCO in a community park or set out in a brochure, map or RDCO website relating to one or more community parks;

RDCO means the Regional District of Central Okanagan as described in the Letters Patent or any subsequent amendments;

Smoke or **smoking** includes burning a cigarette or cigar, or burning or heating any substance using a pipe, hookah pipe, lighted smoking device or vaporizing device;

Vessel includes canoe, kayak, boat, paddleboard or other craft capable of being used for navigation on water;

Wildlife includes raptors, threatened species, endangered species, game or other species of vertebrates as defined in the *Wildlife Act*.

2. ADMINISTRATION OF BYLAW AND ENFORCEMENT POWERS

- a) Officers, officials, employees and contractors of the RDCO, are exempt from the provisions of this bylaw while carrying out their duties or performing their functions.
- b) When a bylaw officer finds, that a person in a community park is contravening this bylaw, a park use permit, or authorization from the RDCO respecting use of the park the bylaw officer may require that person to do one or more of the following:

- i. provide, immediately upon request, that person's correct name, address, and information about their destination, and proposed or actual activities in the community park;
 - ii. provide within a reasonable time identification verifying that person's correct name and address;
 - iii. provide evidence, where applicable, that the person possesses a current valid license, authorization, or park use permit for the activity;
 - iv. stop contravening the bylaw, the park use permit, license or authorization immediately;
 - v. leave the community park immediately; or
 - vi. not re-enter the community park for a period up to 72 hours.
- c) At all reasonable times, a bylaw officer may enter any area, or other facility in a community park to determine whether a person is in contravention of this bylaw or a park use permit.

3. **PARK HOURS**

- a) The hours of operation as established by this bylaw are as follows:

January 1 to February 28	6:00 am	6:00 pm
March 1 to May 31	6:00 am	9:00 pm
June 1 to August 31	6:00 am	11:00 pm
September 1 to October 14	6:00 am	9:00 pm
October 15 to December 31	6:00 am	6:00 pm

- b) No person shall enter or be in a community park which is subject to a closure to the public.

4. **PUBLIC CONDUCT**

- a) A person must not obstruct a bylaw officer who is performing their duties.
- b) A person must not do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- c) A person in a community park must obey all signs and posted notices in a community park.
- d) A person must not possess or consume liquor in a community park without legally required permits, including a valid park use permit allowing that activity.
- e) A person must not defecate or urinate in a community park, except in designated facilities.
- f) A person must not enter into or remain in a community park except within the hours of operation as outlined in section 3.a) of this bylaw.

- g) Subsection f) does not apply to the following:
 - i. a person who has a license or lease granted by the RDCO for a park purpose;
 - ii. a person who has a valid park use permit that allows entrance to the park;
 - iii. persons or contractors who have to pass through the community park to reach their residence.
- h) A person must not make or cause any noise or sound, including the playing of portable music devices, musical instruments or acts in a way that in the opinion of a bylaw officer :
 - i. disturbs, or is likely to disturb the peace, enjoyment, or comfort of persons in the vicinity; or
 - ii. disturbs or disrupts or is likely to disturb or disrupt wildlife.
- i) A person must not operate equipment, motor vehicles, or machinery in a community park that, in the opinion of a bylaw officer:
 - i. disturbs, or is likely to disturb the peace, enjoyment, or comfort of persons in the vicinity; or
 - ii. disturbs or disrupts or is likely to disturb or disrupt wildlife, or
 - iii. disturbs the natural landscape and community park property.
- j) A person must not interfere with the passage of any person or motor vehicle lawfully using a road or trail in a community park unless a valid park use permit allows that interference.
- k) A person must not possess, use or ignite any fireworks, including cannon crackers, firecrackers, fireballs, roman candles, mines, skyrockets, squibs, torpedoes or other similar commercial or homemade combustible devices.
- l) A person may only use a CSA/ULC propane fueled cooking device in a community park. Any other cooking device or open flames are not permitted.
- m) A person must not leave unattended a CSA/ULC propane fueled barbecue, and the barbecue must be kept a minimum of 1 (one) metre away from the nearest structure, property line, tree or other combustible material.
- n) A person must not carry or have in possession while inside a community park, any device used for smoking.
- o) A person shall not smoke in a community park
- p) No person shall act or engage in any disorderly, violent, lewd or sexual or offensive conduct including full and partial nudity, within a community park.
- q) No person shall use or operate a model, unmanned or remote control aircraft, boat, car, drone or similar device within a community park unless in compliance with all applicable federal, provincial regulations in addition to obtaining a park use permit as identified within this bylaw.
- r) No person shall create a nuisance by loitering, accosting or harassing park users within a community park.

- s) No person shall connect to community park's electrical utility system or connect or access any other utility in a community park without written permission of the RDCO.

5. RESPONSIBILITY FOR ACTION OF MINORS

- a) A parent, guardian, or person in charge of a person 16 years of age or less must not permit them to do anything that this bylaw prohibits.
- b) If an offence is being committed by a person 16 years of age or less, the parent, guardian or person in charge of the person 16 years of age or less must take any control measures the bylaw officer, considers necessary to prevent or stop the contravention of this bylaw.

6. PRESERVATION OF NATURAL FEATURES, WILDLIFE, AND PARK FEATURES

- a) A person must not do any of the following in a community park:
 - i. cut, trim, dig up, excavate, deface, remove, damage, or in any way injure any natural park feature;
 - ii. build or otherwise create or alter any trails;
 - iii. remove, damage, or deface any building, structure, fence, bench, sign, posted notice, road, trail, facility, equipment, material, or thing that belongs to the RDCO;
 - iv. build, place or install any permanent or temporary structures or facilities;
 - v. section 6.a)iv. does not apply to small personal shelters in a community park during park hours of operation. Such shelters must not be anchored with any form of stake or peg driven into the ground;
 - vi. bring in and leave any dead or living plant material, any dead or living animal or release any animal;
 - vii. molest, disturb, frighten, injure, kill, catch, or trap any wildlife, except for fishing done in accordance with all enactments;
 - viii. feed any wildlife including waterfowl or deposit any substance that wildlife may eat;
 - ix. introduce any contaminant into any part of a community park including, any body of water, water system, or watercourse.
- b) A person must not deposit any refuse, litter, or other discarded material or thing anywhere in a community park except in waste receptacles provided by the RDCO.
- c) A person must not:
 - i. dispose of any domestic, commercial, or industrial waste in a community park;
 - ii. deposit any material into waste receptacles provided by the RDCO for on-site refuse other than waste reasonably generated by that person during their time in the community park.

- d) A person must not cut down, prune or remove any tree or any part of a tree in a community park without the written authorization of the RDCO and then only in strict accordance with that authorization.
- e) A person must not travel within a community park except on a trail marked by RDCO signage or shown on a RDCO park map or brochure or in areas specifically designated by a sign or a posted notice.

7. ANIMALS IN COMMUNITY PARKS

- a) No Owner of a dog will cause or permit their dog to be within a community park designated as 'leashed', unless the dog is kept on a secure leash held by the Owner.
- b) No Owner of a dog shall permit their dog to deposit excrement in a community park unless the Owner immediately removes the excrement and disposes of it in a sanitary manner.
- c) No Owner of a dog shall permit or allow a dog to enter upon any beach area or to swim in a body of water adjacent to a community park, except where designated.
- d) No Owner of a dog shall allow a dog to damage park property or vegetation.
- e) No Owner of a dog shall allow a dog to injure, disturb, or molest any person, domestic animal or wildlife.
- f) No Owner of a dog shall allow a dog to enter any area where prohibited by sign or posted notice.
- g) A bylaw officer may require the Owner of a dog or owner of a domestic animal in a community park to remove it from that community park if in the opinion of a bylaw officer the dog or domestic animal is:
 - i. potentially aggressive or dangerous;
 - ii. disruptive to other park users;
 - iii. by its actions, demeanor or lack of control by the owner, causing alarm or concern to other park users,;
 - iv. failure to adhere to community park bylaw.
- h) A person must not ride, walk, or drive a horse on any part of a community park except on trails or areas designated by signs or posted notice; and
 - i. must be capable of controlling the horse at all times; and
 - ii. must immediately remove horse feces from all trails, 1 (one) metre minimum away from the edge of the trail surface.

8. FIREARMS

- a) A person must not possess or discharge any firearm, fireworks, slingshot, bow, or crossbow in a community park without a valid park use permit allowing that activity and then, only in accordance with this bylaw.

9. **MOTOR VEHICLES, WATERCRAFT AND CYCLES**

- a) A person must not operate, or permit to be operated, a motor vehicle in a community park except on public roadways or parking lots.
- b) The motor vehicle and person must be validly licensed, registered and conform to all applicable enactments.
- c) A person may park a motor vehicle in a community park only in designated parking lots and along public roadways not marked as "No Parking" areas.
- d) A person requiring vehicle access to a community park outside of designated areas must have a valid park use permit or a valid parking permit to be in a community park with a vehicle.
- e) A motor vehicle may be removed at the expense of the owner if it is:
 - i. parked in areas prohibited by a sign or posted notice; or
 - ii. left unattended after the closing hours of the community park;
 - iii. not displaying a valid parking or park access permit.
- f) A person must not park a motor vehicle in an area, lot, or stall in a community park designated as disabled parking, or service or emergency vehicle parking, except in accordance with a valid park use permit or a valid parking permit for persons with disabilities, or unless the vehicle being parked is a community park service vehicle or an emergency vehicle.
- g) Unless otherwise posted, no person shall drive any vehicle at a speed greater than 15km/h in a community park
- h) For public safety, convenience or to accommodate a special use, the RDCO may close any park road, trail, or other area in a community park to public use.
- i) The RDCO may by sign or posted notice limit the speed, weight, size, type, or number of motor vehicles operated in a community park.
- j) No person shall use a vessel within a designated swimming area in a community park.
- k) No person, within the immediate vicinity of any designated swimming area, shall endanger or interfere with the free use of the water for bathing or swimming.
- l) No person shall tie or attach a vessel to a swim buoy.
- m) No person shall moor a vessel in a community park or boat launch area other than in designated mooring areas.
- n) A person may ride a cycle or motor assisted cycle in a community park only in the following places:
 - i. a public highway or parking lot where not otherwise prohibited by law or a posted notice; or
 - ii. on a trail designated for such use by a sign or a posted notice.

10. COMMERCIAL SERVICES ACTIVITIES OR DEMONSTRATIONS

- a) Unless a person has the written authorization from the RDCO or a valid park use permit allowing the activity, they must not:
 - i. sell, barter, or display for sale any goods, services, or materials, including food and refreshments in a community park;
 - ii. conduct any business or commercial activity, whether paid for in advance of, during, or after the activity;
 - iii. encourage any person to use a community park for any activity related to a business or commercial enterprise, whether or not the business or commercial aspect of the activity is carried out within the community park;
 - iv. install, post, deliver, paint, publish, or distribute any notice, advertisement, sign, placard, or handbill of any kind in a community park; or
 - v. operate or station in a community park any commercial vehicle or any motor vehicle that displays advertising or equipped with a public address system for the sole purpose of advertising, promoting, demonstrating, or attracting attention.
- b) Subsection 10a)iv. does not apply to:
 - i. reasonable expressions of opinions on political, social or other matters provided that the notices, signs, placards or handbills:
 - do not exceed 1 square metre in size and are removed prior to sunset;
 - are not displayed in the park on more than one day in each month;
 - are not repetitions of the content of opinions expressed by the same person within the previous month.

11. PARK USE AND SPECIAL EVENT PERMITS

- a) The RDCO may issue park use permit(s) for events of 25 patrons or more to person(s) or organization(s) which authorize:
 - i. the use or the exclusive specific use of a community park or portion of a community park under the terms and conditions set out in such park use permit;
 - ii. the construction, building or erection of tents or other structures or facilities under the terms and conditions set out in such park use permit;
 - iii. the conducting of procession marches, drills, performances, ceremonies, concerts or other special events under the terms and conditions set out in such park use permit(s) for any one day period;
 - iv. the selling of refreshments, articles, merchandise, or the conducting of business in accordance with the adopted policies of the Board.
- b) The permit holder must be able to produce the park use permit during the event for inspection.
- c) The person obtaining the park use permit must provide proof of liability insurance as specified by the RDCO.

- d) A park use permit may be amended, suspended, or revoked for any one of the following reasons:
 - i. for any violation of the terms and conditions of the park use permit;
 - ii. where the applicant for the permit made a material misrepresentation regarding the special use; or
 - iii. where the park use permit holder or a person participating in the special use contravenes a provision of this bylaw.
- e) The RDCO may refuse to issue a park use permit to any person who has, contravened any previous park use permit or contravened this bylaw or any other enactment related to the use of a community park.
- f) The holder of a park use permit is solely responsible for the conduct of the special use event, activity, or thing the park use permit authorizes.
- g) A person must not breach a condition of a park use permit.
- h) Except where a person has a park use permit, or other valid written authorization from the RDCO, any equipment, materials, or any vessel parked or moored contrary to the provisions of this bylaw, may be removed and the cost of such removal may be charged to either the owner or person who placed the equipment, materials or vessel within the community park. The RDCO may cause signs to be erected in community parks that identify additional regulations, prohibits or requirements consistent with the intent of this bylaw.
- i) The RDCO may issue a park use permit(s) to a First Nation respecting the First Nation:
 - i. carrying out activities necessary for the exercise of Indigenous rights, and;
 - ii. having access for and preservation of social, ceremonial and cultural purposes to the land.

12. PENALTIES

A person who contravenes any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of the bylaw, is guilty of an offence under this bylaw and liable to a penalty of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00) for each offence.

13. SEVERABILITY

If a section, subsection, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

14. REPEAL

"Regional District of Central Okanagan Community Parks Regulation Bylaw No. 1106, 2005", as amended, is repealed.

15. **CITATION**

This bylaw may be cited as "Regional District of Central Okanagan Community Parks Regulation Bylaw No. 1431, 2019".

READ A FIRST TIME THIS 14th DAY OF February 2019

READ A SECOND TIME THIS 14th DAY OF February 2019

READ A THIRD TIME THIS 14th DAY OF February 2019

ADOPTED THIS 14th DAY OF February 2019



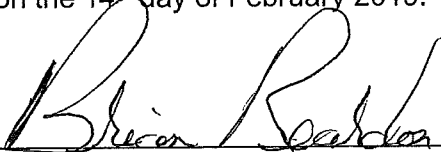
CHAIR



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1431 cited as the "Regional District of Central Okanagan Community parks Regulation Bylaw No. 1431, 2019" as read a third time and adopted by the Regional Board on the 14th day of February 2019.

Dated at Kelowna, B.C.
this 14th day of February 2019



DIRECTOR OF CORPORATE SERVICES