



Parks and Public Facilities Regulation Bylaw No. 1443, 2009

CONSOLIDATED FOR CONVENIENCE ONLY

EFFECTIVE DATE: September 12, 2011

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only.

This consolidation is not a legal document.

Certified copies of the original bylaws should be consulted for interpretation and application of the bylaws on this subject.

AMENDMENT BYLAW

No. 1443.01

EFFECTIVE DATE

September 12, 2011

THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1443

*"A bylaw to govern the management and use of
parks and public facilities acquired or held by the District of Kent"*

WHEREAS the Council of the District of Kent is empowered to make rules and regulations governing the management and use of parks and public facilities acquired or held by the District of Kent for its purposes;

AND WHEREAS the general welfare of the community is enhanced by the regulation and use of the District of Kent parks and public facilities;

NOW THEREFORE the Council of the District of Kent, in open meeting assembled, hereby enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

1. TITLE

This bylaw may be cited for all purposes as "Parks and Public Facilities Regulation Bylaw No.1443, 2009".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"Assembly" means any group or gathering of individuals for the purposes of meeting, protesting and / or making decisions;

"Boulevard" means and includes any portion of any road, street, lane or highway which has been sodded, seeded or otherwise improved and maintained;

"Council" means the Municipal Council of the District of Kent;

"Director" means the Director of Community Services, or designate, employed by the District of Kent;

"District" means the District of Kent;

“Driveway” “Roadway” “Path” or “Lane” includes any way or thoroughfare within a park set apart and improved by grading, gravelling or other means for the use of pedestrian, vehicular or animal traffic;

“Liquor” means liquor as defined in the Liquor Control & Licensing Act, R.S.B.C. 1996, c.267, as amended;

“Local Government Act” means the Local Government Act, R.S.B.C. 1996, c.323, as amended;

“Loiter” means to linger apparently without a discernible purpose;

“Officer” means the Director of Community Services responsible for parks administration or public facilities within the District or designate; and for the purpose of enforcing the provisions of this Bylaw or a permit issued hereunder also includes:

- a. a peace officer; and
- b. a bylaw enforcement officer appointed by the District;

“Park” means and includes public parks, playgrounds, squares, greens and other open spaces, including all driveways, roadways, paths and lanes within or adjacent to the public parks, playgrounds, squares, greens and other open spaces under the custody, care and management of the Council but does not include the traveled portion of a highway, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, dedicated as road by a registered plan (see Schedule ‘A’ for a list of District Parks);

“Person” includes natural persons of either sex, associations, corporations, bodies politic and partnerships, whether acting by themselves or by an agent, employee, or servant and the heirs, executors, administrators, successors and assigns or other legal or personal representatives of such persons;

“Public Facility” includes:

- a. every public building (including all driveways, roadways, paths and lanes within or adjacent to the public building) including, but not limited to the District Hall and public library, any community center, art gallery, museum, arena, exhibition and all other community facilities owned or controlled by the District;
- b. any real property upon which a public building is located that was acquired and held by the District and managed by it for the use by the public; and
- c. breakwater (a barrier that breaks waves before a marina or wharf)

“Run at Large or Running at Large” means any animal not being confined on the owner’s premises by means of an enclosure, chain, cord or fence, or not under the direct and continuous charge and control of the owner or another competent person and restrained by a chain, cord, leash, or halter;

“Trespassers” means any person who enters District property without the right to do so.

“Vehicle” includes all forms of conveyance for the carriage or transport of persons, passengers, goods or materials, whether drawn by animals or propelled by any mechanical device or other motive power whatsoever, and shall include bicycles, motorcycles, all terrain vehicles, tricycles, scooters, rollerblades and skateboards.

PART 2 - APPLICATION

3. PARKS AND PUBLIC FACILITIES

Every park and public facility shall be subject to the provisions of this bylaw and a Officer shall be responsible for enforcing its provisions.

4. ADDITIONAL PARKS AND PUBLIC FACILITIES

The District may acquire, construct, equip, operate and maintain such additional parks and public facilities as the District may decide. All such additional parks and public facilities shall be included in the definition of “parks” and “and public facilities” shall be subject to all provisions and regulations of this bylaw.

5. EXEMPTION

Notwithstanding anything contained in this bylaw or any other bylaw of the District to the contrary, all officers, officials, employees and agents of the District, while acting in the exercise and within the scope of their duties, shall be exempt from the provisions of this bylaw.

PART 3 – GENERAL REGULATIONS

ADVERTISING

6. a. No person shall deliver, distribute, post, paint or affix any advertisement, promotional material, poster, bill or advertising within a park or at a public facility without the prior written permission of the Director responsible for such park or public facility;

- b. No person shall use or permit the use of any advertising vehicle within a park or at a public facility without the prior written permission of the Director responsible for such park or public facility.

ANIMALS

- 7.
 - a. Subject to Section 7(b), no person who owns, possesses, harbors, or has the control of any animal or fowl shall permit such animal or fowl to run at large or feed in any park or at a public facility.
 - b. Dogs must be on-leash at all times when they are in parks or at public facilities; unless that they are in a future designated off-leash area.
- 8. No person shall ride, drive or herd horses or other livestock within any park or at a public facility, without the permission of the Director or at a designated facility such as the riding ring or during a designated event such as the fall fair.
- 9. No person who owns, possesses, harbours or has the control of any animal or fowl shall permit such animal or fowl to enter into the water of a reservoir, pond, pool, stream or other water receptacle within any park or at a public facility.

DAMAGE

- 10. No person shall within a park or at a public facility:
 - a. remove, cut, break, injure or in any way destroy or damage any tree, shrub, plant, turf, sod, or flower;
 - b. cut or remove any tree, timber or firewood;
 - c. damage or deface any building, structure, fence, sign, seat, bench, equipment, or ornament;
 - d. damage, deface, clutter or block any boulevard, driveway, roadway, path or lane;
 - e. injure, deface or destroy any notice, sign, rule or regulation erected, posted or affixed to any building, structure, fence, seat or bench by order or permission of the District or the Director;
 - f. climb, walk or sit upon any wall, fence or other structure in or upon any park or public facility or boulevard unless it is designed and intended for such purpose;
 - g. cross, travel on, use or walk upon any grassed plot or land where signs have been posted forbidding such use;

- h. foul, litter or pollute, in any way, any fountain, stream, pool or pond;
- i. deposit any waste, offensive material or other substance of any kind into or upon any tree, shrub, plant, turf, sod, flower, building, structure, fence, sign, seat, bench, ornament, grassed plot, fountain, stream, pool, pond or other surface within the limits of any park or at a public facility except in the receptacles provided for such purpose;
- j. remove soil, earth, topsoil, dirt or other material from lands within any park or at a public facility;
- k. willfully, maliciously or carelessly let off, turn on, or discharge any water so that the water runs to waste and useless out of any tap, pipe or other fixture within a park or at a public facility; or
- l. throw or place upon the ground any lighted match, cigar, cigarette or other burning substance.

ENCROACHMENTS

- 11. No person shall encroach upon any lands within a park or upon a public facility for his or her own purposes.
- 12. No person shall erect, construct, build, occupy or cause to be erected, constructed, built or occupied, in any park or at any public facility or on any boulevard any tent, building, structure, shelter, pavilion or any other construction whatsoever except with the prior written permission of the Council.
- 13. The District may remove or cause to be removed from any park or any public facility any encroachment, temporary abode, tent, building, shelter, pavilion, structure or other construction whatsoever located within a park or at a public facility contrary to the provisions of this bylaw at the expense of the responsible person.

HOURS AND DATES OF OPERATION

- 14. Subject to Section 15, all parks in the District of Kent shall be closed to the public and to all vehicles from 11 p.m. to 6:00 a.m. throughout the year. All persons found within the parks during the closed time may be treated as trespassers.
- 15. Section 14 shall not apply to:
 - a. any person who has entered into a contract with the District to rent or use any park or public facility; or to
 - b. officers, officials, employees and agents of the District who must in the course of their duties be in a park or in a public facility during closed hours; or to

- c. District vehicles used by the officers, officials, employees or agents in carrying out their duties during the closed hours.

INTERFERENCE

- 16. No person shall willfully, maliciously or carelessly hinder, deter, or interrupt, or cause to be hindered, deterred or interrupted a officer or other employees, agents, contractors or volunteers of the District in the exercise of any of their duties.
- 17. No person shall disobey the lawful command or order of any person having the supervision, management or control of a park or public facility.
- 18.
 - a. No person shall create any undue disturbance, congregation or alarm that will cause or tend to cause panic, excitement or any hazard, annoyance or interference with other persons or the general public present at or immediately adjacent to any park or public facility.
 - b. No person shall make a public address or demonstration or do any other thing likely to cause a public gathering or attract public attention without the prior written permission of the Director.
- 19. No person shall in any way interfere with or obstruct the use or enjoyment of the park or public facility by any other person.

LIQUOR

- 20. No person shall possess liquor within a park or at a public facility at any time, except where the liquor is possessed pursuant to and in compliance with a license under the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c.267, as amended.

LOITERING

- 21. No person shall loiter or take up temporary abode overnight within a park or at a public facility without the direct written permission of the District through the proper booking procedures.

NUISANCE

- 22. No person shall within a park or at a public facility:
 - a. behave in a disorderly or offensive manner; or
 - b. molest or injure any other person.

OTHER REGULATED ACTIVITIES

- 23.** No person shall engage in the following activities within a park or at a public facility:
- a. shoot any arrow or practice any archery;
 - b. fly or drive any motor-driven remote controlled airplane, boat or vehicle;
 - c. operate any amplifying system or loud speaker without the prior written permission of the Director;
 - d. molest, disturb, frighten, injure, trap or snare any bird or animal or any fish in any stream, pond or lands;
 - e. operate any motorized vehicles, including all terrain vehicle, truck, car, motor bike, scooter or other vessels propelled by a motor;
 - f. launch any power rocket;
 - g. golf which shall include practicing or playing the game of golf; or
 - h. set-up a tent or other temporary abode, including recreation vehicles, except in accordance with the established rules for camping and other activities, including the designation of areas within which camping is allowed and limits on the duration of the activity.
 - i. launch or dock a commercial vessel for towing, transporting or refueling at or in and around the Breakwater Beach area (see Schedule "B")

PROPER DRESS AT PUBLIC FACILITIES

- 24.** No person shall enter or remain at a public facility without the appropriate attire for the facility purpose.

REGULATIONS

- 25.** No person shall violate any rule, regulation, notice, order or lawful direction given or posted by the Director in respect of the administration of a park or public facility.

SALE OF GOODS AND SERVICES

26. No person shall sell or expose for sale any refreshments or any article or thing or offer any service for a fee within a park or at a public facility (including vending) without the prior written permission of the Director who is responsible for the administration of such park or public facility.

WEAPONS/FIREWORKS

27. No person shall carry or discharge any firearm, airgun, sling shot, or other weapon or dangerous toy within a park or at a public facility.
28. No person shall set off any fireworks or fire or explode any combustible or other explosive material within a park or at a public facility except within an area specifically set aside for such purpose; and then only if the person has the prior written permission of the Fire Chief and a valid Park Use Permit in accordance with the current *Fireworks Regulation Bylaw*.

PART 4 – VEHICLES**RESTRICTIONS**

29. No person shall park a vehicle at a park or public facility other than in a designated area and in accordance with posted signs or as otherwise directed by District staff responsible for such park or public facility.
30. No person shall drive or propel or permit to be driven or propelled, any vehicle within a park or at a public facility except upon a driveway, roadway, path, lane or parking area designed for vehicular traffic.
31. No person shall use a vehicle to occupy or travel on any driveway, roadway, path, lane or boulevard within a park or at a public facility where signs have been posted prohibiting such use, occupation or travel.
32. No person shall drive a vehicle within a park or at a public facility at a rate of speed greater than the posted speed limit.
33. In addition to any other penalty provided for in this bylaw, any vehicle found within a park or at a public facility in contravention of this bylaw is subject to seizure and removal from the facility at the expense of the owner or operator of the vehicle.

EXEMPTIONS

34. The regulations in Part 4 shall not apply to:
- a. wheelchairs or children's carriages propelled on multi-use pathways provided that they do not interfere with the free use of the pathways by pedestrians;
 - b. vehicles owned by the District or used by the District; and
 - c. emergency vehicles as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, c.318, as amended.

PART 5 – SPECIAL EVENTS**AUTHORITY TO GRANT PERMITS**

35. The Director is authorized to issue and to grant permits for the use of a park or public facility, subject to the applicable policies and procedures adopted by the District.

PROHIBITION

36. No person shall hold an assembly, parade, procession, march, drill, performance, ceremony, concert, gathering or similar activity within a park or public facility without a valid permit issued by the District.

PART 6 - PERMISSION TO ACT**CONDITIONS**

37. Every person who receives the written permission of the Director to act in a manner which would otherwise be contrary to the provisions of this bylaw shall at all relevant times have a copy of the permission in his or her possession at the park or public facility and act in accordance with the conditions imposed by the written permission.

INDEMNITY

38. Every person who receives the written permission of the Director must indemnify and save harmless the District and their elected and appointed officials, employees and agents from and against any and all claims, demands, suits or compensation arising, directly or indirectly, from the granting of the permission.

PART 7 - PENALTIES

PENALTIES

39. a. Every person who violates any provisions of this Bylaw or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
- b. Every Person who commits an offence contrary to the provisions of this Bylaw is liable upon summary conviction to a penalty of not more than \$10,000.00 in addition to the costs of the prosecution

PART 8 – MISCELLANEOUS

SEVERABILITY

40. If any part of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw which shall continue in full force and effect and be construed as if the bylaw had been adopted without such invalid portions.

READ A FIRST TIME this 23rd day of November 2009.

READ A SECOND TIME this 23rd day of November 2009.

READ A THIRD TIME this 23rd day of November 2009.

FINALLY PASSED AND ADOPTED this 14th day of December 2009.

CERTIFIED CORRECT

Lorne Fisher, Mayor

Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE & CORRECT COPY
of "Parks and Public Facilities Regulation
Bylaw No. 1443, 2009" adopted
on the 14th day of December, 2009

Wallace Mah, Chief Administrative Officer

SCHEDULE 'A'

<u>PARK</u>	<u>ROLL</u>	<u>PID</u>
Centennial Park (Fairgrounds) <ul style="list-style-type: none"> • Pool – 6820 Pioneer Ave • Ag Complex – 6800 Pioneer Ave • Pavilion – 6790 Pioneer Ave • Rec Centre – 6660 Pioneer Ave 	1300 52700	024-733-024
Pioneer Park <ul style="list-style-type: none"> • Museum – 7011 Pioneer Ave • Aberdeen Hall – 7167 Pioneer Ave 	1290 53135	007-527-365
Evergreen Park – Evergreen Drive	5303 12710	no PID
Vimy Park – corner of Vimy and Morrow	5320 12727	no PID
Old Agassiz Cemetery – Limbert Road	1281 51650	no PID
Valleyview Cemetery – 4600 Cemetery Road <ul style="list-style-type: none"> • Rifle Range – 4665 Cemetery Road • Agassiz Speedway – 5045 Cemetery Rd • Agassiz Motocross – 5085 Cemetery Rd • Alm Park – (beside cemetery) 	1437 50905	025-615-742
Entrance Signs <ul style="list-style-type: none"> • Teapot (south) (Van Tol) • 7&9 Intersection (Jonk) • East end of Morrow (MOTH) 	5300 12360 1337 52420	005-197-961 004-387-333 no PID
Kilby Park – 215 Kilby Road (Crown Prov.)	1260 46200	007-145-721
Sasquatch Park – N. of Rockwell Drive (CP)	5319 1880	no PID
Bridge Park (Right off Ag-Rosedale Bridge - Mt. Cheam Farms)	1192 52756	013-083-937
Mount Woodside Parks (not yet determined)	1320 01998 1320 02026 1320 02030	027-202-780 027-202-828 027-202-798
Dyke system – each section has different Roll # River access (end of McDonald on Spaeti property)	5378 12510	007-544-707
<u>LEGAL DESCRIPTIONS</u>		
Rockwell Bay Parks (2)	Portion of L.S.4 Sec.32 Twp.4 R.28 W6M YDYG	
Thunderbird Estates Park	Portion of L.S.8 Sec.30 Twp.4 R.28 W6M YDYG	
Schep Park (fronts Elm Rd & Parkwood Dr.)	Portion of L.S.9 Sec. 19 Twp.3 R.28 W6M YDYG	
Westlin Park – Bristol Drive	Portion of L.S. 11 and L.S.14 Sec. 19 Twp.3 R.28 W6M YDYG	
Land north of Valleyview Cemetery	Twp.4 R.29 W6M	
Dr. McCaffery Park (fronts Aberdeen Dr & McCaffery Rd)	Portion of L.S.5 Sec. 30 TP3 R28 W6M & L.S.8 Sec. 25 TP3 R29 W6M	

Schedule B

