

THE CORPORATION OF THE CITY OF DAWSON CREEK

BYLAW 4371

A Bylaw for the regulation of activities, disturbances, and other objectionable situations in parks and public spaces in the City of Dawson Creek.

WHEREAS, pursuant to the *Community Charter*, the Council of the City of Dawson Creek has the authority to regulate, prohibit, and impose requirements in relation to the management of services, public places, nuisances, disturbances, and other objectionable situations;

AND WHEREAS, the Council for the City of Dawson Creek deems it desirable to regulate, prohibit and impose requirements in relation to City parks, recreation facilities, highways, and other public places;

NOW THEREFORE, the Council of the Corporation of the City of Dawson Creek enacts as follows:

SECTION 1 - TITLE

1.1 This Bylaw may be cited for all purposes as the **“PARKS BYLAW NO. 4371, 2018”**.

SECTION 2 - DEFINITIONS

2.1 In this Bylaw the following words and terms have the following meanings assigned to them.

“All-Terrain Vehicle” or “ATV” means an all-terrain vehicle, motorcycle, off-road side-by-side vehicle and a snowmobile as those terms are defined in the *Off-Road Vehicle Regulation* (British Columbia).

“Bylaw Enforcement Officer” means a person or persons appointed from time to time by resolution of City Council pursuant to Section 36 of the Police Act (British Columbia), the purpose of which is to enforce regulatory bylaws of the municipality.

“Camping Equipment” includes portable cooking equipment, sleeping bags or rolls, mattresses, backpacks, packsacks, tents, tarps or lean-tos.

“Campsite” includes any place of temporary abode and any place where Camping Equipment is used, left or stored.

“Chief Administrative Officer” means the person appointed by Council as such and his or her authorized representative(s).

“City” means the Corporation of the City of Dawson Creek.

“Council” means the Municipal Council of the Corporation of the City of Dawson Creek.

“Geocaching” means an outdoor activity in which participants use a global positioning system receiver or mobile device and other navigational techniques to hide and seek containers, called geochaches or caches.

“Geocache or cache” means a container, usually containing a logbook and small trading items,

tucked away for others to find.

“Highway” includes a street, road, lane, bridge, and any other way open to public use, other than a private right of way on private property.

“Nuisance” means any activity or action(s) which results in:

- a. noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; or
- b. the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

“Outdoor Fire” means every fire that burns in the open air and is not completely enclosed;

“Owner” in respect of any animal, means a person owning, harboring, having custody, or care and control of an animal; or being in possession of an animal.

“Park” means any real property owned or subject to a right of occupation by the City for the purposes of pleasure, recreation or community uses of the public including public parks, playgrounds, public squares, pathways and other public places and all improvements and includes all beaches and other public areas adjacent to lakes or streams including foreshore or land covered by water; but does not include the travelled portion of a highway.

“Playground” means an area intended to meet the outdoor recreation needs of residents and provides amenities including an outdoor rink and play apparatus.

“Public Place” means an area of land, including a highway or park, or improvement on the land, in respect of which the City holds an interest so as to possess and control the land or improvement, which land or improvement is available for public use, access or both, and includes without limitation civic buildings, areas around civic buildings, or areas developed for use as a highway.

“Smoke” or **“Smoking”** means to inhale, exhale, burn, ignite or carry a lighted cigar, cigarette, pipe or other lighted or ignited smoking equipment or vapour product, as that term is defined in the *Tobacco and Vapour Products Control Act* (British Columbia), that burns or vaporizes tobacco or other weed or substance but does not include the carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes.

“Trail” includes any public path which is owned or controlled by the City, not located within a highway, which has been improved or designated for pedestrian, cycling or skiing use.

“Trail User” means any person travelling on a Trail, including persons on foot and persons using cycles, roller skates, in-line skates, skateboards, scooters, skis, snowboards, snowshoes and wheelchairs.

“Vegetation” includes all trees, shrubs, plants, flowers and natural grass, and all ground cover, whether it is in a wild or cultivated state.

“Vehicle” means and includes all conveyances for the carriage or transport of persons, passengers, goods or materials whether self-propelled or drawn or pulled by animals or any mechanical,

muscular device or other motive power whatsoever, and includes but not limited to motor vehicles, Segways, trailers, skateboards, long-boards, bicycles and tricycles.

SECTION 3 – APPLICATION

- 3.1 This Bylaw applies to parks and public places in the City of Dawson Creek unless otherwise specifically noted. This Bylaw does not apply to:
- a. a provincially designated arterial highway, as defined in the *Transportation Act* (British Columbia); or
 - b. land held by the Province as a park or public open place.
- 3.2 The following persons are exempt from the provisions of this Bylaw:
- a. the employees, servants and agents of the City or other public authority to the extent required to carry out their powers and duties; and
 - b. any person who has been issued a permit by the Chief Administrative Officer, to the extent and in accordance with the terms and conditions of the permit.

SECTION 4 – GENERAL REGULATIONS

- 4.1 A person must not use any land in a park in contravention of this Bylaw.
- 4.2 A person must not carry on or permit the carrying on of an activity of a hazardous or unsafe nature which may cause injury, harm or damage to a person or structure.
- 4.3 A person must not obstruct or interfere with any person who is lawfully using any park property by:
- a. engaging in any activity that creates a nuisance or that interferes with the use and enjoyment of the park by other persons;
 - b. making or causing to be made noise, vibration, odour, dust, illumination or any other thing that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of other persons; or
 - c. playing or operating electronic equipment, instruments or other apparatus for the amplification of sound in a park in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- 4.4 A person must not use or operate any kind of public address system in a park without prior written permission from the City.
- 4.5 A person must not climb, walk or sit upon any wall, fence or other structure in any park, except playground equipment or other structures intended for such use.
- 4.6 A person must not urinate or defecate in or on any park except in a provided public or private toilet facility.

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- 4.7 A person must not damage, deface, vandalize, remove, injure, or destroy public property or publicly owned assets, including but not limited to assets such as structures, buildings, fences, railings, utilities, vegetation, hard surfaces, public art, or signage.
- 4.8 A person must not:
- a. injure, disturb, trap or kill any animal or bird;
 - b. destroy any animal or bird habitat.
- 4.9 A person must not erect, construct or build any tent, building, shelter, pavilion or other structure whatsoever, or penetrate the ground with any object including stakes or posts, without prior written permission from the City.
- 4.10 A person must not remove, cover or deface any City sign, or place or display any work, character, sign or device designed to advertise, except on a public bulletin board provided for that purpose by the City.
- 4.11 A person must not sell or display for sale any refreshment, article, merchandise, product, thing, service, or conduct any business in a park without a business licence issued by the City and a permit issued in accordance with section 19 of this Bylaw.
- 4.12 A person must not leave, abandon or store a vehicle or other personal property in a public place.
- 4.13 A person must not trespass in a park where prohibited by posted signage.
- 4.14 Any animal in any Park must be controlled and on a leash at all times.

SECTION 5 – TRAIL USE

- 5.1 All Trail Users must:
- a. share the Trail with all other Trail Users;
 - b. control their speed and exercise due care and attention, having due regard for safety of other Trail Users;

SECTION 6 – MOTOR VEHICLES

- 6.1 A person shall not drive or park in any Park, unless on a designated road or parking area.
- 6.2 A person must follow all posted speed limits while driving on a designated road or in a parking area.
- 6.3 Overnight parking is not permitted in any park without prior written permission from the City.
- 6.4 A vehicle that displays third party advertising is not permitted to be parked in excess of four hours in any park, unless it is directly associated with an event approved within the park, such as a food truck at a ball tournament.

SECTION 7 – ALL TERRAIN VEHICLES

- 7.1 A person must not operate off-road vehicles in a park except for areas designated for such use. Such use is only permitted in the Motocross Park.
- 7.2 A person must wear a helmet while operating an all-terrain vehicle within a permitted Park.

SECTION 8 – SELF PROPELLED VEHICLES

- 8.1 Self-propelled vehicles, limited to bicycles, trailers pulled by bicycles, roller blades and skateboards, are permitted provided they are used on designated pathways or roads, are operated in a safe manner and in accordance with all applicable provincial enactments.
- 8.2 A person must wear a helmet while riding a bicycle or skateboard within a Park.

SECTION 9 – AIRBORNE ACTIVITIES

- 9.1 No person shall use a motor driven airplane, model aircraft, drone, model rocket, hang glider, parachute, paraglider, human carrying kite, hot air balloon, or other airborne craft in a park without notifying and receiving permission from the Airport Manager and Nav Canada.
- 9.2 Notwithstanding section 9.1, airborne activities in Harry Morrow Ball Park and Paul Loiselle Soccer Park are prohibited.

SECTION 10 – SPORT FIELDS AND PLAYGROUNDS

- 10.1 A person must not use any sport field, including ball diamonds or soccer fields between November 1 and April 15, or during periodic maintenance closures, unless authorized by the City. These dates may vary from time to time subject to weather and field conditions.
- 10.2 A person must not play or practice the game of golf or hit a ball with a golf club except on a golf course.
- 10.3 A person must not play any organized tournament or series of games in a park without a permit issued in accordance with section 18 of this Bylaw.
- 10.4 A person must not smoke within 7.5m of any type of sport field or playground.

SECTION 11 – TREE PROTECTION

- 11.1 Unless expressly authorized by the Chief Administrative Officer, a person must not deface, cut, remove, destroy or damage any tree, shrub, flower bed, or the grass, within a park.

SECTION 12 – CAMPING

- 12.1 Subject to Section 12.2, no person may erect, construct, or build, or cause to be erected, constructed, or built, in or on any Park any tent, building, shelter, pavilion, or other construction whatsoever without the prior written permission of the Council.
- 12.2 Notwithstanding Section 12.1, where there is no accessible shelter accommodation available in the City, a Homeless Person may, without the prior written permission of the Council, as set out in Section 12.1, erect and occupy a Temporary Shelter in a Park, in those Parks listed in Park Dedication Bylaw No. 4126, 2011, as amended or replaced from time to time, between the hours of 10:00 p.m. on one day and 9:00 a.m. of the following day, provided that the Homeless Person:
- a. Not erect the Temporary Shelter until after 10:00 p.m. on one day;
 - b. Take down and remove the Temporary Shelter from the Park prior to 9:00 a.m. of the following day;
 - c. Comply with all other provisions of this Bylaw;
 - d. Not erect the Temporary Shelter in, on or within:
 - i. Playgrounds, spray parks, or pools;
 - ii. horticultural display areas or ornamental gardens;
 - iii. skateboard bowls, tennis courts or other sports courts;
 - iv. sports fields, stadiums or dugouts;
 - v. stages or bleachers;
 - vi. washroom facilities, picnic shelters, or gazebos;
 - vii. areas of a Park that have otherwise been issued a permit pursuant to this Bylaw;
 - viii. recreation facilities;
 - ix. cemeteries;
 - x. golf courses; or
 - xi. pathways or bridges
- 12.3 The Chief Administrative Officer may remove from any Park, any Temporary Shelter that is not in compliance with this Bylaw.

SECTION 13 – GEOCACHING

- 13.1 Geocaches placed in parks may be removed if they do not meet the following conditions:
- a. all caches must be marked “geocache” on the outside of the container if practical, and the owner’s name and contact information must be inside the container;
 - b. caches must not be placed in areas that may put participants at risk of injury;
 - c. caches must not be buried or result in the disturbance of vegetation, wildlife, wildlife nests or burrows, or cultural heritage sites and features;
 - d. cache placement must not interfere with other approved recreational activities; and
 - e. caches in Parks are not considered permanent and may not be permanently attached to any structure or natural feature.

SECTION 14 – GARBAGE

- 14.1 A person must not throw, deposit, drop, leave, place, or dump any garbage, cans, bottles, paper, ashes, cigarette or cigar butts, refuse, trash, recyclables, rubbish, grass clippings, dirt, rubble or other waste materials in a public place or the waters adjacent thereto except in a container provided by the City for such purpose.
- 14.2 A person must not deposit in a container located in a public place provided by the City for such purpose any garbage, cans, bottles, paper, ashes, cigarette or cigar butts, refuse, trash, recyclables, rubbish, grass clippings, dirt, rubble or other waste materials that were produced from an activity that did not occur in that public place.

SECTION 15 – OUTDOOR FIRES

- 15.1 A person must not start or maintain an Outdoor Fire in a Park without a permit, which must be obtained at the City of Dawson Creek Fire Hall.
- 15.2 Outdoor fires must be in a City-provided fire pit or outdoor fireplace.

SECTION 16 – PROHIBITED ITEMS

- 16.1 A person, other than a Police Officer or Conservation Officer in the performance of his or her duties, must not:
- a. carry or discharge a bow and arrow, cross bow, or sling shot or other weapon; and
 - b. discharge a firearm, including an air gun, air rifle, air pistol or spring gun.
- 16.2 A person must not possess or use any explosive or explosive substance.

- 16.3 A person is not permitted in any Public Place, to possess an open container of alcohol or liquor at any time except under and in accordance with a licence issued under the *Liquor Control and Licensing Act* (British Columbia) and approved by the Royal Canadian Mounted Police and the City of Dawson Creek. For clarity, Bylaw Enforcement Officers and RCMP members have the authority to order a person to dump out any liquor, and may seize and dump out any liquor, possessed unlawfully in a Public Place.
- 16.4 A person is not permitted, in any Park, to possess paraphernalia used for the purposes of storing, transporting or using a controlled substance as defined in Schedules I – IV of the *Controlled Drugs and Substances Act* (Canada).

SECTION 17 – ORDER TO LEAVE

- 17.1 A Bylaw Enforcement Officer, RCMP Officer, or the Chief Administrative Officer may direct a person to leave a Park if that person is acting in contravention of this Bylaw, or any other enactment, including federal or provincial enactments.
- 17.2 Every person directed to leave a Park by a Bylaw Enforcement Officer, RCMP Officer, or the Chief Administrative Officer must proceed immediately to the nearest exit point.
- 17.3 Every person directed to leave must not return to or enter any Park for a period of 48 hours.

SECTION 18 – SPECIAL EVENTS

- 18.1 A person or group must not hold a public gathering or event in a Public Place, or an event which requires exclusive use of any Public Place or part of a Place without first obtaining a permit, the application for which must be made in writing not later than 45 days prior to the event.

SECTION 19 - PERMITS

- 19.1 Notwithstanding any other provision of this Bylaw unless otherwise specified, the Chief Administrative Officer may issue a permit for any activity regulated or prohibited by this Bylaw and may impose such conditions or restrictions deemed necessary or required.
- 19.2 The City may establish the form and content of an application for a permit, including the documentation required to be submitted with the application and the requirements, including insurance coverage, that must be met for approval of the application.
- 19.3 The Chief Administrative Officer may issue or refuse to issue a permit and may issue a permit subject to terms and conditions including without limitation as to the activity or activities regulated or prohibited by this Bylaw and their duration, insurance, indemnification and any other matter deemed necessary.
- 19.4 A person to whom a permit has been issued must comply with the terms and conditions of a permit and this Bylaw, failing which the Chief Administrative Officer may suspend or cancel the permit.

SECTION 20 – SEIZURE AND IMPOUNDMENT

- 20.1 A Bylaw Enforcement Officer, RCMP Officer or the Chief Administrative Officer may seize and impound:
- a. a vehicle or bicycle, if it is being used in contravention of this Bylaw and there exists reasonable and probable grounds to believe that there are safety concerns associated with the continuation of such contravention; or
 - b. a vehicle or bicycle which has been abandoned.
- 20.2 A Bylaw Enforcement Officer, RCMP Officer or the Chief Administrative Officer may remove any items left abandoned or stored in a park in a manner contrary to the provisions of this Bylaw, and take such items to a place of safekeeping until it is returned to the owner or disposed of in accordance with section 21.4 of this Section.
- 20.3 The City may retain custody of a seized and impounded vehicle, bicycle or item until:
- a. the payment of any fee, which may include the costs of seizure and storage; or
 - b. it is disposed of pursuant to section 21.4 of this Bylaw
- 20.4 Where an impounded vehicle, bicycle or item is not claimed within six months from the date of seizure, the Chief Administrative Officer may direct its disposal by public auction, and where the Bylaw Enforcement Officer has determined the value of such vehicle, bicycle or item to be less than \$2000.00, the Chief Administrative Officer may direct that it be disposed of at a waste management facility or a scrap yard.

SECTION 21 - ENFORCEMENT

- 21.1 Any person designated as a Bylaw Enforcement Officer pursuant to the Bylaw Notice Enforcement Bylaw No. 4277, 2016, as amended or replaced from time to time or the Municipal Ticket Information System Bylaw No. 4278, 2016, as amended or replaced from time to time is hereby authorized and empowered to enforce the provisions of this Bylaw by those bylaws.
- 21.2 A person must not do any act or suffer or permit any act to be done in contravention of this Bylaw.
- 21.3 A person must not obstruct or impede a Bylaw Enforcement Officer in lawful performance of his or her powers, duties or functions.
- 21.4 Each day that an offence against this Bylaw continues will be deemed a separate and distinct offence.
- 21.5 A person who contravenes any provision of this Bylaw is liable to a fine of not more than \$10,000.00 and not less than \$100.00 for each offence.
- 21.6 Any penalty imposed pursuant to this Bylaw may be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

SECTION 22 – ADMINISTRATIVE

22.1 If any provision of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision will not apply and the remainder of this Bylaw will continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

READ a first time this 11 day of June, 2018.

READ a second time this 11 day of June, 2018.

READ a third time this 11 day of June, 2018.

ADOPTED this 25 day of June, 2018.

CERTIFIED A TRUE AND CORRECT COPY of Bylaw No. 4371 cited as "PARKS BYLAW NO. 4371, 2018".

Brenda Ginter
Director of Corporate Administration

The Corporate Seal of **THE CORPORATION OF THE CITY OF DAWSON CREEK** was affixed in the presence of:

Dale Bumstead – Mayor

Brenda Ginter – Director of Corporate Administration