

CAPITAL REGIONAL DISTRICT

BY-LAW NO. 1578

A BY-LAW FOR THE OPERATION OF PARKS ON THE PENDER ISLANDS
(OUTER GULF ISLANDS ELECTORAL AREA)

WHEREAS Division XIV of the Letters Patent, as amended, of the Capital Regional District provide that the Regional District may acquire, develop, operate and maintain community parks for the Electoral areas of Colwood, Langford, Metchosin, View Royal, Sooke, Salt Spring Island and the Outer Gulf Islands;

AND WHEREAS Division IX of the Letters Patent, as amended, of the Capital Regional District further provide that the Regional Board of the Capital Regional District may, by by-law, establish one or more Park Commissions, Recreation Commissions, or join Parks and Recreation Commissions, and in such by-law may delegate to the Commission any or all of the administrative powers of the Regional Board relating to:

- a) Community parks and park properties within electoral areas now or hereafter acquired by the Capital Regional District;
- b) The construction, equipping, operation and maintenance of recreational facilities within electoral areas now existing or hereafter undertaken by the Capital Regional District as a function of the said Regional District;
- c) The organization and conduct of recreational programmes within electoral areas now or hereafter authorized by the Capital Regional District as a function of said Regional District;

AND WHEREAS by by-law, the Regional Board has established the Pender Islands (Outer Gulf Islands Electoral Area) Parks Commission and delegated to the Commission all administrative powers of the Regional Board with respect to the development, maintenance and operation of all community parks on the Pender Islands (Outer Gulf Islands Electoral Area.)

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THEREFORE the Board of the Capital Regional District in open meeting assembled, enacts as follows:

1. INTERPRETATION

In this By-law, unless the context otherwise requires,

"Bar-B-Que and Camp Stoves" means a portable apparatus with non-combustible legs and covered screen that utilizes gasoline, propane, or briquettes for the purpose of providing heat for cooking.

“Commission” means the Pender Islands (Outer Gulf Islands Electoral Area) Parks Commission appointed by By-law of the District to administer parks on the Pender Islands (Outer Gulf Islands Electoral Area.)

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“Cycle” means 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.

“Designated official” means those officials designated with ticket enforcement powers for this bylaw in Capital Regional District Ticket Information Authorization Bylaw, 1990 (Bylaw No. 1857), and amended and repealed and replaced from time to time.

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“District” means the Capital Regional District.

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

“Motor assisted cycle” means a motor assisted cycle that meets the requirements of the *Motor Assisted Cycle Regulation*, BC Reg 151/2002 made pursuant to the *Motor Vehicle Act* (BC).

“General Manager” means the Capital Regional District's Parks & Environmental Services' General Manager or such other person as may be appointed to act in the place of the General Manager from time to time;

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“Park” means all public parks, playgrounds, driveways, paths, trails, beaches, playing fields, buildings, and other public places under the custody, care, management and jurisdiction of the Commission.

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“Park officer” means a person appointed or employed by the CRD as a park officer or bylaw enforcement officer;

“Peace officer” means a peace officer defined from time to time in the Criminal Code of Canada.

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“Vehicle” means a device in, upon or by which a person or thing may be transported or drawn upon land and shall include campers, house trailers and fifth wheels and all types of cycles.

2. GENERAL REGULATIONS:

- 1) No person shall:
 - a) cut, break, injure or in any way destroy or damage any tree, shrub, plant, turf or flower in any park;
 - b) deface, damage or destroy any building, structure, irrigation system, fence, sign, notice, seat, bench or ornament of any kind constructed or placed by the District or Commission in any park;
 - c) foul or pollute any fountain, lake, stream, pool or pond in any park.
- 2) No person shall climb, walk or sit upon any wall, fence, gate, sign ornament or similar structure in or upon any park, or cross, travel or use any grass plot or land in any park where signs have been posted forbidding any such use, and no person shall deposit any waste, offensive matter or other substance of any kind in or upon any park except in the receptacles provided for such purpose.
- 3) No vending shall take place in any park without the Commission's written approval.
- 4) The Commission may under its terms and conditions, including the charging for space and/or services, allow vendors to sell or display for sale any refreshments or any article or things or services in any designated park.
- 5) No person, except an employee of the Commission or peace officer or conservation officer in the course of his duties, shall carry or discharge any firearms or weapon of any description, or fire, or explode any combustible or any other explosive material or kindle and maintain an open fire in any park.
- 6) No person shall use a bar-b-que or camp stove for the preparation of food or drink in any park except within areas designated for that purpose and at times posted by the Commission.
- 7) No person shall throw or place upon the ground any lighted match, cigar, cigarette or any other burning substance within the limits of any park.
- 8) No person shall play at any game that endangers or interferes with other users of the park in or on any portion of any park except upon or in such portions thereof as may be especially allotted, designed and provided, respectively, for any purpose and under such rules and regulations, and at such times as shall be prescribed by the Commission, and without limiting the generality of the foregoing no person shall:
 - a) play golf or strike a golf ball;
 - b) fly any motor drive airplane;
 - c) shoot and arrow or practice archery;

except in areas designated or permitted by the Commission for such activities.

- 9) No person as owner or having the control of any animal or fowl shall suffer or permit such animal or fowl to run at large or feed upon any park or driveway, and no person shall bring any dog into, or keep any dog in a park except on a leash in designated areas.
- 10) No person shall conduct himself in a disorderly or offensive manner, or molest or injure any other person, or loiter or take up a temporary abode overnight in any park, or obstruct the free use and enjoyment of any park by any other person.
- 11) No person shall erect, construct or build or cause to be erected, constructed or built in or on any park any tent, building, shelter, pavilion or other structure whatsoever without the written permission of the Commission having first been obtained.
- 12) Parking will be permitted in community parks in designated areas only and subject to controls as set out by the Commission.
- 13) The Commission, or any person employed by it or by the District, may remove or cause to be removed from any park any obstruction or thing placed therein or thereon contrary to the provisions of this by-law.
- 14) No person shall post, paint or distribute any advertisements or handbills in any park without Commission approval in writing.
- 15) No person, other than an employee of the Commission or person designated by the Commission, in the course of his or her duties, shall ride or drive any horse or other animal, or drive or propel or permit to be driven or propelled any vehicle in a park other than on a driveway, roadway, highway, or parking lot and not contrary to or prohibited by sign or posted notice; or on a trail or path designated for such use by a sign or posted notice. Nothing in this section prohibits the use of wheelchairs, carriages, strollers, or similar conveyances on trails and paths.

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16) No person shall:

- a) ride or drive any horse or other animal or drive or propel any vehicle in, upon or along any drive, roadway, path or highway in any park at a rate of speed in excess of 20 km/h unless otherwise posted;
- b) drive any motor vehicle with the muffler disconnected, or commonly called "cut out", or in such a manner as shall constitute a nuisance or danger either to pedestrians or animals or to the property within any park;
- c) fail to bring his horse, other animal or vehicle to a stop upon signal or request from any person lawfully directing any traffic within a park, or fail to stop whenever any horse or other animal shows signs of fright or getting out of control.

- d) ride or drive any horse or other animal or drive any vehicle in a manner contrary to any notice or sign posted by order of the Commission;
 - e) operate, drive or propel in any park any vehicle for the specific purpose of displaying advertisements of any kind or nature, or of any event, goods or services by loudspeaker without the written approval of the Commission;
 - f) park any vehicle in or along any driveway between the hours of 11 p.m. to 6 a.m. without reflectors or lighted parking lights prominently displayed on such vehicle at all times during which the vehicle is parked.
- 17) No person, except on the lawful business of the District or with written consent of the Commission, shall occupy any park property between the hours of 11 p.m. and 6 a.m. the following day.

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- 18) No person shall take park in any procession, march, drill, performance, ceremony, concert, gathering or meeting in or on any park or driveway unless the permission of the Commission has first been obtained.

- 19) A person must not possess or consume liquor in a park without legally required permits, including a valid park use permit allowing that activity.

- 20) A parent, guardian, or person in charge of an individual 16 years of age or less must not permit them to do anything that this bylaw or other applicable enactments prohibit. If an offence is being committed by an individual 16 years of age or less, the parent, guardian or person in charge of them must take any control measures a park officer, peace officer, or other designated official considers necessary to prevent or stop the contravention of this bylaw.

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3. PLAYGROUNDS AND COURTS

- 1) No person shall play at any games on any tennis court in any park unless wearing rubber-soled shoes without heels, and unless suitably equipped with the requisite appliances for any such game, and only at such times during such seasons, and under such rules and regulations as may be prescribed by the Commission from time to time.
- 2) No person shall damage or destroy any property, court, green, grounds or lawn in any park, or in any way interfere with or obstruct the free use thereof by those lawfully entitled to the use of same.
- 3) No tournament or series of games shall be played in any park by any person or group of persons without the permission of the Commission having first been obtained.

4. PENALTIES

- 1) No person, owner, tenant, or occupier of private premises, shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.

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- 2) Every person who contravenes this by-law by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$50.00 for a first offence, and for each subsequent offence to a fine of not less than \$100.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

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- 3) A separate offence shall be deemed to be committed upon each day during and in which a contravention of this bylaw occurs or continues.

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- 4) The penalties imposed under Section (2) hereof shall be in addition to and not in substitution of any other penalty or remedy imposed by this by-law.

- 5) A park officer, peace officer, or other designated official may, if he or she has reason to believe an offence has been committed against this bylaw, complete and leave with the alleged offender, or at the address of the alleged offender with someone who appears to be 16 years of age or older, a ticket information pursuant to Bylaw No. 1857, *Capital Regional District Ticket Information Authorization Bylaw, 1990* as may be amended or repealed and replaced from time to time, indicating a penalty equal to the amount stipulated for such an offence.

- 6) The General Manager is delegated authority to appoint park officers.

- 7) Except where a park use permit, licence, or other written authorization allows, a park officer, peace officer, or other designated official may remove or order the removal of all chattels, fixtures, equipment or material from a park and the cost of such removal may be charged to either the owner or person who placed the equipment or material within the community park.

- 8) When a park officer, peace officer, or other designated official finds on reasonable grounds that a person in a community park is contravening this bylaw, a park use permit, written authorization, or any other CRD enactment, he or she may require that person to do one or more of the following:

- a) provide, immediately upon request, that person's correct name, address, and information about their destination, and proposed or actual activities in the community park;

- b) provide within a reasonable time identification verifying that person's correct name and address;
 - c) if the person is or appears to be engaged in an activity that requires a licence, authorization or park use permit, produce a copy of the applicable current valid licence, authorization, or park use permit for the activity;
 - d) stop contravening the bylaw, licence, authorization, park use permit, or other enactment immediately;
 - e) leave the community park immediately; or
 - f) not re-enter the community park for a period up to 72 hours.
- 9) A person must not obstruct a park officer, peace officer, or other designated official in the performance of his or her duties.

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5. This By-law may be cited as "Community Parks Regulations (Pender Islands) By-law No. 1, 1987."

READ A FIRST TIME THIS	28 th day of	October 1987
READ A SECOND TIME THIS	28 th day of	October 1987
READ A THIRD TIME THIS	28 th day of	October 1987
RECONSIDERED AND FINALLY ADOPTED THIS	25 th day of	November 1987

CHAIRMAN

CORPORATE OFFICER