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## TOWN OF SIDNEY

### BYLAW NO. 1688 (CONSOLIDATED)

*Amendment Bylaws incorporated as listed at the end of the document*

## A BYLAW TO ESTABLISH RULES AND REGULATIONS GOVERNING THE USE OF PUBLIC PARKS, INCLUDING BOULEVARDS AND BEACHES.

**WHEREAS**, pursuant to the Local Government Act, Council may, by bylaw, make rules and regulations governing the use of public parks;

**NOW THEREFORE**, the Council of the Town of Sidney in opening meeting assembled enacts as follows:

1. In the bylaw, unless the context otherwise requires:

**Boulevard** means any portion of any street or highway which has been sodded, seeded or otherwise improved by the Town.

**Bylaw Enforcement Officer** means the Bylaw Enforcement Officers or their delegates of the Town of Sidney, peace officers, and sworn members of the Royal Canadian Mounted Police.

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

**Homeless Person** means a person with no fixed address or no residence to return to on a daily basis.

**Park** includes public parks, playgrounds, squares, greens, driveways, roadways, walkway, paths, beaches and other public places, as shown on the Town of Sidney's Parks Plan, (not being Town streets) under the management of Town Council and care and custody of the Superintendent of Parks and Works.

**Special Event** means a meeting, party, dance or other gathering which the Town has contracted or otherwise authorized in writing to take place in a park.

**Temporary Shelter** means a tent, lean-to or other form of shelter that is temporary and portable, constructed from nylon, plastic, cardboard or other similar non-rigid material that covers an area of 10 square metres or less, and does not include wood frame or portable structures.

**Vehicle** means all conveyances for the carriage or transport of persons, passengers, goods or materials, whether drawn by animals or propelled by any mechanical or muscular device or other motive power whatsoever, and including but not limited to bicycles, skateboards, scooters and tricycles.

### **General Regulations:**

2. No person shall break, injure or in any way destroy or damage any tree, shrub, plant, turf or flower, or any building, structure, fence, sign, seat, bench or ornament of any kind, or in any way foul or pollute any fountain, in any park, boulevard, or driveway, or injure, deface or destroy any notices, rules or regulations posted or affixed to anything by order or permission of the Council.

3. All property owners/occupiers shall be responsible for cutting the boulevard in front of their property, whether separated by a sidewalk or where there is an extension of their lawn.
4. No person shall climb, walk or sit upon any wall, fence or other erection in or upon any park or boulevard; or cross, travel or use any grass plot or land where signs have been posted forbidding any such use; and no person shall deposit any waste, offensive matter or other substance of any kind into or upon any such park, boulevard, grass plot, or driveway, within the limits of any park, or on or along any driveway except in the receptacles provided for such purpose.
5. No person shall sell or expose for sale or gift any refreshments or any article or thing or conduct any business in any park SAVE AND EXCEPT with the express permission of the Council or their designate.
6. No person shall carry or discharge any firearm or weapon of any description, or fire or explode any combustible or other explosive material or make a fire or throw or place upon the ground any lighted match, cigar, cigarette or other burning substance, within the limits of any park.
7. No person shall disturb, frighten, injure, catch, trap or snare any bird or animal in any park without the permission of Council and/or the B.C. Wildlife Branch.
8. No person shall play at any game whatsoever in or on any portion of any park except upon or in such portions thereof as may be specifically allotted, designated or provided, respectively, for any such purpose, and under such rules and regulations and at such times as shall be prescribed by the Superintendent of Parks and Works and/or Council; and no procession, march, drill, performance, ceremonies, concerts, gatherings or meetings shall be held in or on any park or driveway without this express permission of the Superintendent of Parks and Works and/or Council.
9. No person having the control of any animal shall suffer or permit such animal to run at large or feed upon any park or driveway howsoever; and the owner or other person having the custody of any such animal who suffers or permits the same to run at large or feed in or upon any such park or driveway shall be deemed to be guilty of any infraction of this bylaw and shall be liable to the penalties hereinafter imposed, but the provisions of this section are subject to the provisions of the "Animal Control Bylaw".
10. If a dog defecates in or upon:
  - a) a street, public beach, park, public school grounds or any other public place, or;
  - b) private property other than property owned or occupied by the dog owner or the person having charge of the dog;the dog owner or person having charge of the dog shall cause the excrement to be removed immediately upon its deposit. Section 10 does not apply to a blind person accompanied by a guide dog. No person who has removed excrement pursuant to Section 10, shall deposit the same on any property other than that owned or occupied by him, or in any public place except, where the excrement is securely contained in an impermeable bag or other impermeable container. The container shall ensure there is no oozing, leaking or falling out of the contents when deposited on a litter receptacle.
11. 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 over night on any portion of any park, or obstruct the free use and enjoyment of any park by any other person, or violate any bylaw, rule, regulation, notice or command of the Council; and any person conducting himself as aforesaid may be removed or otherwise dealt with as in this bylaw provided.
12. No person shall erect, construct or build or cause to be erected, constructed or built in or on any park or boulevard any tent, building, shelter, pavilion, Temporary Shelter or other construction whatsoever without the express permission of the Superintendent of Parks and Works and/or Council.

## OVERNIGHT ACCOMMODATION AND ERECTING TEMPORARY SHELTER

- 12.1 A *Homeless Person* may take up overnight accommodation and erect or occupy a *Temporary Shelter* in a *Park*, between the hours of 7:00 pm on one day and 9:00 am the following day, provided the *Homeless Person*:
- a) does not erect the *Temporary Shelter*, or occupy, or take up overnight accommodation, within 100 metres of any playground, community garden, sports field, tennis court, picnic shelter, gazebo, stage, water *park*, skate *park*, parking lot public washroom, ornamental garden, or horticultural display;
  - b) does not erect the *Temporary Shelter*, or occupy, or take up overnight accommodation, on or within 50 metres of an established trail or sidewalk;
  - c) does not erect the *Temporary Shelter*, or occupy, or take up overnight accommodation, within 100 metres of private property;
  - d) does not erect the *Temporary Shelter*, occupy, or take up overnight accommodation within 200 metres or any area of a *park* that has been designated for an event or activity under a valid and subsisting permit issued by the *Town*;
  - e) does not damage or alter *Town* property, including fencing, trees, shrubs, plantings, benches, or other equipment or infrastructure;
  - f) removes the *Temporary Shelter* completely by 9:00 am each morning and does not leave possessions, debris, *litter* or any other article behind;
  - g) does not obstruct a *highway* or interfere with the lawful use of a person or vehicle using a *highway*; or
  - h) does not obstruct a *Town* employee in the performance of his duty.
13. No person shall use, occupy, skateboard, cycle, scooter, rollerblades or travel along or upon any park, driveway or other park property in such manner as to obstruct or to cause obstruction, or to interfere with any person or traffic lawfully using the same; or encumber or obstruct, or cause to be encumbered or obstructed in any manner whatsoever, any park or driveway, without the permission of the Superintendent of Parks and Works and/or Council.

## MANAGING OCCUPANCY

- 13.1 Any occupant seeking to remain at a *park* contrary to the bylaw must seek alternate housing (a "Qualifying Occupant") by identifying themselves to the *Town* or its agents by:
- a) Showing picture identification acceptable to the *Town*; or
  - b) If the occupant has no satisfactory picture identification, by agreeing to be photographed and providing their full legal name, which information is to be used and retained for the purpose of verifying the identity of the occupant as a Qualifying Occupant.
- 13.2 All occupants of the *park*, except Qualifying Occupants, must vacate the *park* or, the *Town*, through its agents and employees, including the RCMP, are authorized to remove or prevent any person who is not a Qualifying Occupant from taking up occupancy at the *park*.
14. The Council or any person employed by it, shall remove or cause to be removed from any boulevard, park or driveway any obstruction or thing placed therein or thereon contrary to the provisions of this bylaw, at the expense of the owner, contractor or other person responsible for such obstruction.

## IMPOUNDING PERSONAL PROPERTY

- 14.1 A *bylaw enforcement officer* may remove, detain, impound, or cause the removal, detention, or impounding, of any *motor vehicle*, *litter*, *liquor*, *temporary shelter*, structure, or other object ("Personal Property") which contravenes a provision in this bylaw.

- 14.2 A person entitled to the Personal Property detained, removed, or impounded under this bylaw may obtain release of such Personal Property if that person signs an undertaking to the *Town* not to contravene this bylaw.
- 14.3 If within 7 days a person entitled to the Personal Property detained, removed, or impounded by the *Town* under this bylaw does not secure its release pursuant to this bylaw, the *Town* may cause such Personal Property to be either:
- a) sold with monies payable to the *Town*; or
  - b) discarded.
15. No person shall wash or otherwise clean any car, truck, boat or vehicle in any park or on any boulevard.
16. No person shall post, paint or distribute any advertisement or hand-bills of any kind whatsoever in any park or place, or paint, smear or otherwise deface or mutilate any structure, rock or sign in any park or public place.
17. No person shall willfully, maliciously or carelessly damage or destroy any property, court, green, grounds or lawn, or in any way interfere with or obstruct the free use thereof by those lawfully entitled to the use of the same.
18. No tournament or series of games shall be played in any park or on any court, green, grounds or lawn by any person, group of persons, organizations or club without the special permission of the Superintendent of Parks and Works and/or Council.
19. No person:
- (a) Shall undress or dress in or adjacent to any bathing beach, except in places specifically provided for such purposes (ie: change rooms);
  - (b) Shall be nude on any bathing beach or public park;
  - (c) Shall play ball or any game so as to become a nuisance or a hazard to the general public;
  - (e) Being male shall enter any portion of any building set apart for the use of female persons; or being female shall enter any portion of any building set apart for the use of male persons except for the assistance to children and the disabled as posted;
  - (f) Shall litter up, deposit or leave, or cause to be littered up, deposited or left, any matter or thing on any beach or in the waters adjacent thereto or create any undue disturbance, congregating or alarm that will cause or tend to cause panic, excitement or any hazard, annoyance or interference with swimmers and bathers, in or on any bathing beach or adjacent thereto;
  - (g) Shall light a fire on any beach or in any park;
  - (h) Shall consume any alcoholic beverage or carry any alcoholic beverage in an unsealed container in any park except within the confines of a schedule event that is legally licensed to serve alcoholic beverages;
  - (i) Shall operate any power saw or wood cutting device on any beach at any time, unless for municipal purposes as approved by the Superintendent of Parks and Works or designate;
  - (j) Shall dig, excavate, cut into or upon up the natural terrain in any park, or boulevard.

20. No person shall ride or drive a horse or any other animal or drive or propel a vehicle or any other mode of conveyance on any boulevard, grass plot or other area within any park other than on the respective driveway made and provided for such purpose. No person shall ride or drive any animal on any path or other roadway allotted for pedestrian traffic only, except invalids' chairs and children's carriages may be allowed on the foot-walks to such an extent and in such manner as shall not interfere with the free use of such walks by pedestrians.
21. Subject to the provisions herein contained, it shall be unlawful for any person, unless authorized by Council, to:
- (a) to operate, drive or propel in any park any vehicle for the specific purpose of displaying advertisements of any kind or nature, or loud-speaker advertisement;
  - (b) to transport or haul any materials through any park;
  - (c) to deposit or remove any material or debris of whatsoever kind, in, to, from or within any park;
  - (d) to use boat launching facilities in or adjacent to any park for any purpose other than launching or recovering pleasure boats not longer than thirty-two (32') feet overall.
  - (e) to park any vehicle or allow any vehicle to remain parked contrary to signs erected at the Tulista Park Boat Launch or Iroquois Park. If there are no Parking Signs, this would indicate Parking is prohibited.
  - (f) To park any vehicle or allow any vehicle to remain parked in the Tulista Boat Launch Area unless the vehicle is attached to and accompanied by a boat trailer.
  - (g) To launch a pleasure boat at Tulista park without first paying the parking/launching fee as set out in the Town's Miscellaneous Fees and Charges Bylaw and displaying the parking/launching fee receipt on the dash of the tow vehicle."
  - (h) To use Tulista park Boat Launch for commercial use without paying the designated commercial fee and complying with the Town of Sidney conditions and guidelines attached to Bylaw No. 1688 as "Schedule 'A'.
22. For each day a vehicle remains parked, the owner shall pay additional parking/launching fees as specified by sign.
23. No person in charge, control or possession of any vehicle (not being a vehicle operated by an employee of the Town of Sidney while in the performance of his duties within any park) shall drive or allow or permit said vehicle to be driven within any park except upon the hard-surfaced portions of the established highways, streets, and roads within any park or upon areas set apart for the parking of such vehicles.
24. Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of the provisions of this bylaw, shall upon conviction of a municipal ticket information be liable to the penalties imposed under Schedule 10 of the Ticket Information Bylaw No. 1265, 1995.

#### **OFFENCE AND PENALTY**

25. Any person who contravenes any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw shall be liable on summary conviction in a prosecution to a fine not exceeding Ten Thousand Dollars (\$10,000) for each offence or for the recovery of the costs of the prosecution pursuant to the *Act*, whichever sum is greater.

26. Notwithstanding anything contained in this bylaw or any other bylaw to the contrary, Superintendent of Parks and Works and employees, while in the exercise of their duties, are exempt from the provisions of this bylaw.
27. "Parks Bylaw No. 609, 1977" and all amendments are hereby repealed.
28. This bylaw may be cited as "Parks Bylaw No. 1688, 2001".

Read a first time this	13 <sup>th</sup>	day of	August, 2001.
Read a second time this	13 <sup>th</sup>	day of	August, 2001.
Read a third time this	13 <sup>th</sup>	day of	August, 2001.
Adopted this	10 <sup>th</sup>	day of	September, 2001.

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MAYOR

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CORPORATE OFFICER

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(amendment -01) Bylaw 1713, April 2002  
(amendment -03) Bylaw 1827, June 2004  
(amendment -04) Bylaw 1857, June 2005  
(amendment -05) Bylaw 2031, March 2013  
(amendment -06) Bylaw 2165, November 2018

## **SCHEDULE 'A'**

### **Conditions and Guidelines for Commercial Use of Ramp**

Any authorized commercial user of the Tulista Park Boat Launch must agree and adhere to the following conditions and guidelines.

1. Permission to use the Ramp must be approved by the Superintendent of Parks and Works and booked 1 day in advance.
2. Provide proof of liability insurance as follows:
  - a) comprehensive general liability insurance providing coverage for death, bodily injury, property loss and damage and all other losses arising out of or in connection with the use of the Tulista Park Boat Launch in the amount of not less than \$5 million per occurrence;
  - b) name the Town of Sidney as an additional insured; and
  - c) 30 days written notice of cancellation to the Town.
3. Any damage to the ramp or facilities must be repaired to the satisfaction of the Superintendent of Parks and Works, at the expense of the user.
4. Hours of use are restricted to 8:00 a.m. to 9:00 p.m. on the following days: Monday to Friday from May 15 to September 15 and Monday to Saturday from September 16 to May 14. Commercial use is not permitted on statutory holidays or the day prior to a statutory holiday.
5. The use of the ramp for launch or retrieval by recreational boaters cannot be restricted for longer than 30 minutes.
6. Track vehicles are not allowed on ramp without the placement of protection such as plywood.
7. Any spills or leakage of fluids or substances in the water, on the ramp or in the parking lot must be cleaned immediately.
8. No unattended equipment can be left on the ramp or in the parking lot.
9. Any unattended vehicles of company employees using the ramp are not permitted to be parked in the restricted boat launch parking area.
10. Any misuse by a commercial user will result in suspension of the privilege to use the ramp.
11. No industrial activities (e.g. welding) are allowed at the ramp.
12. Fees for commercial use shall be charged as follows:
  - a. 13.34 cents per square foot per launch plus G.S.T. for commercial users in good standing.
  - b. The amount determined in 12 a) less 10% plus G.S.T. for a block of ten launches if prepaid in full by a commercial user in good standing. An unused portion of a prepaid block of ten may be refunded, but launches already used will be charged at the full rate (no discount) plus G.S.T. and only the remaining balance will be refunded.
  - c. If any commercial user is suspended from use of the launch facility due to non-compliance with the Commercial Use Guidelines, launch fees following the suspension period will be at the rate of \$500 per launch plus G.S.T. for that commercial user for a period of one year.
13. Monies collected are to be put into a reserve account for future capital improvements to the boat launch area.
14. The south half of the ramp and approach area are to be available at all times for use by recreational boaters.