

DISTRICT OF CHETWYND

PARKS AND PUBLIC PLACES REGULATION BYLAW NO. 926, 2010

A bylaw to establish rules and regulations for the use of parks and other public places

WHEREAS pursuant to the *Community Charter* Council may by bylaw regulate, prohibit and impose requirements in relation to parks and public places;

AND WHEREAS the Council of the District of Chetwynd deems it wise and expedient to establish rules and regulations for the control of parks and public places;

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

1. CITATION

This bylaw may be cited for all purposes as “District of Chetwynd Parks and Public Places Regulation Bylaw No. 926, 2010”.

2. DEFINITIONS

“Bylaw Enforcement Officer” means the person appointed by the Council of the District of Chetwynd to enforce this Bylaw;

“Council” means the Council of the District of Chetwynd;

“Director of Corporate Administration” means the person appointed as such by Council for the District of Chetwynd and any person designated to assist in carrying out any duties under this Bylaw;

“Director of Engineering and Public Works” means the person appointed as such by Council for the District of Chetwynd and any person designated to assist in carrying out any duties under this Bylaw;

“Director of Parks and Recreation” means the person appointed as such by Council for the District of Chetwynd and any person designated to assist in carrying out any duties under this Bylaw;

“District” means the District of Chetwynd;

“Hazardous Material” means a thing or condition that may expose a person to a risk of injury or occupational disease, including, but not limited to broken glass; material, chemicals or liquids defined as a hazardous waste under the *Hazardous Waste Regulation 63/88 of the Environmental Management Act c.53, SBC 2003*; hypodermic needles, or other material with edges sharp enough to break or puncture skin;

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

“Park” means an area of land or public place in respect of which the District holds an interest for park; or for park and recreation purposes, and without limitation, includes playgrounds, roadways, paths, boulevards, athletic fields, swimming areas under the care, management and jurisdiction of the District of Chetwynd;

“Playground” means an area within a park designated for recreational use by children for play;

“Public Place” means an area or any lands under the care, management and jurisdiction of the District of Chetwynd, including highways;

“Skateboard” means a device having any number of wheels that is propelled by human power and on which a person may ride;

“Skateboard Park” means an area designated for the use of skateboards.

3. APPLICATION

This Bylaw applies to the parks and public places.

4. RULES AND REGULATIONS

4.1 Protection of Parks and Public Places

4.1.1 No person, while in a park or public place, shall:

- (a) destroy, cut, mark, break, dig, pull-up, burn or in any other way damage, injure, remove or deface:
 - (i) any tree, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood;
 - (ii) any monument, fountain, bridge, fence, wall, gate, highway, pavement, parking area, sidewalk, walk or building;
 - (iii) any swing, slide, playground apparatus, table, seat, bench, sign, bleacher, equipment, personal property, ornament or utility placed, erected or maintained in the park or public place;
 - (iv) any other fixture, improvement or structure placed, erected or maintained in a park or public place.
- (b) hit, propel, throw or direct an object in such a manner as to constitute a dangerous use;
- (c) hit golf balls, shoot arrows or other weapons, launch model rockets, airplanes or fireworks;
- (d) participate in baseball, softball, football, rugby, fastball, frisbee or other sport or recreation in a manner intended to injure persons or cause damage to property;

- (e) without prior written permission from the Director of Corporate Administration, place, dump or leave any foreign material of any nature whatsoever, including, but not limited to, sand, gravel or earth fill, in or upon or about a park or public place;
- (f) without prior written permission from the Director of Corporate Administration, who may require proof of acceptable insurance as a condition of such permission:
 - (i) operate any amplifying system or loud speaker;
 - (ii) camp overnight;
 - (iii) enjoy the exclusive right to the use of all, or any portion, of a park;
 - (iv) take part in any procession, march, drill, performance, ceremony, concert or festival;
 - (v) carry on any commercial activity including, but not so as limiting the generality of the foregoing offer for sale for profit any article of food, drink including alcohol, or merchandise; or
 - (vi) place or erect any structure, sign, bulletin board or advertising device, whatever, or distribute or post, paint or affix any advertisement, bills or other article of an advertising nature in any park or public place unless it is in compliance with the District of Chetwynd Sign Bylaw;
- (g) cycle, skateboard, roller blade or use any similar means of conveyance upon any public place owned or operated by the District, except where designated under this Bylaw; and
- (h) consume liquor except in an area designated by Council as a place where liquor may be consumed under a Special Occasion Licence pursuant to the *Liquor Control and Licensing Act* and with the approval of the District.

4.1.2 Where overnight camping has been approved under section 4.1.1(f)(ii), the Director of Parks and Recreation must designate the area for overnight camping and, where applicable, require that any temporary overhead protection may only be erected during the hours 7:00 pm and 7:00 am.

4.2 Parking and Traffic Control

No person, while in a park or public place, shall:

- (a) drive, park or stand any vehicle other than on highways or parking lots which have been designated and indicated for such use;
- (b) drive, stop or park a vehicle on any grass or flowered area.

4.3 Animal Control

4.3.1 No person, while in a park or public place, shall permit any dog or other animal to be in a park or public place unless otherwise posted or with prior written approval for a special event;

4.3.2 The person in actual custody and control of a dog or other animal shall remove from a permitted area or public place and dispose of in a sanitary manner all feces dropped by such dog or other animal.

4.4 Rubbish Disposal

No person, while in a park or public place, shall deposit any hazardous material, bottles, paper, cardboard or empty cartons or other rubbish, trash or garbage other than into a refuse receptacle provided for such purposes.

4.5 Fires

4.5.1 No person shall set, light or maintain any fire in a park or public place except in designated areas as are provided by the District for that purpose.

4.5.2 No person shall throw or place on the ground any lighted match or other burning substance.

4.5.3 No person shall use or set off fireworks or any combustible material in any park or public place, except as authorized in writing by the Director of Corporate Administration.

4.6 Public Nuisance

No person, while in a park or public place, shall disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- (a) with the use of obscene or profane language;
- (b) by making or causing to be made noise, vibration, odour, dust, illumination;
- (c) by urinating or defecating, except in a toilet facility provided by or on behalf of the District.

5. PERMITS

5.1 Permit Application

A person, association or society incorporated under the *Society Act (British Columbia)* or Part II of the *Corporations Act (Canada)* or a corporation or other business having a valid business licence issued by the District that wishes to make a temporary use of a public place or part of a public place may apply to the District using the application form attached as Schedule "A" to this Bylaw.

5.2 Application Information

The applicant must state in the application:

- (a) the public place or part of the public place to be used;
- (b) the proposed use of the public place;
- (c) the date, time and duration of the proposed use;
- (d) the number of persons reasonably expected to take part in the event; and
- (e) a detailed description of any commercial activities associated with the event.

5.3 Permit Conditions

In addition to the matters designated as Permit Conditions in Schedule “A” or otherwise in this Bylaw, it is a condition of every Permit that:

- (a) the proposed Permit Area is available for use on the dates and at the times requested in the application;
- (b) the Permittee has provided to the District a damage deposit in the amount and in the form set out in Schedule “B” to this Bylaw;
- (c) the Permittee comply with all terms specified in the Permit regarding use of the Permit Area;
- (d) the Permittee obtain and maintain in force all other permits and authorizations required by any other authority having jurisdiction in relation to the event;
- (e) the Permit may be cancelled at any time without notice, without cost or liability to the District; and
- (f) proof of required insurance coverage be provided.

5.4 Issue of Permit

A Permit will not be issued:

- (a) to a person other than an association, society or other person referred to in section 5.1;
- (b) where the District considers that the proposed use will have an unreasonably detrimental effect on the Permit Area;
- (c) where the District considers that the proposed use creates an unreasonable risk of injury to the public; or
- (d) where the District granted a Permit for a similar previous event and the Permittee did not restore damage to the Permit Area or to the public place caused by the Permittee or persons attending the event.

5.5 No Responsibility

The District does not, through the granting of a Permit, assume any liability for or in relation to the event authorized by the Permit and despite anything in this Bylaw does not represent or warrant to any person that the use of the Permit Area will not create a risk of injury to the public.

5.6 Restoration of Permit Area

Prior to the expiry of the Permit, the Permittee must, as a condition of the Permit:

- (a) remove all items and improvements and obstructions placed on the Permit Area;
- (b) clean the Permit Area, and all other Public Places, of litter and other rubbish resulting from the event held in or the use of the Permit Area; and
- (c) restore any damage to the Permit Area or other Public Places caused by the event held in or the use of the Permit Area.

6. PARKS AND PUBLIC PLACES CLOSURES

Notwithstanding anything in this Bylaw, any park, or any portion thereof, or public place may at any time be temporarily closed to public use.

7. EXEMPTIONS

7.1 Exemption to Emergency vehicles

The provisions of this Bylaw shall not apply to any emergency vehicle while it is responding to an emergency call and sounding its siren, exhaust whistle or bell, but the exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of others.

7.2 Exemption to Municipal vehicles

The provisions of this Bylaw shall not apply to municipal or provincial utility vehicles, vehicles of a public utility corporation and wrecking vehicles, while such vehicles are actually engaged in work of necessity. This exemption shall not relieve the drivers of such vehicles from taking due precaution for the safety and protection of the public and property.

7.3 Other Exemptions

The Director of Corporate Administration may, by written approval, exempt any person or vehicle from such provisions of this Bylaw as he/she deems appropriate, and under such conditions as he/she may impose.

8. DAMAGE DEPOSIT

8.1 Damage deposits shall be paid in accordance with Schedule “B” attached to and forming part of this Bylaw.

8.2 The Director of Corporate Administration may waive the damage deposit or part thereof.

8.3 The District may use the Damage Deposit for the purposes and in the manner set out in Schedule “B”.

9. OFFENCES AND PENALTIES

9.1 Any person who violates any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of the Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00) and, in any event, shall not be less than Two Hundred Fifty Dollars (\$250.00).

9.2 Each day that a violation is permitted to exist shall constitute a separate offence.

10. SEVERABILITY

If any section, subsection, sentence clause or phrase of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this Bylaw.

11. REPEAL

District of Chetwynd “Parks Regulation By-law No. 70” is hereby repealed.

Read a first time this	7 th	day of	June, 2010.
Read a second time this	7 th	day of	June, 2010.
Read a third time this	7 th	day of	June, 2010.
Adopted by Council this	21 st	day of	June, 2010.

Mayor

Director of Corporate Administration

**DISTRICT OF CHETWYND PARKS AND PUBLIC PLACES REGULATION BYLAW
NO. 926, 2010**

SCHEDULE "A"

PARKS AND PUBLIC PLACES USE APPLICATION AND PERMIT

Permit No. _____

Applicant (Proposed Permit Holder must be a person or incorporated entity) (the "Permittee"): _____

Contact Name (primary): _____

Contact telephone number: _____

Contact email address: _____

Address: _____

(civic and mailing)

Contact Name (secondary): _____

Contact telephone number: _____

Please check the appropriate box(es):

- Parks Use
- Public Place Use

Event description: _____

Number of expected participants: _____

Event Dates: From: _____ To: _____

(include hours)

Event location: _____

(as shown on the attached plan, to show precise area required (the "Permit Area"))

Special requirements (including temporary structures) _____

The Permittee has read, understood and agrees to comply with the following terms, conditions and requirements of the Permit (the "Permit Conditions"):

1. Fee(s) and/or damage deposits will be paid 14 days in advance of the event and an official receipt for same has been issued by the District or the Permit may be cancelled;
2. The Permittee shall comply with all regulations, bylaws and applicable policies of the District of Chetwynd and any special conditions applied to this application by Council or the Director of Corporate Administration;
3. This Permit is not transferable;
4. The plan for the dimensions and space to be occupied in a park or public place is attached to this application and must receive the approval of the Director of Corporate Administration prior to approval of this application;
5. The space to be occupied will not exceed the Permit Area approved under section 4;
6. The Permittee shall comply with W.C.B. Industrial Health and Safety Regulations and Standards;
7. All authorized temporary structures must be removed by the Permittee at its cost before the expiry date of this Permit;
8. The Permittee shall provide proof of comprehensive all-risk liability insurance coverage in an amount not less than Two Million Dollars (\$2,000,000) per occurrence, showing the District of Chetwynd as named insured;
9. Any full or partial cancellations by the Permittee requires a minimum of seventy two (72) hours notice prior to the event or a full Permit fee will be charged to the Permittee regardless of whether or not the Permit Area is taken by another person prior to the scheduled event;
10. This Permit may be cancelled at any time without notice by the District of Chetwynd without cost or liability to the District of Chetwynd;
11. The applicant must provide proof of a valid business licence issued by the District of Chetwynd if there is a commercial activity taking place at the event;
12. Where the use of the Permit Area does not cause damage to the Permit Area, the Damage Deposit shall be repaid to the Permittee. However, the Permittee shall be responsible for the costs of cleanup and/or damage to the Permit Area or any other park, highway or other public place or property and such costs will be deducted from the damage deposit, and the balance returned to the Permittee. If the cleanup and/or damage occurred exceeds the amount of the damage deposit, the Permittee must pay the excess amount of the repair and/or cleanup costs to the District of Chetwynd within fourteen (14) days of receiving an invoice.
13. Failure to pay the costs of cleanup and/or damage may result in the denial of future Permits under the District of Chetwynd Parks and Public Places Regulation Bylaw being issued to the Permittee, or to another applicant, for an event of a similar nature.
14. This Permit is not valid until signed by the Permittee and the District of Chetwynd;
15. No person shall consume liquor except in a Permit Area that is a designated portion of a park or public place where liquor may be consumed under a Special Occasion Licence issued pursuant to the *Liquor Control and Licensing Act and Regulations*, and approval of the District and the RCMP; and
16. The Permittee agrees to indemnify and save harmless the District of Chetwynd.

Dated this _____ day of _____, 20_____.

Applicant (signature) on behalf of Permittee

Witness

Applicant (please print name)

Special Conditions:

Approved:

Director of Corporate Administration
(or designate)

Date

The information provided on this form is gathered pursuant to the authority of the District of Chetwynd Parks and Public Places Regulation Bylaw No. 926, 2010. For information relating to the *Freedom of Information and Protection of Privacy Act* (the *Act*), please contact the Freedom of Information Coordinator appointed by the District of Chetwynd, being Jannene Disher, during normal business hours at 250 401-4100 or at the Municipal offices located at 5400 North Access Road, Chetwynd, B.C. The information in this Permit of a personal nature is collected for the purpose of administration of the Permit to be issued under the Parks and Public Places Regulation Bylaw.

**DISTRICT OF CHETWYND PARKS AND PUBLIC PLACES REGULATION BYLAW
NO. 926, 2010**

SCHEDULE “B”

PARKS AND PUBLIC PLACES USE – DAMAGE DEPOSITS

The following damage deposits are to be paid as follows:

PERMIT	DAMAGE DEPOSIT
Parks and Public Places Use Permit	\$500.00
1. Where the use of the Permit Area does not cause damage to the Permit Area, the Damage Deposit shall be repaid to the Permittee. However, the Permittee shall be responsible for the costs of cleanup and/or damage to the Permit Area or any other park, highway or other public place or property and such costs will be deducted from the damage deposit, and the balance returned to the Permittee. If the cleanup and/or damage occurred exceeds the amount of the damage deposit, the Permittee must pay the excess amount of the repair and/or cleanup costs to the District of Chetwynd within fourteen (14) days of receiving an invoice.	
2. Failure to pay the costs of cleanup and/or damage may result in the denial of future Permits under the District of Chetwynd Parks and Public Places Regulation Bylaw being issued to the Permittee, or to another applicant, for an event of a similar nature.	