



District of West Vancouver

Parks Regulation Bylaw

Bylaw No. 4867, 2015

Effective Date: January 11, 2016

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Parks Regulation Bylaw No. 4867, 2015

A bylaw to regulate the use of parks.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for a Parks Regulation Bylaw;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This Bylaw may be cited as Parks Regulation Bylaw No. 4867, 2015.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

- 3.1 Bylaw No. 3110, 1984 (adopted on July 30, 1984) and the following amendment bylaws are hereby repealed:

Amendment Bylaw	Effective Date
Bylaw No. 3583, 1990	May 28, 1990
Bylaw No. 3752, 1992	June 22, 1992
Bylaw No. 3870, 1994	March 14, 1994
Bylaw No. 4037, 1997	April 21, 1997
Bylaw No. 4327, 2003	July 28, 2003
Bylaw No. 4341, 2003	July 14, 2003
Bylaw No. 4359, 2003	December 15, 2003

Part 4 Definitions

4.1 Words in this Bylaw shall have the same meaning as given by the Community Charter unless otherwise defined in this Bylaw or unless the context otherwise requires.

4.2 In this bylaw:

“Beach” means any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shell, shingle, or coastal vegetation

“Bylaw Enforcement Officer” means:

- (a) special constables, officers, members or constables of the provincial police force as defined in section 1 of the *Police Act* or a municipal police force;
- (b) bylaw enforcement officers appointed pursuant to the *Police Act* and *Community Charter*;
- (c) local assistants to the fire commissioner under section 6 of the *Fire Services Act*;
- (d) parks rangers; and
- (e) any other person designated by Council to administer and enforce this Bylaw;

“Director” means the Director of Parks, Culture and Community Services of the Municipality or that person’s designated representative

“Graffiti” means the unauthorized placing of letters, symbols, etchings or marks on a surface, including by drawing, writing, carving, painting or any other means

“Helmet” means a protective device intended to be worn on the head that must:

- (a) have a smooth, rigid and durable outer surface,
- (b) be constructed so that the helmet is capable of absorbing energy on impact,
- (c) be strongly attached to a strap designed to be fastened under the chin of the person wearing it, and
- (d) be undamaged from use or misuse

“In-line skates” means any footwear or device which may be attached to the foot or footwear, to which wheels are attached and such wheels may be used by the wearer for moving or propulsion, including but not limited to skates commonly known as rollerblades or roller skates

“Liquor” shall have the same meaning as in the *Liquor Control and Licensing Act*, RSBC 1996, c 267

“Mobility aid” is a device used by a person with a mobility disability that is designed to assist or improve the mobility of that person

“Municipality” means the District of West Vancouver

“Park” means any real property or interest therein within the Municipality that is held or used for pleasure or recreation uses of the public and includes public parks, playgrounds, roads, paths, trails, beaches, pools, grounds of buildings and facilities owned by the Municipality, golf courses, playing fields, the land held under any lease granted to the Municipality by Her Majesty the Queen, the foreshore and land covered by water, and municipally-owned upper lands

“Person” shall have the same meaning as in the *Interpretation Act*, RSBC 1996, c 238

“Skateboard” means all wheeled objects, coasters, scooters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power, and does not include bicycles or in-line skates

“Trail” means a way, thoroughfare, path or sidewalk within a park that is set apart and improved by grading, gravelling, or other means for the use of pedestrians and non-motorized devices

“Vehicle” shall have the same meaning as in the *Motor Vehicle Act*, RSBC 1996, c 318.

- 4.3 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 4.4 In this Bylaw, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine.
- 4.5 This Bylaw does not apply to:
- (a) the Director, Bylaw Enforcement Officers, or emergency response personnel acting in the course of their duties; or
 - (b) persons performing their duties as employees of the Municipality.

Part 5 Regulations and Prohibitions

General Regulations

- 5.1 All persons must obey all signs and notices posted by the Director in accordance with this Bylaw in or on any park.
- 5.2 No person shall violate any bylaw, rule, regulation, or notice of the Municipality in or on any park.

Park Hours and Closures

- 5.3 The Director may post hours and dates that parks will be open to the public, and may, at any time, close any park or part thereof to the use of the public, or restrict the hours of opening and closing of any park if, in his opinion such closure is necessary:
- a) for the lawful use of the park for an event, work or undertaking permitted under this Bylaw;
 - b) to protect the park from damage or threat of damage;
 - c) to prevent or assist the prevention of a breach of the peace or threat thereto, or other violation of the criminal law;
 - d) to protect members of the public from injury or damage, including when a park or portion thereof is unsafe for use or when works of maintenance or repair are being carried on by any official, employee, agent, or contractor of the Municipality; and
 - e) in the event of a natural disaster or possibility thereof.

- 5.4 No person shall enter or remain in a park or a part thereof during the times that the park or part thereof is closed.

Protection of Parks

- 5.5 No person shall do the following in or on any park:

- a) cut, break, damage, deface, destroy, graffiti, burn, tamper with, improperly use or remove any thing including any building, structure, playground, artwork, fence, netting, sign, notice, seat, bench, ornament, sprinkler, lamp post, or artificial turf;
- b) cut, break, injure, damage, deface, burn, remove or destroy any tree, shrub, turf (real or artificial), fungi, flower, seed, or plant;
- c) disturb, frighten, injure, trap, harm, kill or snare any animal;
- d) cross, travel on or use any park, trail, sports field or any portion thereof where signs have been posted prohibiting such crossing, travelling or use;
- e) use any sports field, artificial turf, court, skateboard park or trail other than in accordance with the rules for use posted in the park;
- f) tamper with, obstruct or vandalize any tap, pipe, fountain, reservoir, river, stream, lake, pond, pool, hydrant or similar thing in or on any park;
- g) foul, pollute, obstruct or deposit any matter or thing in or on any fountain, reservoir, pool, river, stream, lake, pond, ocean or water; or
- h) deposit or dump:
 - i. any waste, litter, debris, offensive matter or other substance of any kind in or on any park, except in receptacles provided for the waste or substance, or
 - ii. any household, business, construction or garden waste in any park, including in any municipal waste receptacle.

Nuisances and Obstructions

- 5.6 No person shall do the following in or on any park:

- a) obstruct or interfere with the lawful free use and enjoyment of any park by any person, including any person participating in an event, work or undertaking authorized by permit issued by the Director;

- b) play golf or strike a golf ball, except on a golf course;
- c) fly any motor driven aircraft, model aircraft or glider;
- d) shoot an arrow or practice archery;
- e) play or participate in paint-ball;
- f) erect or construct, or cause to be erected or constructed, a tent, building or structure, including a temporary structure such as a tent, except as permitted by the Director;
- g) obstruct or cause to be obstructed, any official, employee, agent, Bylaw Enforcement Officer or contractor of the Municipality in the exercise of any of his or her lawful duties;
- h) consume liquor or possess liquor in an open container, except pursuant to and in compliance with a licence issued under the *Liquor Control and Licensing Act*;
- i) take up a temporary abode overnight; or
- j) do anything that does, or tends to, endanger or disturb any person, including swimmers, bathers or pedestrians in or around a beach, pool, dock or pier in any park.

Helmets

- 5.7 Unless such activity is permitted in a park, no person shall propel, coast, ride on or in any other way use a bicycle, in-line skates or a skateboard in a park unless that person is properly wearing a helmet on his or her head, except if that person is a person for whom the wearing of a helmet would interfere with an essential religious practice.
- 5.8 No parent or guardian of a person under the age of 16 years shall authorize or knowingly permit that person to propel, coast, ride or in any other way use a bicycle, in-line skates or a skateboard in a park unless that person is properly wearing a helmet on his or her head, except if that person is a person for whom the wearing of a helmet would interfere with an essential religious practice.

Swimming

- 5.9 No person shall swim in, be in, or use any wading pool or any area around or adjacent to any wading pool, spray park or water park in or on any park when such pool or park is closed.
- 5.10 Persons in or on any park, including any beach, pool or body of water in, on or adjoining any park, shall obey all commands or orders of any person duly authorized to give such commands or orders, including the manager of a pool or facility or a lifeguard.

Fires, Fireworks, Barbecues and Smoking

- 5.11 No person shall, without first obtaining the written permission of the Director, fire or explode any combustible or explosive matter in or on any park.
- 5.12 No person shall light, ignite or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever, or allow such fire to remain unextinguished, in or on any park, except where authorized by this Bylaw or as permitted by the Director.
- 5.13 No person shall use a barbecue or cooking apparatus of any kind in any park in contravention of a sign or posted notice.
- 5.14 Any person using a barbecue or cooking apparatus must dispose of used embers, coals or by-products in receptacles provided for that purpose or remove them from the park.
- 5.15 No person shall throw or place any lighted match, cigar, cigarette or similar thing or any burning substance or thing in or on any park.
- 5.16 No person shall smoke in any park:
- a) where the Fire Chief has made a declaration that the risk of fire in the Municipality is high or extreme, during the period that such declaration is in effect; or
 - b) where the Director has posted notice prohibiting smoking in that park.

Boats

- 5.17 No person shall use any motorized boat, motorboat, water sled, water skis or other water borne contrivance or thing propelled by a motor in the immediate vicinity of any park or beach in a manner that does or may endanger, disturb or otherwise interfere with the free use and enjoyment of the park, beach or adjoining water.

- 5.18 No person shall use the municipal boat-launching ramp located in the 1300 block of Argyle Avenue to launch or retrieve Jet Skis, Sea Doos, motorized surfboards, or water sleds.

Traffic

- 5.19 No person shall ride, drive or operate a vehicle, animal or motorized device, including an electric bike or ATV but excluding a mobility aid in or on any park, other than in an area or on a road or trail designated for that purpose by signage, and in the manner designated by signage.

Park Uses Requiring Permission

- 5.20 No person shall do the following in or on any park, except as permitted by the Director:

- a) encumber or obstruct a trail or road;
- b) sell or expose for sale any refreshment, goods, article or thing or offer any service for a fee in or on any park;
- c) hold, congregate or take part in any procession, march, drill, demonstration, performance, ceremony, concert, gathering, meeting or similar thing in or on any park;
- d) post, paint, or affix any advertisement, bill, poster, picture, matter or thing in or on any park or on any tree, post, pole, building, structure or thing in or on any park, or engage in the distribution or delivery of advertising material in any park or in any building, structure or thing in any park;
- e) operate or use any amplifying system or loudspeaker in or on any park;
- f) build, clear an area for, construct or in any way create a new trail, or modify an existing trail, in or on any park;
- g) deposit, leave or store, or cause to be deposited, left or stored, any thing; or
- h) install or place any structures, signs, benches or artwork.

- 5.21 No person shall use any facility, artificial turf, sports fields, golf course or golf facility or in or on any park for any organized sport, game or activity except as permitted by the Director and after having paid all fees and charges that may be imposed under the Municipality's *Fees and Charges Bylaw*, as amended.

Part 6 Removal of Chattels from Parks

- 6.1 Any vehicle, vessel or other chattel, structure or thing that is standing, parked, placed, left, moored or abandoned contrary to any provision of this Bylaw or that is otherwise unlawfully occupying a portion of a park may be seized and dealt with by the Director or a Bylaw Enforcement Officer in accordance with the procedure specified in the *Traffic and Parking Bylaw*, as amended.

Part 7 Delegation

- 7.1 In addition to other authorizations found in this Bylaw, the Director is authorized to:
- a) establish park hours;
 - b) grant permission and issue permits under this Bylaw;
 - c) establish terms and conditions for permissions and permits granted under this Bylaw;
 - d) order to authorize the erection of notices and signs for the regulation, control or prohibition of the following in a park or portion thereof:
 - i. traffic and parking;
 - ii. the use of barbecues and cooking apparatus;
 - iii. smoking; and
 - iv. the use of trails, artificial turf, sports fields, facilities, buildings, structures or devices.

Part 8 Offence and Penalty

- 8.1 Every person who violates a provision of this bylaw, or who consents, allows or permits any act or thing to be done in contravention or violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 8.2 Every person who commits an offence is liable on summary conviction of a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

- 8.3 Notwithstanding the remedies, penalties and fines specified within this Bylaw, a person found in contravention of this Bylaw may be subject to penalties under the *Municipal Ticket Information System Implementation Bylaw* and *Bylaw Notice Enforcement Bylaw*, as amended or replaced.

READ A FIRST TIME on December 14, 2015

READ A SECOND TIME on December 14, 2015

READ A THIRD TIME on December 14, 2015

ADOPTED by the Council on January 11, 2016

[Original signed by Mayor]

Mayor

[Original signed by Municipal Clerk]

Municipal Clerk