



BYLAW NO. 2007

PARKS AND OPEN SPACES BYLAW

A bylaw regarding the use of parks and open spaces.

WHEREAS the Council may, under the authority of Section 8 of the *Community Charter*, impose requirements respecting persons, property, things, and activities in relation to parks as public spaces;

AND WHEREAS the Council deems it desirable to regulate, prohibit and impose requirements respecting persons, property, things and activities in relation to public places;

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, hereby enacts as follows:

1. ADMINISTRATIVE PROVISIONS:

- 1.1 This bylaw may be cited as "Bylaw No. 2007 – Parks and Open Spaces Bylaw" and takes effect as of the date of adoption.
- 1.2 If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portion of the bylaw.
- 1.3 "Bylaw No. 1989 – Parks and Open Spaces Bylaw", and all amendments are repealed.
- 1.4 Schedules A is attached to and forms part of this bylaw.

2. DEFINITIONS:

2.1 In this bylaw, unless the context otherwise requires:

ANIMAL AT LARGE means an animal which is unrestrained or uncontained.

CAMP means to stay overnight in a tent, vehicle, or other form of shelter, for the purposes of recreation or leisure, usually for a fee.

CHATTELS means a moveable item of personal property, including Temporary Shelter.

DIRECTOR means the person appointed by the Town to lead the Community Services Department, Development Services Department, Operations Department, or Fire Department, and their designates.

FIRE means the open combusting or burning of materials. Fire size must be no larger than 0.5 m in height.

HIGHWAY means a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

LITTER means any filth, garbage, rubbish, refuse, offensive matter or discarded material of any kind.

NUISANCE means an unreasonable interference with someone's use and enjoyment of the Park.

OFF-HIGHWAY VEHICLES means a vehicle propelled by a motor that is designed for off-road travel, and includes vehicles having two, three or four wheels, whether known as dirt bikes, quads, or by any other name, but excludes conventional trucks or cars with off-road capabilities that are licensed under the *Motor Vehicle Act*.

PARK means land that is identified in the Zoning Bylaw as P-1, P-2, or P-4. This includes public parks, campgrounds, playgrounds, cemeteries, driveways in parks, recreation centres, golf courses, play fields, fairgrounds, linear parks, trails for hiking, biking and riding, and all other park lands that are under the custody, care, management, or jurisdiction of the Town of Smithers. A Park does not include land designated as a Highway.

SMOKING includes the following:

- a) smoke or hold lighted cannabis, tobacco, or other substances; or
- b) use a device that is vaporizing cannabis, tobacco, or other substances for inhalation or release into the air; and
- c) this excludes ceremonial use of smoke as part of an Indigenous Peoples traditional cultural activity.

TEMPORARY SHELTER means a structure, improvement, shield or cover used or intended to be used to protect people or property on a temporary basis and that is not permanently affixed to land, and which may include a tent, tarp, lean-to, or other similar thing, whether made of cardboard, tarpaulin, canvas, nylon, polyester, plastic, or brush.

TEMPORARY OVERNIGHT SHELTERING means to stay overnight in a tent, or other form of temporary shelter, in an allowable temporary overnight sheltering area as a means of emergency shelter for those experiencing homelessness or are in need of immediate shelter.

VEHICLE means a device in, on, or by which a person or thing is or may be transported or drawn on a Highway, except a device designated to be moved by human power or used exclusively on stationary rails or tracks.

WILDLIFE means animals prescribed by regulation as wildlife.

ZONE means a zone as provided for in the Zoning Bylaw of the Town of Smithers, and amendments thereto.

3. GENERAL PROVISIONS:

The following provisions apply to all persons in a Park:

3.1 No person may use any land in a Park in contravention of this bylaw or in contravention to a sign which has been posted prohibiting or regulating such use.

3.2 Fireworks and Fires

No person may:

- a) Commit an offence to any provision within the Town of Smithers Fireworks Bylaw, and all amendments, as it applies to lands designated as Parks.
- b) Commit an offence to any provision within the Town of Smithers Open Burning Bylaw, and all amendments, as it applies to lands designated as Parks.

3.3 Vegetation

No person may:

- a) Destroy, damage, break, remove or injure any shrub, plant, turf, flower or other vegetation.
- b) Destroy, damage, cut down, top, deface or remove any trees.
- c) Plant any tree, sapling, shrub, flower, or other vegetation unless authorized to do so by the Director.

3.4 Camping

No person may:

- a) Camp in any Park that is not a campground, including for the purposes of Temporary Overnight Sheltering.
- b) Erect, construct, or build, Temporary Shelter in or on any Park, that is not a campground, except those described in Section 3.5.

3.5 Temporary Overnight Sheltering

- a) Temporary Overnight Sheltering may only occur where designated by cross hatching on Schedule A of this Bylaw. Temporary Overnight Sheltering may not occur on Parks or Open Spaces outside of these designated areas.
- b) Temporary Shelter, erected, constructed, or built, in the lands identified in Schedule A, must be set up in accordance with the following allowable Temporary Overnight Sheltering hours:
 - i. Summer hours apply April to September: Set up no sooner than 6PM and taken down no later than 9AM the following morning.
 - ii. Winter hours apply October to March: Set up no sooner than 3PM and taken down no later than 9AM the following morning.
- c) Shelters in the Temporary Overnight Sheltering Area must not contain any wood, metal, or other construction material.
- d) All shelters must fit in the space provided by the Town, no larger than 8' X 8', any shelter that does not fit the space will be removed by Town Staff.
- e) All belongings in the Temporary Overnight Sheltering Area, must be kept within the shelter, any items not on the platform will be removed by Town staff and discarded as per section 3.6 of this bylaw.
- f) Chattels including tarps, blankets or other materials must not be affixed to or placed on perimeter fencing. Items found on fencing will be removed by Town staff without notice.
- g) The use or possession of propane bottles, propane cook stoves, barbecues, or open flame is strictly prohibited within the Temporary Overnight Sheltering Area
- h) All shelters must maintain a 4-foot space between them for fire safety, the Town without warning may move the shelter to maintain a 4-foot distance between shelters.

- i) A shelter that has been unoccupied for more than seventy-two (72) hours will be deemed abandoned and placed into storage for 14 days, if not claimed by its owner will be disposed of accordingly.
- j) No animals are allowed to stay in the sheltering area.
- k) A person must not have a generator, work bench, workshop, or wood stoves in the Temporary Overnight Sheltering Area.
- l) Only one bike per person permitted in the Temporary Overnight Sheltering Area.
- m) A person must not create loud music or any other nuisance sound while utilizing the Temporary Overnight Sheltering Area

3.6 Removal, Seizure, Impoundment and Disposition

- a) Town staff, a peace officer, or a Community Safety Officer may remove, seize, and impound or cause the removal, seizure, or impoundment of any Chattels or thing that unlawfully occupies, or has been unlawfully placed or left unattended, in a Park or Open Space.
- b) Chattels or things left unattended or removed, seized, or impounded under this section may be immediately and permanently disposed of without notice or compensation to any person if it is rubbish, hazardous material, or a bulky item.
- c) Chattels or things retained will be kept for a maximum of 14-days during which an owner may attend a Town facility to claim ownership the chattel or thing.
- d) Unclaimed chattels or things may be disposed of after the retention period at a landfill, recycling facility, or other waste disposal facility.
- e) Nothing in this Bylaw shall be construed to impose a private law duty of care on any Town employee, agent of the Town, or police officer with regard to the removal, seizure, impounding, return, disposal or donation of any property or thing pursuant to this Bylaw or any related statutory authority.

3.7 Waste

No person may:

- a) Deposit Litter.
- b) Pollute, or deposit any injurious, noxious or offensive substance, object, or matter in any lake, river, pool, pond, stream or other body of water.

- c) Urinate, defecate, or deposit human waste of any kind.
- d) Leave, discard, store or abandon personal belongings of any kind, except as permitted by the Director.

3.8 Animals

No person may:

- a) Commit an offence to any provision within the Town of Smithers Animal Control and Licensing Bylaw, and all amendments, as it applies to lands designated as Parks.
- b) Permit any animal belonging to them, or in their custody, possession or control, to break down, destroy or otherwise damage any tree, shrub or other plant material.
- c) Leave any animal waste deposited by any animal belonging to them or under the person's care or control.
- d) Allow any dog or other animal to run at large with the exception of areas designated as an off-leash area by the Director.
- e) Ride, lead, drive or graze a horse, livestock or other animal except in areas where designated by the Director.

3.9 Smoking

No person may:

- a) Smoke on or within 6 meters of lands designated school grounds within the Town of Smithers Zoning Bylaw and Official Community Plan.
- b) Discard or place on the ground or on or in any combustible material, any lighted item including a match, cigarette, cigar, pipe, e-cigarette, vapourizer or other lighted Smoking equipment, burning tobacco, cannabis, or other substances in all Parks. Un-lighted items may be discarded in provided receptacles for litter or recycled material.

3.10 Disorderly Conduct

No person may:

- a) Commit an offence to any provision within the Town of Smithers Noise Bylaw, and all amendments, as it applies to lands designated as Parks.
- b) Commit an offence to any provision within the Town of Smithers Nuisance Bylaw, and all amendments, as it applies to lands designated as Parks.

- c) Put at risk the personal safety of any person.
- d) Use or operate any device or behave in a manner as to create a Nuisance, disturb, interfere with, intimidate or obstruct the free use and enjoyment of the Park by other persons.
- e) Drive, operate or park any motor vehicle except where authorized by the Director.
- f) Operate any Off-Highway Vehicle in any Park, except where authorized by the Director.
- g) Climb fences, trees, or any structures except those designed, constructed, and certified for use.
- h) Operate or use any amplifying system or loudspeaker unless authorized by the Director.

3.11 Damage to Parks

No person may:

- a) Damage or destroy any court, green, grounds, or lawns located in any Park.
- b) Commit an offence to any provision within the Town of Smithers Anti-Graffiti Bylaw, and all amendments, as it applied to lands designated as Parks.

3.12 Selling

No person may:

- a) Commit an offence to any provision within the Town of Smithers Business License Bylaw, and all amendments, as it applied to lands designated as Parks.
- b) Sell, display, or distribute refreshments, or any other goods, articles, or service unless authorized by the Director.
- c) Hold any show, concert, exhibition, or similar activity unless authorized by the Director.

3.13 Wildlife

No person may:

- a) Feed, or attract wildlife, in lands designated as Parks and Open Space.

4.0 OFFENCES AND PENALTIES

- 4.1** Any person who violates or contravenes any provision of this Bylaw or fails to abide by the direction of a Community Safety Officer, RCMP, or Peace Officer, is punishable and is liable on a Bylaw offence notice to a fine or penalty as described by the Town of Smithers Bylaw Notice Enforcement Bylaw.
- 4.2** Each day a violation or contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

5.0 TRANSITION SUNSET CLAUSE

- 5.1** Section 3.5 and Schedule 'A' of this bylaw shall be repealed on April 30th, 2027.

TOWN OF SMITHERS
BYLAW NO. 2007 – PARKS AND OPEN SPACES BYLAW
Page 9

READ A FIRST TIME THIS 24th DAY OF MARCH 2026.

READ A SECOND TIME THIS 24th DAY OF MARCH 2026.

READ A THIRD TIME THIS 24th DAY OF MARCH 2026.

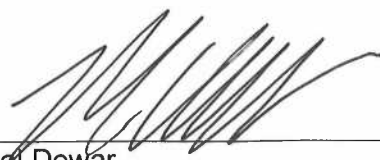
ADOPTED THIS 14th DAY OF APRIL 2026.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of

SEAL

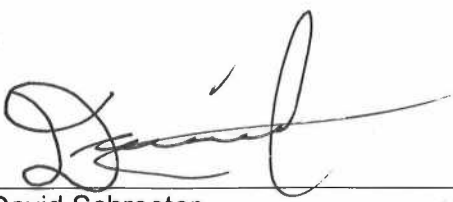


Mayor
Gladys Atrill



Michael Dewar
Chief Administrative Officer

CERTIFIED A TRUE AND CORRECT
COPY of Bylaw No. 2007 cited as "Parks
and Open Spaces Bylaw No. 2007".



David Schroeter
Corporate Officer

