

VILLAGE OF KEREMEOS

BYLAW NO. 808, 2013

Revised October 3rd, 2017

CONSOLIDATED FOR CONVENIENCE WITH AMENDMENT BYLAW NO. 808-1,
808-2, 808-3 AND 808-4

Parks Regulation Bylaw

WHEREAS the Community Charter empowers Council to make rules and regulations governing the management and use of parks acquired or held by the Village;

NOW THEREFORE the Council of the Village of Keremeos in open meeting assembled enacts as follows:

CITATION

1. This Bylaw may be cited as "Parks Regulation Bylaw No. 808, 2013"

DEFINITIONS

2. In this Bylaw unless explicitly defined in another way:

"Bylaw Enforcement Officer" means the persons duly appointed by Council as such and shall include any peace officer or RCMP officers.

(Added by Bylaw No. 808-2)

"Camping Equipment" includes portable cooking equipment, sleeping bags or rolls, backpacks or packsacks, tents, tarps or lean-tos.

(Added by Bylaw No. 808-2)

"Campsite" includes any place of temporary abode and any place where Camping Equipment is left or stored. "

"CAO" means the Chief Administrative Officer of the Village of Keremeos or person delegated by her to act on her behalf.

"Council" means the Council of the Village of Keremeos.

"Game" means fallow deer, bison and reindeer.

(Deleted by Bylaw No. 808-2)

"Homeless Person"

"Livestock" means cattle, goats, horses, sheep, swine and game being raised for agricultural purposes.

(Replaced by Bylaw No. 808-3)

"Park" means a public park, playground, road in a park and other public place that is not a street and that is owned by or under the custody, care and management of the Village.

(Added by Bylaw No. 808-4)

"Smoke or Smoking" means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe, electronic cigarette, or other smoking equipment, that burns or vaporizes tobacco, marijuana or any other substance.

(Replaced by Bylaw No. 808-3)

"Trail" means any footpath, pathway, trail or pedestrian access route that is owned by or under the custody, care and management of the Village.

"Vehicles" means and includes all conveyances for the carriage or transport of persons, passengers, goods or materials, whether drawn by animals or propelled by any mechanical device or other motive power whatsoever, and shall include trailers, boats, boat trailers, bicycles, motorcycles, tricycles, rollerblades, and skateboards.

"Village" means the Village of Keremeos.

EXEMPTIONS

3. Notwithstanding anything contained in this Bylaw or any other Bylaw of the Village to the contrary, all officers, officials, employees and agents of the Village, and emergency first responders including police, ambulance and fire, while acting in the exercise and within the scope of their duties, shall be exempt from the provisions of this Bylaw.

GENERAL REGULATIONS

4. Advertising

No person shall within a park:

- a) deliver, distribute, post, paint or affix any advertisement, promotional material, poster, bill or advertising; or
- b) use or permit the use of any advertising vehicle

without the prior written permission of the CAO.

(Section 5(a.1) added by 808-1)

5. Animals

- a) A person having the control of an animal shall not allow it to run at large in a park and must clean up after the animal.

- (a.1) Dogs shall be allowed to run at large only within the fenced area of the dog off-leash park located on Parcel A (DD 133709F and Plan B6291) of District Lot 174 SDYD, 801 Veterans Avenue, while under the control of a responsible adult."
- b) No person shall bring, ride, drive or herd horses or other livestock within any Park.

6. Damage

No person shall within a park:

- a) remove, cut, break, injure or in any way destroy or damage any tree, shrub, plant turf, sod, or flower;
- b) damage or deface any building, structure, fence, sign, seat, bench, equipment, or ornament;
- c) damage, deface, clutter or block any boulevard, driveway, roadway, trail, path or lane;
- d) damage, deface or destroy any notice, sign, rule or regulation erected, posted or affixed to any building, structure, fence, seat or bench by order or permission of the Village;
- e) climb, walk or sit upon any wall, fence or other structure unless it is designed and intended for such purpose;
- f) cross, travel on, use or walk upon any grassed plot or land where signs have been posted forbidding such use;
- g) drive any vehicle over any grass area or flower bed or on any footpath or promenade;
- h) foul, litter or pollute, in any way, any fountain, stream, or other body of water;
- i) deposit or leave or cause to be deposited or left any matter or thing or break any glass bottle or container ;
- j) deposit any waste, offensive material or other substance of any kind into or upon any tree, shrub, plant, turf, sod, flower, building, structure, fence, sign, seat, bench, ornament, grassed plot, fountain, stream, or other except in the receptacles provided for such purpose;
- k) remove soil, earth, topsoil, dirt or other material from lands;
- l) willfully, maliciously or carelessly let off, turn on, or discharge any water so that the water runs to waste and useless out of any tap, pipe, hydrant or other fixture;
- m) throw or place upon the ground any lighted match, cigar, cigarette or other burning substance;

- n) light a fire or set off fireworks;
- o) willfully, maliciously or carelessly damage or destroy the greenspace, grounds, or trails.

7. Construction

- a) No person shall erect, construct, build, occupy or cause to be erected, constructed, built or occupied, in any Park any tent, building, structure, shelter, pavilion or any other construction whatsoever except with the prior written permission of the Council;
- b) The Village may remove or cause to be removed from any Park any encroachment, temporary abode, tent, building, shelter, pavilion, structure, obstruction or vehicle or other construction whatsoever located within a Park contrary to the provisions of this Bylaw at the expense of the responsible person.

(Section 8 "Temporary Overnight Shelter" replaced by Bylaw 808-2)

8. No Camping

- a) No person shall at any time in or on any park, take up temporary or permanent abode including, but not limited to:
 - i) in any motorhome, recreational vehicle, camper, trailer, or vehicle of any type used for the purpose of self-contained living or camping; or
 - ii) in any form of temporary shelter including a tent, lean-to or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material unless expressly authorized by the Village.
- b) No person shall establish or set up a campsite on or within any park unless expressly authorized by the Village."

(Section 9 replaced by Bylaw 808-2)

9. Hours of Operation

- a) No person shall enter, occupy, or be present in any Park between the hours of 11:00 o'clock in the PM and 6:00 o'clock in the AM on the following morning; provided, however, that the Village may at its discretion, grant written permission to any person or persons to occupy a specific park during the hours of closure aforesaid, for such limited time as it may determine."

10. Interference

No person shall:

- a) hinder or interrupt or cause to be hindered or interrupted any officers, officials, employees and agents of the Village in the exercise of any of the powers and authorities by authority of the *Local Government Act, Community Charter*, or in

- b) this Bylaw authorized or contained or while overseeing activities in any park;
disobey a lawful command or obstruct any Bylaw Enforcement Officer;
- c) in any way interfere with or obstruct the use or enjoyment of the park by any other person.

11. Nuisance

No person shall within a Park:

- a) behave in a disorderly or offensive manner;
- b) molest or injure any other person;
- c) pester, interfere with or become a nuisance to the general public;
- d) undress or dress, except in the places specifically provided for such purpose and no person improperly clad shall be allowed the use of any park.
- e) create any undue disturbance, congregation or alarm that will cause or tend to cause panic, excitement, or any hazard, annoyance or interference with other persons or the general public present at or immediately adjacent to any park.
- f) make a public address or demonstration or do any other thing likely to cause a public gathering or attract public attention without the prior written permission of the Village;
- g) operate any amplifying system or loud speaker in any Park without the written permission of the Village.

12. Loitering and Congregating

No person shall within a park:

- a) loiter in any washroom facility, or conduct himself in such manner as to be objectionable to other persons or the public in or immediately adjacent to any such washroom facility;
- b) permit a public gathering of more than 25 people except when organized and controlled by the Village to be held in any park or playground , unless authorized by written consent of the Council under section 17 of this bylaw;
- c) enter a park which has been closed to public access by the CAO.

13. Liquor

- a) No person shall possess liquor within a park at any time, except where the liquor is possessed pursuant to and in compliance with a licence under the *Liquor Control and Licensing Act*.

(Section 14 replaced by Bylaw 808-4)

14. Smoking

- a) No person shall smoke anywhere within a park at any time, including buildings or structures within parks.

15. Bathing Restrictions

No person shall:

- a) enter in any water in or adjoining any park without being properly clothed;
- b) bathe in any water in or adjoining any Park using soap or other products manufactured for the purposes of cleansing the hair and/or skin.

16. Sale of Goods and Services

- a) No person shall sell or expose for sale any refreshments or any article or thing or offer any service for a fee within a park without holding a valid business licence to vend as issued by the Village in accordance with the Village's Business Licence Bylaw.
- b) Subsection 15(a) does not apply to events organized by Similkameen Country or other group who has written authority from the Village to hold an event with vendors so long as the vendor is registered with Similkameen Country or group in possession of the written authority.

16. Vehicles

- a) No person shall park a vehicle at a park other than in a designated area and in accordance with posted signs;
- b) No person shall drive or propel or permit to be driven or propelled, any vehicle within a park except upon a driveway, roadway, path, lane, or parking area designed for vehicular traffic.
- c) No person shall use a vehicle to occupy or travel on any driveway, roadway, trail, path, lane or boulevard within a park where signs have been posted prohibiting such use, occupation or travel;
- d) In addition to any other penalty provided for in this Bylaw, any vehicle found within a parking contravention of this Bylaw is subject to seizure and removal from the park at the expense of the owner or operator of the vehicle.

17. Permitted Activities

The following activities may be held in the park only with the prior written consent of the Village:

- a) Processions, parades, rallies, demonstrations, marches, drills and races;

- b) Performances, concerts, weddings;
- c) Ceremonies, festivals, community events, fairs, exhibitions, gatherings meetings or other special events

Events and activities permitted under this section are subject to the terms and conditions that may be set out by the Village.

LOSS OF ACCESS RIGHTS

- 18.** Where the CAO, or his designate or a Bylaw Enforcement Officer or Peace Officer is of the opinion that a person or group within a park is contravening any provision of this Bylaw, or any other enactment, that person or group:
- a) must cease contravening the provisions of the Bylaw, or other enactment,
 - b) may be required by the CAO, Bylaw Enforcement Officer or Peace Officer to leave the Park ;
 - c) may, on written notice from the CAO, forfeit their right of access to the Park and Community Facilities for a period of time stipulated in writing by the CAO.

SEIZURE OR DETENTION

- 19.** Camping equipment, vehicles, or other items in contravention of this Bylaw shall be dealt with as follows:
- a) The CAO, Peace Officer, or Bylaw Enforcement Officer appointed by the Council, or Village staff or contractor acting under the direction of the CAO, may remove any camping equipment, vehicles, or other items left or stored in a Park or public space and any other items comprising a part of a campsite in a manner contrary to the provisions of this Bylaw and take such equipment to a place of safekeeping until it is returned to the owner or disposed of in accordance with Section 19(b) of this Bylaw.
 - b) For removal, detention and impounding of camping equipment, vehicles, or other items pursuant to section 19 (a) of this Bylaw, the following fees are payable to the Village prior to the owner being entitled to the return of the equipment or vehicle:
 - i) for each occasion that the CAO, or staff or contractor acting under his direction, or Peace Officer or Bylaw Enforcement Officer, are engaged in the removal of the camping equipment, vehicle, or other items to the place of detention and safekeeping: \$35.00; and
 - ii) for each day the camping equipment, vehicle or other items are stored or detained: \$2.50 per day, to a maximum of \$75.00 for camping equipment and other items and no maximum for vehicles.

- c) The owner of any camping equipment, vehicles, or other items removed and detained pursuant to Section 19(a) shall pay any applicable fees for the removal or detention prior to the Village releasing the camping equipment and items to the owner.
- d) If a vehicle is removed, detained or impounded and not claimed by its owner within 48 hours, written notice must be given by registered mail to the registered owner at his or her address as shown on the records of the Registrar of Motor Vehicles, advising the owner of the seizure and impoundment, the sum payable to release the vehicle and the date of advertising for sale by public auction if unclaimed.
- e) Upon the expiration of 30 days from any removal or detention under section 19(a) the Village may put the camping equipment, vehicle, or other items up for sale by public auction and recover any fees accrued pursuant to Section 19(b) from the proceeds of the sale, or may dispose of the seized items as deemed necessary. Before selling camping equipment, a vehicle, or other items at public auction, the Village must advertise the time and place of the proposed public auction in a newspaper circulating in the Village, giving at least seven days notice of such proposed sale.
- f) The proceeds of sale by public auction must be applied first to the cost of the sale, second to the fees, cost and expenses of the Village or its towing contractor, and the balance shall be held for the owner. If the balance remains unclaimed at the end of one year from the date of sale, such balance must be paid into the general revenue of the Village.
- g) Despite any provision in subsections 19(a) through (f), the CAO, Bylaw Enforcement Officer, or Peace Officer may request vehicles be removed from Parks or community facilities by a properly licenced and authorized towing company for which applicable towing and storage fees shall be payable to that company under their standard operating practices.

ENFORCEMENT

20. A person who:

- a) violates any provision of this Bylaw, or does any act or thing which violates any provision of this Bylaw, or suffers or allows any other person to do any act or thing which violates any provision of this Bylaw;
- b) neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or
- c) fails to comply with an order, direction, or notice given under any provision of this Bylaw, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this Bylaw

is guilty of an offence against this Bylaw, and may be enforced by means of a ticket in the form prescribed in the *Community Charter, Local Government Act and Regulations*.

PENALTY

21. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not more than ten thousand (\$10,000.00) dollars plus the cost of prosecution for each offence.
22. Each day that a contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

SEVERABILITY

23. If any section, subsection, sentence, clause or phrase of this Bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of the Bylaw.

REPEAL

24. "Parks and Municipal Property Control Bylaw No. 244, 1979" and its amendments are hereby repealed.

READ a first, second and third time this 2nd day of July, 2013

ADOPTED this 15th day of July, 2013

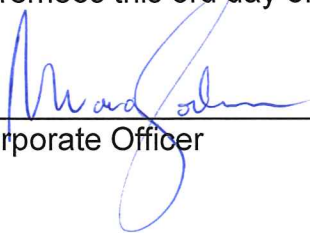
"Manfred Bauer"

MAYOR

"Laurie Taylor"

Chief Administrative Officer

Consolidated under the provisions of the Community Charter to include Bylaw 808-1, 808-2, 808-3 and 808-4. Printed under the authority of the CAO of the Village of Keremeos this 3rd day of October, 2017.



Corporate Officer