

REGIONAL DISTRICT OF CENTRAL OKANAGAN

PARKS BYLAW NO. 755

A bylaw to make rules and regulations governing the management, control and usage of property for park purposes.

WHEREAS the Regional District of Central Okanagan operates the function of Division XVIII - Regional Parks and the local service of community parks.

AND WHEREAS the Parks (Regional) Act and the Municipal Act empower the Regional District of Central Okanagan to by bylaw make rules and regulations governing the management, control and usage of parks.

NOW THEREFORE the Regional District of Central Okanagan in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "The Regional District of Central Okanagan Parks Regulations Bylaw No. 755, 1997".
2. The Regional Parks Regulations Bylaw No. 101 and all amendments thereto are hereby repealed.
3. DEFINITIONS:

In this Bylaw the following words and terms shall have the meaning hereby assigned to them.

- a) "Beach" shall mean any park land adjacent to a body of water designated for public swimming, extending 100 ft. back from an established high water mark.
- b) "Being at Large" shall mean not being attached to a leash, maximum 6 metres long, held under direct and constant control by a person.
- c) "Board" shall mean the Regional Board of the Regional District of Central Okanagan.
- d) "Director" shall mean the Director of Parks and Facilities or persons authorized by the Director.
- e) "Driveway" shall mean and include any way or thoroughfare set apart and improved for the use of pedestrians, vehicular or animal traffic, within any park.
- f) "Litter" shall mean any garbage, cans, bottles, papers, ashes, refuse, cuttings, trash or rubbish.
- g) "Park" shall mean any Regional Park and any land under Regional District tenure used for community park purposes and shall include without restricting the generality of the foregoing within such park all playgrounds, squares, greens, driveways, roadways, paths, beaches, buildings, but shall not include any highway passing through such park that has been dedicated as highway by plan of subdivision or that has been laid out, constructed and maintained by the Ministry of Transportation & Highways of the Province of British Columbia or a local government.

- h) "Person" shall mean and include natural persons, associations, bodies corporate, bodies politic, and partnership, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns, or other legal representative of such person to whom the context can apply according to law. The singular shall, when necessary, be held to mean and include the plural; the masculine; the feminine; and the converse thereof.
- i) "Region" shall mean the Regional District of Central Okanagan as defined in the Letters Patent and Amendments thereto.
- j) "Regional Park" shall mean land acquired and dedicated as a park in accordance with the Regional Parks Act, 1996, Chap. 345.
- k) "Vehicle" shall mean and include all conveyances for the carriage or transport of persons, passengers, goods or materials, whether drawn by animals or propelled or pulled by any mechanical or muscular device or other motive power whatsoever, and shall include trailers, bicycles, tricycles, in line skates and skateboards.
- l) "Dusk" shall mean 30 minutes later than the official sunset time for Kelowna, BC as recorded by the Ministry of Environment.
- m) "Owner" shall mean in respect of an animal or bird, the person who is possessor or harbourer.

4. GENERAL

- (1)(a) No *person* shall enter or be in a *park* between *dusk* and 6:00 am the following day unless the park is otherwise posted.
- (b) No *person* shall enter or be in a *park* which is closed to the public.
- (2) No *person* shall deposit or leave any *litter* in or upon a *park* except in the receptacles provided for such purpose.
- (3) No *person* shall play a physical game in a *park* contrary to the rules and regulations posted in the *park* or attached to the permit to regulate such game.
- (4) A *permit* pursuant to this bylaw is required to be obtained by the organizer before a tournament, organized sport or series of physical games is held in a *park*.
- (5) No *person* shall play a physical game in or on a *park* except upon or in such portions thereof as are specifically designated for such purpose by signs posted or as authorized on a *permit* pursuant to this bylaw.
- (6) No *person* shall willfully, maliciously or carelessly damage or destroy a *park* or portion thereof.
- (7) No *person* shall obstruct or interfere with any *person* who is lawfully using any *park*, except where a portion or all of a *park* is given a permit for an exclusive specific use, the *person* or organization may control access to that portion of the *park* which has been approved for an *exclusive specific use*.
- (8) No *person* shall cut, break, pull up, injure, destroy or damage in whole or in part, plants, building facilities or appurtenances in a *park*.
- (9) No *person* shall damage or destroy any signs or regulations posted in a *park* by the *Region*.

- (10) Except for catching domestic animals unlawfully in a *park*, no person shall interfere with birds and animals in a *park*.
- (11) No *person* shall feed any wildlife in a *park*.
- (12) Except where a *park* or a portion of a *park* has been designated in Schedule B as a *park* which may be used with dogs off leash, no *person* being the *owner* of any animal or bird shall allow such animal or bird to be at large in a *park*.
- (13) Except where a *park* or portion thereof has been designated in Schedule B as a *park* which may be used with dogs, no *person* being the *owner* of a dog shall allow such dog to be in a *park*.
- (14) No *owner* shall allow dung from his dog to be left on a *park* except in receptacles provided for such purposes.
- (15) An *owner* shall immediately remove and dispose in a sanitary manner dung left by his dog in a *park*.
- (16) No *person* shall hit a golf ball in a *park*.
- (17) No *person* shall climb, walk or sit upon any wall, fence or other structure in a *park* unless the wall, fence or structure has been designed and designated for such use.
- (18) No *person* shall erect in a *park*, a tent, building, shelter or other structure whatsoever without obtaining approval for an exclusive specific use from the *Region* unless otherwise posted.
- (19) Section 4(18) does not apply to small personal shelters which are in a *park* from 6:00 am to *dusk*.
- (20) No *person* shall engage in lewd or sexual acts in a *park*.
- (21) No *person* shall engage in violent acts in a *park*.
- (22) No *person* shall possess or consume liquor in a *park* except in premises where the liquor is possessed pursuant to and in compliance with a license issued under the Liquor Control and Licensing Act, RSBC.
- (23) No *person* shall conduct any procession, march, drill, performance, ceremony, concert or gathering of 12 or more people in a *park* without and first obtaining a *permit* for such purpose from the *Region*.
- (24) No *person* being the *owner* of a domestic animal or bird shall allow such animal to enter upon any beach area or to swim at a designated swimming area in a *park* or the water adjacent to a *park*.
- (25) No *person* shall use a boat, motorboat, personal or motorized watercraft within a designated swimming area in a *park* under the legal tenure of the Regional District.
- (26) No *person* shall use a boat, motorboat, personal or motorized watercraft or other means of conveyance on water under the legal tenure of the Regional District, within the immediate vicinity of any designated swimming area that endangers or interferes with the free use of the water for bathing or swimming.
- (27) No *person* shall carry or discharge firearms, air guns, air rifles, air pistols, spring guns or other weapon in a *park*.
- (28) No *person* shall fire or explode any combustible or explosive material in a *park*.

- (29) No *person* shall make an open fire in a *park*, except in facilities provided for such purposes or as otherwise posted.
- (30) No *person* shall throw or place upon the ground in a *park* a lighted match, burning cigarette, burning cigar or other burning material.
- (31) No *person* shall sell or expose for sale any refreshment, article, merchandise or thing in a *park* except as authorized by a permit pursuant to this bylaw.
- (32) No *person* shall conduct business or provide a commercial service in a *park* except as authorized by a permit issued pursuant to this bylaw.
- (33) No *person* shall post up, paint or distribute advertisements or handbills of any kind in a *park*.
- (34) No *person* shall contravene the directions, instructions or prohibitions set out in any sign posted in a *park* pursuant to the provisions of this bylaw.
- (35) No *person* shall remove for personal or commercial purposes any thing from a *park*.

5. VEHICLES

- (1) No *persons* shall grease, wash, clean or repair any *vehicle* in a *park* except where repairs are necessitated because of the breakdown of a *vehicle* in or adjacent to a *park*.
- (2) No *person* shall, in any *park*, park a *vehicle* or allow a *vehicle* to stand or remain parked during the hours that the *park* is closed pursuant to this bylaw.
- (3) No *person* shall ride or drive any horse or other animal or drive or propel or permit to be driven or propelled any *vehicle* within a *park* except upon a *driveway* made and provided for such purpose unless otherwise posted.
- (4) No *person* shall, in any *park*, drive any animal or *vehicle* upon any *driveway* that is designated for the use of pedestrians by a sign posted pursuant to this bylaw, provided, however, invalids' chairs and baby carriages shall be allowed on such posted paths but the same shall not be permitted to interfere with the free use of such paths by pedestrians unless otherwise posted.
- (5) No *person* shall drive a *vehicle* in any *park* that is closed pursuant to the provisions of this bylaw.
- (6) No *person* shall, in a *park*, ride or drive any horse or other animal or drive or propel any *vehicle* in excess of the speed posted on a sign limiting the rate of speed for such *driveway*.
- (7) No *person* shall, in a *park*, ride or drive any horse or other animal or drive or propel any *vehicle* in a manner that is unsafe or a nuisance or danger to other persons or animals or property within the *park*.
- (8) No *person* shall, in a *park*, fail to bring his horse, animal or *vehicle* to a stop upon the direction of a Peace Officer or any person authorized by the Region to supervise traffic within the *park*.
- (9) No *person* shall, in a *park*, fail to stop a *vehicle* or animal under control of such person whenever any horse or other animal shows signs of fright or getting out of control as a result of the movement of such animal or *vehicle*.

- (10) No *person* shall, in a *park*, ride or drive any horse or other animal or drive or propel any *vehicle* in any direction on any *driveway* contrary to a sign erected pursuant to the provisions of this bylaw.
- (11) No *person* shall, in a *park*, use, stop on, occupy or travel along or upon any roadway in such manner as to obstruct or interfere with any person lawfully using the same.
- (12) No *person* shall, in a *park*, park a *vehicle* in any area except in areas designated for such purpose.
- (13) The maximum speed limit shall be 15 kmph on any *driveway* in a park unless otherwise posted.
- (14) Only *vehicles* displaying disabled stickers may park in disabled parking stalls.

6. AUTHORITY OF THE DIRECTOR OF PARKS

- (1) The *Director* is authorized to order to be removed or cause to be removed from a *park*:
 - a) any obstruction placed therein contrary to the provisions of this bylaw.
 - b) any thing erected therein contrary to the provisions of this bylaw.
 - c) any *vehicle* parked or left standing therein contrary to the provisions of this bylaw.
 - d) any sign placed therein contrary to the provisions of this bylaw.
 - e) any motor vehicle being used or driven in a manner contrary to the provisions of this bylaw.
 - f) any boat, motor boat or personal motorized watercraft parked or moored contrary to the provisions of this bylaw.
- (2) The *Director* may cause signs to be erected in *parks* that:
 - a) designate the maximum speed to be travelled by *vehicles* on *driveways*.
 - b) designate areas where parking of *vehicles* are permitted.
 - c) designate the direction that *vehicles* are to travel upon *driveways*.
 - d) designate areas that are to be used for certain functions or purposes.
 - e) set out rules and regulations governing the use of certain facilities.
 - f) designate areas in which certain activities are prohibited.
 - g) limit the use of *driveways* or other facilities.
 - h) give warning of danger.
 - i) prohibit entry to the *park* or facilities.

- (3) The *Director* may issue permits to persons or organizations which authorize:
 - a) the use or the exclusive specific use of a *park* or portion of *park* for tournaments or organized sports under the terms and conditions set out in such permits for periods up to seven (7) consecutive days or for the season of an organized sport.
 - b) the construction, building or erection of tents or other structures or facilities under the terms and conditions set out in such permits for use for periods up to fourteen (14) consecutive days.
 - c) the conducting of procession marches, drills, performances, ceremonies, concerts or gatherings and meetings for more than twelve (12) persons under the terms and conditions set out in such permits for any one day period.
 - d) the selling of refreshments, articles, merchandise, or the conducting of business in accordance with the adopted policies of the *Board*.
- (4) The *Director* is authorized to charge the fee set out in Schedule A for a permit for the use or exclusive specific use of a *park* or portion thereof.
- (5) The *Director* is authorized to collect and hold a damage deposit in the amount set out in Schedule A where a permit is issued for the use or exclusive specific use. Such deposit to be returned less any monies expended to repair damages.

7. ENFORCEMENT

- (1) Where the Director removes or causes to be removed a *vehicle* or thing from a *park* pursuant to Section 6(1) of this bylaw, such removal shall be at the expense of the *person* who caused such structure, *vehicle*, sign or other thing to be within the *park* contrary to the provisions of this bylaw.
- (2) Any *vehicle*, structure or other thing removed pursuant to the provisions of this section may be moved to a place of safe keeping and the cost of storage at such place shall be paid by the person claiming ownership of such object in addition to the cost of removal. If the owner of such *vehicle*, structure or thing has not claimed the same within thirty (30) days of its removal from the park it may be disposed of by sale or destruction as directed by the *Board*. If a *vehicle* is removed and the *vehicle* bears a current licence plate the registered owner shall be given notice by registered mail of the location of such *vehicle* at the address of such registered owner as shown on the records of the Motor Vehicle Branch and if the registered owner fails to claim the *vehicle* within thirty (30) days and pay the cost of removal and storage then the *vehicle* may be sold by public auction and any price obtained for such *vehicle* shall be applied first to the cost of removal and storage and secondly the balance, if any, shall be paid to the registered owner as shown on the records of the Motor Vehicle Branch.

8. EXEMPTIONS

- (1) Notwithstanding anything contained in this bylaw, the officers, officials, employees and contractors of the Region, while exercising their duties, shall be exempt from the provisions of this bylaw.

9. PENALTY

- (1) Every *person* who contravenes a provision of this bylaw is liable, on summary conviction to a fine not exceeding \$2000.00, or upon conviction of a ticket offence under the Municipal Ticket Information bylaw the fine imposed under that bylaw.

SCHEDULE A

Schedule of **PARKS/FIELDS** rental rates.

There is no charge for field or park use permits. This is under review in the 1998 Parks Budget.

There will be a security/damage deposit payable of:

0 - 100 people: \$500
Over 100 people: Additional \$500 per 100 people

For events serving alcohol or as designated by the Regional Board:
\$300 per event

Schedule of **EECO CENTRE** rental rates:

Half day or evening use: \$35
Full day use: \$75

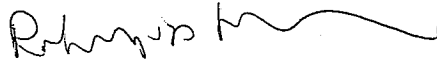
READ A FIRST TIME THIS 6TH DAY OF OCTOBER, 1997

READ A SECOND TIME THIS 6TH DAY OF OCTOBER, 1997

READ A THIRD TIME THIS 6TH DAY OF OCTOBER, 1997

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 6TH DAY OF

OCTOBER, 1997



Chairperson



Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 755 cited as "Regional District of Central Okanagan Parks Regulations Bylaw No 755, 1997" which was read a third time by the Regional Board at its meeting held on the 6th day of October, 1997.

Dated at Kelowna, B.C. this 16th day of October, 1997



Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 755 cited as "Regional District of Central Okanagan Parks Regulations Bylaw No.755, 1997" which was reconsidered and adopted by the Regional Board at its meeting held the 6th day of October, 1997

Dated at Kelowna, B.C. this 16th day of October, 1997



Secretary

SCHEDULE B

REGIONAL DISTRICT OF CENTRAL OKANAGAN

DOG PARKS

Antlers Beach / Hardy Falls Regional Park	Highway 97 Peachland
Glen Canyon Regional Park	Aberdeen Road Westbank
Kalamoior Regional Park	Collins Hill Road Lakeview
Mill Creek Regional Park	Spencer Road Kelowna
Misson Creek Regional Park	Springfield Road Kelowna
Rotary Trails	Gellatly Road Westbank
Westside Aquatic Park*	Gellatly Road Westbank

*Dogs off leash in specified area.