

CITY OF PORT COQUITLAM

PARKS, FACILITIES AND PUBLIC PLACES BYLAW, 2022

Bylaw No. 4274

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Parks, Facilities and Public Places Bylaw 2022, No. 4274”.

2. DEFINITIONS

In this bylaw:

BULLY means to engage in verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication;

BUS STOP means a section of a street which is reserved for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;

BYLAW ENFORCEMENT OFFICER means every person employed by the City of Port Coquitlam for the purpose of enforcement of the City's bylaws and includes members of the RCMP;

CITY means the Corporation of the City of Port Coquitlam;

CONTROLLED SUBSTANCE means opioids, cocaine, methamphetamine, and MDMA, as defined at Schedules I and III to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time;

DIRECTOR means the Director of Recreation or that person's designated representative;

DISORDERLY CONDUCT means causing a public disturbance and, without limiting the generality of the foregoing, includes: engaging in riotous, violent, threatening or illegal conduct; yelling, screaming, shouting; indecency and profane, blasphemous or grossly insulting language; and any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

DRUG PARAPHERNALIA means equipment, product or accessories intended or modified for using a Controlled Substance;

ENVIRONMENTALLY SENSITIVE AREAS means areas or landscape features identified in a plan, map or City bylaw as environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for another similar purpose that is compatible with the conservation of ecological features and functions of the site;

FIGHT means a violent physical confrontation between two or more people;

GATHERING means an assembly or meeting, held for a specific purpose such as instructional, social or festive, that restricts public access to an area within a park, public space or facility;

GRAFFITI means one or more letters, symbols, writing, pictures or marks, however made, posted, scratched, painted or drawn on any structure or thing but does not include any of the following:

- a) a sign, public notice or traffic control devices authorized by the Director of Engineering and Public Works appointed by Council of the City of Port Coquitlam;
- b) a sign authorized by the Sign Bylaw, No. 2638 as amended or replaced from time to time;
- c) a public notice authorized by a City bylaw or by provincial or federal legislation; or
- d) a letter, symbol or mark on a building or structure for which the owner or tenant of the building or structure has given prior, written authorization, such as a mural;

LOITER means to idly remain in a space without a lawful excuse;

PARK/FACILITY means land dedicated, owned or controlled (including jointly controlled) or used by the City as a public park, passive park, sports field, playground, cemetery, trail, garden, square, plaza, outdoor sport courts, swimming pools, park shelters or recreational facilities and all buildings and other improvements upon such land;

PROHIBITED MATERIAL means an item as defined in Schedule A;

PUBLIC PLACE means the following:

- a) real property of portions of real property to which the public is ordinarily invited or permitted access and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, swimming pools, city facilities, conservation area;
- b) Park/Facility
- c) School Grounds; and
- d) any other place to which the public has either express or implied access.

SCHOOL GROUNDS means parks, playgrounds, paths, trails, sport courts, playing fields, buildings and other places under the custody, care, management and/or jurisdiction of School District No. 43 (Port Coquitlam);

SPIT means to eject phlegm, saliva, chewing tobacco juice, or any other substance from the mouth;

STRUCTURE means a free standing, non-permanent, portable structure that can be erected and taken down and relocated without the need for tools for construction or deconstruction of its constituent elements, such as a tent;

UNHOUSED PERSON means a person with no fixed address or no predictable residence to return to on a daily basis and no access to public shelter facilities.

3. APPLICABILITY

- 3.1 This bylaw shall apply to every Park/Facility and Public Place within the boundaries of the City.
- 3.2 Notwithstanding anything contained in this bylaw or any other bylaw of the City to the contrary, all officers, officials, employees and agents of the City, while acting in the exercise and within the scope of their duties, shall be exempt from the provisions of this bylaw.

4. POWERS OF DIRECTOR AND RENTAL AGREEMENTS

- 4.1 The Director may:
- a) designate certain areas of a Park/Facility for a specific use and may prescribe certain rules and regulations for the use and may prescribe such times desired by the Director for such use;
 - b) issue written permission for any recreational activity, tournament, series of games, competition, procession, march, drill, performance, festival, ceremony, concert, gathering, political gathering or event, or meeting and may charge rent for the use of any Park/Facility or portion thereof as set down in the City's current Fees and Charges Bylaw;
 - c) require a person to submit proof of insurance in respect of an activity upon or use of a Park/Facility as a condition for the issuance of a rental agreement;
 - d) upon request, issue a special event and/or special occasion permit for such use, and such persons and vehicles as the Director permits, to enter or be in a specific Park/Facility while or during such times as the park is closed; such permit shall be displayed or produced upon request to any Bylaw Enforcement Officer or City staff;
 - e) establish hours for the daily opening and closing of a Park/Facility and temporarily extend the set hours; and
 - f) designate areas that are closed to members of the public.
- 4.2 The following events may only be held in a Park/Facility with a valid Rental Agreement and/or Special Event License authorizing the event:
- a) a tournament, series of games or competition;
 - b) a parade, procession, march or drill;
 - c) a performance, festival or concert;
 - d) a ceremony, wedding or gathering;
 - e) a political gathering or event;
 - f) a meeting; or

- g) offer any service or private instruction.

4.3 The Director may, in issuing a Rental Agreement and/or Special Event License:

- a) place restrictions and limits as deemed necessary or desirable;
- b) issue the Rental Agreement and/or Special Event License subject to such terms and conditions as deemed necessary or desirable; and
- c) require the Licensee to acquire and maintain insurance in an amount and form satisfactory to the City.

4.4 The Director shall not be obliged to issue any Rental Agreement and/or Special Event License.

4.5 The Director may amend, suspend, revoke or refuse to issue a Rental Agreement and/or Special Event License to any person or group who has contravened the provisions of any previous Rental Agreement and/or Special Event License issued to that person or group or contravened the provisions of this bylaw or any other enactment.

5. PARK/FACILITY HOURS AND CLOSURE

Unless otherwise specified by the Director, Park/Facility shall be closed to the public from dusk till dawn, subject to the following exceptions:

- a) the following locations shall remain closed from 11:00 p.m. to 5:00 a.m. on all days:
 - Cedar Park
 - Cemetery
 - Citadel Landing
 - Donald Street Pathway
 - Gates Park
 - Skyline Park
 - Blakeburn Lagoons
 - Chelsea Park
 - Maple Street Dog Park
 - Shaughnessy Dog Park
 - Terry Fox Hometown Plaza
- b) Rowland Park shall be closed to the use of the public:
 - i. from 10:00 p.m. to 9:00 a.m. each day during the months from April 1 to September 30 of each year; and
 - ii. from 8:00 p.m. to 9:00 a.m. each day during the months from October 1 to March 31 of each year.

6. PARK/FACILITY REGULATIONS

- 6.1 Any person undertaking an activity in a Park/Facility shall assume all risk inherent in that activity.
- 6.2 No parent or guardian of any person under the age of 12 years shall allow the minor in their care to be inadequately supervised at any time while on or in any Park/Facility.
- 6.3 A person shall not encroach upon or take possession of a Park/Facility by any means whatsoever, including, without limitation, by constructing, installing, storing or maintaining of a fence, gate, building, or other fixture or chattel, unless authorized by written approval from the City.
- 6.4 A person must not, in any Park/Facility:
- a) damage the Park/Facility through any of the following:
 - i. in any manner disturb ground which is under repair, prepared for planting, newly seeded or in an area posted to that effect;
 - ii. in any manner decorate, mark or adorn any sign, tree, natural feature, building or structure; or
 - iii. plant or deposit any plant life or vegetation, including any plant life or vegetation that is deemed to be a noxious weed under the *Weed Control Act*, RSBC 1996 c 487, as amended or replaced from time to time;
 - b) do any of the following involving fire or barbeques:
 - i. build or attempt to build an open fire or fire pit unless authorized by a rental agreement;
 - ii. use a charcoal or other solid-fueled portable barbeque unless authorized by a rental agreement; or
 - iii. leave a barbeque or fire without extinguishing the barbeque or fire and ensuring the remaining embers are extinguished;
 - c) engage in any sport except in areas designated for any such specified activities. Without limiting the generality of the foregoing, no person shall:
 - i. play golf or strike a golf ball;
 - ii. shoot an arrow or practice archery;
 - iii. throw axes, knives or boomerangs;
 - iv. ski, toboggan, snowboard, skibob, or sled;
 - v. operate any remote-controlled or other powered device, including model versions of aircrafts, boats, rockets, vehicles, or drones;
 - vi. take part or assist in any activity involving thrown or otherwise propelled objects such as pucks, balls or rings;unless in an area designated for that activity.

- d) instruct or offer to instruct another person in a sport, game or activity in the expectation of a fee, reward or other benefits, without the prior written permission of the Director;
- e) ride or lead a horse, except in those areas designated for equestrian use or unless authorized by a written approval by the Director;
- f) cycle, skate, skateboard or use any other wheeled device propelled by human power, motor or gravity, except in those areas designated for such activities;
- g) engage in reckless skating or cycling;
- h) fish in any area posted to prohibit fishing;
- i) tether, launch or land any fixed-wing aircraft, helicopter, hot air balloon, hang glider, ultra light aircraft, drone, or similar conveyance unless authorized by a rental agreement;
- j) gamble or wager, unless authorized by a rental agreement and the Gaming Policy and Enforcement Branch of British Columbia;
- k) swim, bathe or wade in the waters of any fountain or ornamental pond;
- l) fail to obey the instructions of any lifeguard or other authorized City personnel while in or adjacent to any public swimming pool, spray park, spray pad or natural body of water;
- m) drive, operate, stop, park or leave a vehicle, trailer, golf cart/buggy, scooter, moped, ridden or herded animal or other mode of transportation, not including a device designed to be moved by human power, on any blacktop, gravelled, sanded or grassed area not designated as a public highway or for public parking.
- n) disobey a sign that states regulations or conditions for use of a Park/Facility; or
- o) take part in an unauthorized activity in an area designated for a specific activity.

7. SAFE USE OF PUBLIC PLACES AND PUBLIC NUISANCES

7.1 While in, on or near a public place, a person must not:

- a) possess or use any weapon as defined by Section 2 of the *Criminal Code of Canada*, unless expressly permitted;
- b) possess or use any explosive or explosive substance unless authorized under the Explosives Act, RSC 1985 c E-17.
- c) participate or engage in Disorderly Conduct;
- d) urinate or defecate, except in a provided public or private toilet facility;
- e) fight;
- f) bully any person, or encourage any person to Bully any other person;
- g) undress except in places specifically provided for such purposes;

- h) carry on or permit an activity of a hazardous or unsafe nature which may endanger life, safety, health, property or public peace; or
- i) display or use a Controlled Substance or Drug Paraphernalia.

7.2 While in or on a Public Place, a person must not:

- a) spit at a person;
- b) consume or possess an open alcoholic beverage, unless
 - i. in compliance with a licence issued under the *Liquor Control and Licensing Act*, R.S.B.C., c. 267; or
 - ii. in a designated area that permits the consumption of alcohol;
- c) be intoxicated by alcohol or other substance so as to be unresponsive to verbal communication or unable to care for themselves;
- d) loiter and thereby obstruct any other person's use of a portion or feature of a Public Place;
- e) climb a building, structure, fixture or piece of equipment, unless it is designed and intended for climbing, such as playground equipment or similar recreational equipment;
- f) abandon, discard or leave unattended items, including but not limited to litter, other than in a receptacle designated for this purpose; or
- g) occupy or sleep horizontally across a bench located at a bus stop so as to interfere with the ability of another person to use the bench.

7.3 No person shall deface, cut, remove, alter, destroy or damage a tree, shrub, plant, ground, structure, building, traffic control device or any other manner of real or personal property in a public place, unless expressly authorized by an enactment.

8. STRUCTURES

8.1 No person shall erect or occupy a Structure in a Public Place.

8.2 Despite sections 5 and 8.1 but subject to section 8.2 an Unhoused Person may erect and occupy a temporary Shelter in a Park/Facility, between the hours of 7:00 p.m. on one day and 9:00 a.m. on the following day.

8.3 A person may not erect or occupy a Structure:

- a) in the following Park/Facility:
 - Gates Park;
 - Granny Smith Park;
 - Leigh Square;
 - Lions Park; or
 - Veterans Park;
 - Terry Fox Hometown Plaza

- b) within 15 metres of any playground, community garden, sports field, tennis court, picnic shelter, gazebo, stage, water park, skate park, parking lot, public washroom, ornamental garden, horticultural display, established trail, sidewalk or private property;
- c) within an area designated by the City as an Environmentally Sensitive Area;
- d) on School Grounds;
- e) within 50 metres of any area of a park that has been designated for an event or activity under a valid and subsisting permit issued by the City; and
- f) as to obstruct a street, sidewalk or parking lot or interfere with the lawful use of a street, sidewalk or parking lot by a person or vehicle.

9. GRAFFITI

- 9.1 No person shall place Graffiti on any wall, fence, building or other structure, improvement or thing located within the boundaries of the City.
- 9.2 Any person who acts contrary to Section 9.1, or who directs, supervises or aids another person in acting contrary to Section 9.1, shall promptly and at their own expense:
- a) comply with any notice or direction of a Bylaw Enforcement Officer to have the offending Graffiti removed; and
 - b) take remedial action to have the affected site restored to the state it was in before the contravention of Section 9.1 occurred.

10. DUMPING

- 10.1 No person shall
- a) deposit, discard or abandon any garbage, waste, organics, recyclable material, large items or Prohibited Material;
 - b) use a vehicle to facilitate anything in 10.1(a)
- within the boundaries of the City, other than at a waste management centre or in a container scheduled for collection and delivery to a waste management centre.
- 10.2 Any person who acts contrary to Section 10.1, or who directs, supervises or aids another person in acting contrary to Section 10.1, shall pay all costs incurred by the City in restoring the site to the state it was in before the contravention.
- 10.3 For the purposes of Section 10.1, each separate discarded item shall constitute a separate offence.
- 10.4 The owner of a vehicle used in the contravention of section 10.1 is liable for that contravention, notwithstanding that at the time of the contravention, the vehicle is in the possession of another person.

10.5 The owner of a vehicle shall not be held liable under section 10.6 if the owner establishes that:

- a) the person who was, at the time of the contravention, in possession of the vehicle was not a person entrusted with the possession of that vehicle by the owner;
- b) the owner exercised reasonable care and diligence when the person entrusted the vehicle to the person who was, at the time of the contravention, in possession of the vehicle; or
- c) that the registered owner of the vehicle is not the owner.

11. SEIZURE OF OBJECTS UNLAWFULLY OCCUPYING PUBLIC PLACE

11.1 A Bylaw Enforcement Officer may remove, seize, and impound any object that unlawfully remains, or has been unlawfully placed or left in a Public Place.

11.2 After the removal, seizure or impoundment of any object referred to in section 11.1, a person entitled to its possession may obtain its release by contacting the Bylaw Services division during regular business hours to arrange for the release prior to its disposal under section 11.3.

11.3 The City may sell or otherwise dispose of any object not reclaimed under section 11.2

- a) after 14 days of the removal, seizure or impoundment of the object, if in the opinion of the person exercising the power in Section 11.1, the objects value is more than \$100; or
- b) immediately if the object's value is less than \$100.

12. RESTRICTION OF ACCESS

12.1 A Bylaw Enforcement Officer may direct a person to leave a Public Place if that person is acting in contravention of this bylaw, or any other enactment.

12.2 Any person directed to leave a Public Place by a Bylaw Enforcement Officer must proceed immediately to outside the boundaries of that Public Place.

12.3 A Bylaw Enforcement Officer may issue a prohibition notice restricting access to a specific Park/Facility or other Public Place if a person is acting in contravention of this bylaw, or any other enactment, in that place.

12.4 A prohibition notice issued under section 12.4 applies for a term of three (3) months.

12.5 A prohibition notice under 12.4 shall be in the form of that attached as Schedule "B".

12.6 No person shall enter or remain on a Public Place contrary to a prohibition notice.

13. OBSTRUCTION OF BYLAW ENFORCEMENT OFFICER

13.1 No person shall interfere with, hinder or obstruct a Bylaw Enforcement Officer or employee in the exercise or performance of their powers, duties or functions, including by:

- a) refusing to provide identification (name, address if applicable and date of birth) to a Bylaw Enforcement Officer investigating a violation of this bylaw;
- b) interfering with, or attempting to obstruct a Bylaw Enforcement Officer who is conducting enforcement action in relation to this bylaw;
- c) providing false or misleading information to a Bylaw Enforcement Officer; or
- d) failing to cease any activity or conduct that is in contravention of this bylaw when directed to do so by a Bylaw Enforcement Officer.

14. OFFENCE, PENALTIES AND ENFORCEMENT

14.1 Any person who:

- a) contravenes or violates any provision of this Bylaw;
- b) allows any act or thing to be done in contravention or violation of this Bylaw;
- c) fails or neglects to do anything required under this Bylaw;

commits an offence and is liable on summary conviction pursuant to the *Offence Act* to a fine not less than \$5,000 and not more than \$50,000, imprisonment for not more than six months, or to both.

14.2 Each day that a contravention of a provision of this Bylaw continues is a separate offence.

14.3 This bylaw may be subject to penalties under the Bylaw Notice Enforcement Bylaw or Ticket Information Utilization Bylaw.

15. REPEAL

15. 1 Park and Facilities Bylaw, 2003, No. 3421, is repealed.

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16. SEVERABILITY

- 16.1 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.

READ A FIRST TIME this	12 th day of	July, 2022
READ A SECOND TIME this	12 th day of	July, 2022
READ A THIRD TIME this	12 th day of	July, 2022
ADOPTED this	19 th day of	July, 2022

BRAD WEST

Mayor

CAROLYN DEAKIN

Corporate Officer

RECORD OF AMENDMENTS

Bylaw No.	Section(s) Amended	Date
4318	Section 2, Controlled Substances	2023 07 11

SCHEDULE "A"
PROHIBITED MATERIAL

For the purpose of this bylaw, Prohibited Material shall include material identified as the following:

- agricultural waste;
- any product within a "product category" as defined under the Recycling Regulation, B.C. Reg. 449/2004, as amended from time to time;
- any product that is "hazardous waste" as defined under the Hazardous Waste Regulation, B.C. Reg. 63/88, as amended from time to time;
- asbestos;
- automobile bodies and parts;
- biomedical waste;
- commercial appliances;
- dead animals;
- demolition, land clearing, and construction waste;
- electronics and electrical products;
- gypsum;
- hospital office waste;
- inert fill materials including soil, sod, gravel, concrete, and asphalt;
- lead acid batteries;
- liquids and sludge;
- oil containers, oil filters, paint products, solvents, and flammable liquids;
- mattresses;
- pesticide products;
- pharmaceuticals;
- radioactive and reactive waste;
- refuse that is on fire, smoldering, flammable, or explosive;
- refuse that could cause undue risk of injury or occupational disease to any person at a designated disposal site or that would otherwise contravene the Occupational Health and Safety Regulation, B.C. Reg. 296/97;
- small household appliances;
- tires; and
- wood waste.

SCHEDULE "B"
PROHIBITION NOTICE

City of Port Coquitlam Prohibition Notice													
Date of Issuance:	Prohibited from Entering the Following Public Place:												
Person Prohibited: _____	_____ _____ _____ _____												
Address:	_____ _____												
Date of Expiry:	Reason: _____ _____												
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