



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3421

A Bylaw to regulate, govern and manager the park/facility property and recreational facilities of The Corporation of the City of Port Coquitlam

WHEREAS section 517 of the Local Government Act authorizes a municipality to operate any service that the Council considers necessary or desirable for all or part of the municipality;

AND WHEREAS Council of the Corporation of the City of Port Coquitlam has established parks and recreation as a municipal service;

AND WHEREAS section 305.1 of the Local Government Act gives the Corporation of the City of Port Coquitlam possession and control of dedicated parks and public squares;

AND WHEREAS section 518.1 of the Local Government Act authorizes Council, by bylaw, to regulate in relation to a municipal service;

AND WHEREAS section 523 of the Local Government Act authorizes Council, by bylaw, to regulate all uses of or involving a public place;

NOW THEREFORE Council of the Corporation of the City of Port Coquitlam, in open meeting assembled, pursuant to the above-referenced and other authority, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the “Park and Facilities Bylaw, 2003, No. 3421.

2. ESTABLISHMENT OF SERVICE

To the extent that the municipal service of parks and recreation has not already been established, Council hereby establishes this service.

3. INTERPRETATION & DEFINITIONS

3.1 DEFINITIONS:

In this Bylaw:

Authorized Sign means any sign, notice, or other device approved by Director used to communicate information that has been placed or erected upon a park/facility to advertise to or otherwise notify the public regarding the identification or management of a park/facility or the regulation or prohibition of any activity upon or use of a park/facility;

Bylaw Enforcement Officer means an individual appointed by Council as a Bylaw Enforcement Officer from time to time;

Building Official includes Manager of Building Permits and Inspections, Chief Building Inspector, Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the City.

City means The Corporation of the City of Port Coquitlam;

Council means the elected Council of the City;

Designated Area means an area or portion of a park/facility designated by the Director for a specific use or activity;

Director of Designate means the Director of the Parks and Recreation Department or appointed designate(s);

Firearm includes, a rifle, handgun or spring gun, crossbow, longbow, air pellet rifle and any other weapon which releases a projectile;

Fireworks means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosive Regulations as Low Hazard Fireworks for recreation (Class 7.2.1) such as firework showers, fountains, golden rain, lawn lights, pinwheels, volcanoes and sparklers; or model rocket engines as defined in Fire and Emergency services Bylaw, No. 3562.

Hunt includes to chase, pursue, follow after or on the trail of, search for, shoot at, stalk or lie in wait for, worry, molest, take or destroy any animal, whether or not the animal is captured, injured or killed;

Lifeguard means an individual, of at least 16 years of age, who is trained and certified in the National Lifeguard Service Award Program as defined in the 1972 BC Health Act for Swimming Pools;

Liquor means spirits, wine, beer, or any combination thereof, and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;

Organized Gathering means a picnic, event or gathering for any purpose that involves more than ten (10) individuals;

Organized Sport or Activity means a sport, game or activity by a group or organization, whether or not formally constituted and whether or not the players or members wear uniforms;

Park/Facility means land dedicated, owned or controlled (including jointly controlled) or used by the City as a public park, sports field, playground, cemetery, trail, garden, square or recreational area and all buildings and other improvements upon such land;

Police Officer includes a person designated as an enforcement officer under the *Offence Act*, R.S.B.C. 1996, c. 338;

Public Parking or Parking Space means an area of a park/facility designated for the parking of vehicles temporarily on an hourly basis with no over night parking permitted or as approved by the Director for a special event;

Rental Agreement means an agreement between a person and the City authorizing a use of or activity upon a park/facility as required under this bylaw;

Run at Large means in reference to an animal, other than a dog, to not be under the immediate care and supervision of a person, and, in the case of a dog, means to not be secured on a leash to a person;

Vehicle means a vehicle as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; and

Weapon includes a firearm and any other device designed or used for causing injury or death to any person or animal or designed or used for threatening or intimidating any person or animal.

4. **INSPECTION**

4.1 **Inspection**: The Building Official, Bylaw Enforcement Officer, Police Officers and any employees or agents of the City authorized to administer or enforce this bylaw may enter at all times on a park/facility to ascertain whether the requirements of this bylaw are being met and regulations observed.

4.2 **No Obstruction**: No person may obstruct or attempt to obstruct any Police Officer or any official, employee or agent of the City in the exercise of any of that person's duties under this bylaw.

5. **POWERS OF DIRECTOR**

5.1 **Powers**: The Director may from time to time do the following in relation to parks/facilities:

- (a) temporarily close or restrict access to any portion of a park/facility to public use for the purposes of construction, maintenance, repairs, removal of hazards, preventing overcrowding, special events, organized gatherings, organized sports or activities or any other reasonable cause;
- (b) designate sport surfaces and other areas set aside for sports or activities involving thrown or otherwise propelled objects, such as pucks, balls or rings;
- (c) designate areas where specific recreational activities are permitted or prohibited;
- (d) establish and enforce rules for specific recreational activities;
- (e) designate areas for vehicle travel;

- (f) designate public parking areas and parking spaces including hourly length of parking allowed for vehicles;
- (g) designate areas that are closed for the protection of grass, other vegetation and wildlife;
- (h) establish hours for the daily opening and closing of parks/facilities and temporarily extend the set hours of a park/facility to accommodate:
 - (i) a special event, such as a statutory holiday celebration or a Council-approved event;
 - (ii) an organized gathering; or
 - (iii) an organized sport or activity;
- (i) review applications for rental agreements and issue rental agreements;
- (j) collect fees in respect of any activity upon or use of a park/facility as prescribed by Council's Fees and Charges Policy
- (k) 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;
- (l) permit such uses or activities as necessary or desirable for the development or maintenance of any park/facility;
- (m) post authorized signs; and
- (n) make incidental rules and regulations that are not inconsistent with this bylaw.

6. RENTAL AGREEMENT APPLICATION, FEES AND ISSUANCE

6.1 Rental Agreement Application: A person desiring to use a park/facility for an activity or other use for which a rental agreement is required under this bylaw may apply for a rental agreement by following the established booking procedure and submitting to the Director, no less than 5 working days in advance of the proposed activity or use.

6.2 Approval of Application for Rental Agreement: The Director shall review all applications for rental agreements and shall issue a rental agreement to applicant if:

- (a) the applicant has submitted:
 - (i) a complete application and any additional information in relation to the activity or use described in the application that the Director may require;

- (ii) the prescribed fee for the rental agreement;
 - (iii) proof of insurance in respect of the activity or use described in the application as required by the Director;
- (b) the application is made by the person undertaking or responsible for the activity or use described in the application;
 - (c) the park/facility is available for the activity or use described in the application; and
 - (d) the activity or use described in the application:
 - (i) will not result in the contravention of any other applicable City, provincial or federal law or regulation;
 - (ii) will promote or facilitate the safe utilization of the park/facility for recreational purposes; and
 - (iii) will not interfere unduly with the enjoyment of the park/facility by others.

6.3 Retention of Rental Agreement: The recipient of a rental agreement must keep the rental agreement with him or her while using a park/facility under the authority of the rental agreement, provided that where the rental agreement recipient is a corporation, partnership or other association, the rental agreement must remain at all times in the possession of a principal officer or partner of that corporation, partnership or other association, as the case may be.

6.4 Compliance with other Governmental/Public Authority Bodies: The issuance of a rental agreement shall not relieve any person from complying with all applicable City, provincial and federal laws and regulations in force from time to time, including any requirement to possess an additional license or permit in respect of the activity upon or use of a park/facility permitted by the rental agreement.

6.5 City Exempt From Fees: The Director may exempt the City from the payment of any fees prescribed in respect of a rental agreement issued to the City.

6.6 Referral to the Parks and Recreation Committee and Council: Any applicant for a rental agreement who fails to meet the criteria stipulated in section 6.2, may apply to City Council via the Parks and Recreation Committee for approval of the rental agreement.

7. PARK/FACILITY HOURS

7.1 Park/Facility Hours: Unless otherwise specified by the Director, parks/facilities shall be closed to the public from 11:00 o'clock at night to 6:00 o'clock in the morning on all days.

- a) That Rowland Park, being Lot 2, DL 289, Plan 71092 New Westminster District, be closed to the use of the public, from 10:00 p.m. to 9:00 a.m. each day during the months from April 1 to September 30 of each year.
- b) That Rowland Park, being Lot 2, DL 289, Plan 71092 New Westminster District, be closed to the use of the public from 8:00 p.m. to 9:00 a.m. each day during the months from October 1 to March 31 of each year.

7.2 No Entry After Hours: No person, other than Police Officers and City employees or agents carrying out their employment duties, may enter upon or remain in a park/facility when a park/facility is closed, unless authorized by a rental agreement.

8. GENERAL PARK/FACILITY REGULATIONS

8.1 Restricted Areas: No person may enter into an area of a park/facility to which the admission of the public is prohibited, unless authorized by a rental agreement.

8.2 Liquor: No person may bring, keep or consume upon any park/facility any liquor, unless that person complies the *Liquor Control and Licensing Act, R.S.B.C., c. 267* and has been issued a rental agreement.

8.3 Firearms and Weapons: No person may possess or use any weapon in a park/facility, unless authorized by a written agreement with the City

8.4 Fireworks: No person may ignite, discharge or set off any firework in a park/facility, except as a controlled and supervised fireworks display authorized by a rental agreement and Regulatory Permit as defined in Fire and Emergency Services Bylaw, No. 3562.

8.5 Injury, Damage, Vandalism and Decoration: No person may, in any park/facility:

- a) climb any building or other structure or equipment unless it is designed and intended or provided for climbing;
- b) break, injure, deface, vandalize, move, remove or tamper with anything which is the property of the City, including any flower, vegetation, building, structure, swimming or wading pool, fountain, bridge, fence, wall, playground apparatus, bench, authorized sign, utility fixture or equipment;
- c) move, remove or throw stones, rocks, boulders, soil, sand or wood;
- d) in any manner disturb ground which is under repair, prepared for planting, newly seeded or in an area posted to that effect; or
- e) in any manner decorate, mark or adorn any sign, tree, natural feature, building or structure within a park/facility without the written approval of the Director.

- 8.6** Dumping: No person may dump or deposit snow, fill, soil, garden waste, building or construction materials or any discarded or unused item in any park/facility, without written approval of the Director.
- 8.7** Littering: No person may deposit any waste or offensive matter or other substance of any kind in a park/facility, except in a receptacle provided for such purposes.
- 8.8** Access: No person may cross over or otherwise use a park/facility by a vehicle to access private property for any reason without obtaining the prior written approval of the Director and paying of a damage deposit if required by the Director.
- 8.9** Encroachment: No person may encroach upon or take possession of any part 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 in or upon the park/facility, unless authorized by written approval from the City.
- 8.10** Protection of Wildlife: No person may, hunt, kill, attempt to kill, maim, injure, trap, catch, collect, remove or disturb any wildlife including and without limitation animals, fish, nest, or eggs in a park/facility unless authorized by a Provincial or Federal governmental licensing body.
- 8.11** Animals: No person may permit any livestock or domestic animal owned or under the care of that person to run at large in any park/facility;
- 8.12** Fires and Barbecues: No person may in any park/facility:
- a) build or attempt to build an open fire or fire pit unless authorized by a rental agreement or Regulatory Permit as defined in Fire and Emergency Services Bylaw, No. 3562.
 - b) use a charcoal or other solid-fueled portable barbecue outside of an area posted to allow such use unless authorized by a rental agreement; or Regulatory Permit as defined in Fire and Emergency Services Bylaw, No. 3562.
 - c) leave a barbecue or fire without extinguishing the barbecue or fire and ensuring that remaining embers are cold.
- 8.13** Camping and Lodging: No person may dwell, camp, lodge or erect any tent, shelter or structure of any kind in a park/facility, unless authorized by a rental agreement.
- 8.14** Disorderly Conduct: No person may use obscene or vulgar language, conduct him or herself in a disorderly or offensive manner in a park/facility or engage in

any behavior that obstructs the free use and enjoyment of the park/facility by any other person.

8.15 Loudspeakers: No person may use or operate loud speakers or amplifying equipment in a park/facility, unless authorized by a rental agreement.

8.16 Advertising and Business Operation: No person may:

- a) distribute, place or erect any signs, notices or other materials for the purpose of advertising any commercial activity; or
- b) sell or offer for sale any goods or services in a park/facility unless authorized by a rental agreement or the Director in writing.

8.17 Horseback Riding: No person may ride or lead a horse in a park/facility, except in those areas of a park/facility designated for equestrian use or unless authorized by a written approval by the Director.

8.18 Cycling and Skating: No person may cycle, inline skate, roller skate, skateboard or use any other wheeled device propelled by human power or gravity in any park/facility, except in those areas of a park/facility designated for such activities:

- a) engage in reckless skating/cycling;
- b) cycle/skate or act in such a manner as to interfere with, endanger or disrupt any other person.

8.19 Animal Waste: Every person bringing an animal upon a park/facility must clean up any defecation from that animal and dispose of the defecation in appropriate waste receptacles.

8.20 Water Pollution: No person may foul or pollute any area of water in a park/facility, including a ditch, stream, storm drain, pool, lake or pond, and no person may access or trample the riparian edge of any stream, pond or lake in a park/facility unless that area is designated as an access point.

8.21 Failure to Abide by Posted Conditions: No person may fail to comply with an authorized sign that states conditions for use of or conduct within a park/facility.

9. PARK/FACILITY USE, GATHERINGS, AND GAMES

9.1 Use at Own Risk: The use by or presence of any person in any park/facility for any activity or purpose including, without limitation, skating on natural or artificial ice surfaces, swimming or using playground equipment, shall be entirely at that person's own risk, and the parent or guardian of any person under the age of 12 years must ensure that the minor is adequately supervised at all times while on or in any park/facility.

9.2 Organized Gatherings: No person may interfere with an organized gathering in a park/facility that is authorized by a rental agreement.

- 9.3** Organized Sports or Activities: No person may interfere with an organized sport or activity in a park/facility that is authorized by a rental agreement.
- 9.4** Bathing and Swimming: No person shall:
- a) fail to obey the instructions of any lifeguard or other authorized City personnel while in or adjacent to any public swimming pool or natural body of water in a park/facility; or
 - b) swim, bathe or wade in the waters of any fountain or ornamental pond in a park/facility.
- 9.5** Use of Washrooms and Changing Rooms: No person may enter into any portion of any washroom, bathhouse or changing room in a park/facility that is set apart for members of the opposite sex from that person, unless that person is under the age of five (5) and in the presence and care of a parent or guardian.
- 9.6** Designated Areas for Participation: No person may take part or assist in any activity in a park/facility involving thrown or otherwise propelled objects such as pucks, balls or rings except upon designated sport surfaces and other areas set apart for these forms of recreation.
- 9.7** Gambling and Wagering: No person may, gamble or wager in a park/facility, unless authorized by a rental agreement and the Gaming Policy and Enforcement Branch of British Columbia.
- 9.8** Fishing: No person may fish in any area of a park/facility posted to prohibit fishing.
- 9.9** Golfing: No person may practice golf or strike a golf ball in a park/facility.
- 9.10** Remote-Controlled or other Powered Devices: Unless designated no person may operate any remote-controlled or other powered device, including model versions of aircraft, boats, rockets and vehicles, in a park/facility.
- 9.11** Aircraft: No person may tether, launch or land any fixed-wing aircraft, helicopter, hot air balloon, hang glider, ultra light aircraft or similar conveyance in any park/facility, unless authorized by a rental agreement.
- 9.12** Ice Skating: No person may, while on any artificial or natural ice surface located in any park/facility:
- a) engage in reckless skating;
 - b) skate or act in such manner as to interfere with, endanger or disrupt any other person; or
 - c) fail to obey the instructions of any skating supervisor, rink patrol or authorized City personnel.

9.13 Skiing, Tobogganing and Sledding: No person may cross-country or downhill ski, toboggan, snowboard, skibob, or sled in any area of a park/facility posted to prohibit such activities.

10. VEHICLES IN PARKS/FACILITIES

10.1 Prohibited Activity: No person may:

- a) instruct, teach, or coach any person in the driving or operation of a vehicle in any public parking area or parking space; or
- b) park, drive or operate any vehicle in any park/facility, except in those areas designated for that use.

11. REGULATION AND ENFORCEMENT

11.1 Exclusions and Exemptions: This bylaw shall not apply to:

- a) drivers, operators or other personnel of ambulances, police or fire department vehicles engaged in the performance of emergency duties;
- b) employees or agents of the City while engaged in works or services undertaken for or on behalf of the City in any park/facility; or
- c) the Nature Area as defined in the “Nature Area Regulation Bylaw, 1976 No. 1433”.

11.2 Enforcement: Any City Bylaw Enforcement Officer, Police Officer or authorized agent appointed by the City may enforce this bylaw.

11.3 Revocation of Rental Agreement: The Director may revoke the rental agreement of any person who fails to comply with the terms and conditions of that rental agreement or violates any provision of this bylaw.

11.4 Removal: A Police Officer may remove from a park/facility any person who violates any provision of this Bylaw and who has refused to leave immediately after being requested to do so by a Police Officer, the Director or the Bylaw Enforcement Officer.

11.5 Offences Created: Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to the penalties not exceeding the maximum provided for in the *Offence Act*, R.S.B.C. 1996, c.338.

11.6 Ticketable Offences: The Bylaw Enforcement Officer may issue a municipal ticket for any offence against this bylaw that has been designated as a ticketable offence pursuant to the City’s municipal ticket information bylaw in force from time to time.

12. GENERAL

12.1 Severability: If any provision or part of a provision of this bylaw is declared by any court of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the bylaw, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

12.2 Repeal: Parks Control Bylaw No. 1146, as amended, is repealed.

Read a first time by the Municipal Council this 10th day of November, 2003.

Read a second time by the Municipal Council this 10th day of November, 2003.

Read a third time by the Municipal Council this 10th day of November, 2003.

Reconsidered, finally passed and adopted by the Municipal Council of the Corporation of The City of Port Coquitlam this 24th day of November, 2003.

S.W. YOUNG

Mayor

S. RAUH

City Clerk

RECORD OF AMENDMENTS

BYLAW NO.

AMENDED SECTION

DATE

3829

Section 3 Definitions- Fireworks
Section 8.4 & Section 8.12

April 22, 2013