

DISTRICT OF SOOKE

BYLAW No. 101

A bylaw to regulate the use of community parks.

CONSOLIDATED FOR REFERENCE May 30, 2008

Bylaw No. 101, Community Parks Regulation Bylaw, 2002
Bylaw No. 260, Community Parks Regulation Amendment Bylaw (101-1)
Bylaw No. 309, Community Parks Regulation Amendment Bylaw (101-2)
Bylaw No. 335, Community Parks Regulation Amendment Bylaw (101-3)

This bylaw is based on all amendments to May 2008 and provided for convenience only. For official review of this bylaw, reference should be made to the original Bylaw No. 101 and all subsequent adopted amendments.

Under section 532 of the *Local Government Act* the Council may, by bylaw, regulate all uses of or involving a public place.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as *Community Parks Regulation Bylaw, 2002*.
2. In this bylaw

animal means an organism other than humans;

authorized personnel includes parks administrator, bylaw enforcement officer, animal control officer, peace officer, conservation officer, fire chief, deputy fire chief and *parks officer*;

cycle includes a bicycle and any other conveyance that is moved by human power through pedals;

commercial use means any commercial or industrial undertaking of any kind or the providing of professional, personal or other services for the purpose of gain or profit;

natural park feature means any native or non-native tree, shrub, flower, grass or plant of any kind; and soil, sand, gravel, rock, mineral, wood, fallen timber or other living or dead natural material;

non-profit group means a not-for-profit society in good standing with the Registrar of Companies or a not-for-profit organization. (Bylaw No. 309)

park means all land dedicated, owned, controlled or used by the District of Sooke as public park, trail, sports field, playground, recreational area, or public open space, and includes the lands described in the District of Sooke Community Parks Inventory.

park officer means a person employed by the District of Sooke in community parks;

parks administrator means the Chief Administrative Officer, the Director of Engineering, the Capital Regional District SEAPARC Manager, and any other person designated by Council. (Bylaw No. 260, Bylaw No. 309)

skates includes skateboards, in-line skates, roller skates, roller skis and scooters;

special use means any non-commercial service, activity or event which attracts or requires participants or spectators and which may occur between sunset and sunrise, and includes, but is not restricted to, a festival, competition, tournament, show, demonstration, outdoor ceremony or wedding, television or motion picture filming;

vehicle means a vehicle as defined in the *Motor Vehicle Act*, and

wildlife means any native or non-native mammal, bird, insect, reptile, fish or other indigenous creature.

ENFORCEMENT POWERS

3. All *authorized personnel* may enforce this bylaw in the course of their duties.
4. Any *authorized personnel* may order a person who does anything contrary to this bylaw to leave a park immediately, or within a period of time specified by the *authorized personnel*, and every person so ordered must comply with the order and leave the park immediately or within the specified time period.

5. A peace officer may remove from a park any person who violates any provision of this bylaw and who has refused to leave immediately after being requested to do so by *authorized personnel*.

COMMERCIAL USES AND SPECIAL USES

6. The Council may
 - (a) authorize the issuance of written approvals for *commercial uses*;
 - (b) establish requirements and conditions for *commercial uses* including, without limitation, requirements and conditions regarding security deposits, insurance, indemnification of the District of Sooke, date, hours of use, location, amplification devices, liquor, fire, vehicles and parking, camping, storage, animals, vessels and watercraft, commercial services, signs, and temporary construction.
7. The following fees are imposed payable in respect to a *commercial use*:
 - (a) an administrative fee of \$50; and
 - (b) a use and maintenance fee of \$200 per day or portion thereof.
8. The Council may reduce or waive the fees for a *commercial use*.
- 8.1 Non-profit groups are exempt from *commercial use* fees set out in section 7 of this bylaw. (Bylaw No. 309)
9. (1) The *parks administrator* may
 - (a) issue written approvals for *special uses*;
 - (b) establish requirements and conditions for the *special use* including, without limitation, requirements and conditions regarding security deposits, insurance, indemnification of the District of Sooke, date, hours of use, location, amplification devices, liquor, fire, vehicles and parking, camping, storage, animals, vessels and watercraft, signs, and temporary construction.
- (2) The parks administrator may refuse to issue approval for a *special use*
 - (a) to any person or group who has previously contravened this bylaw;

- (b) to any person or group who has previously contravened conditions established for a *special use*; or
 - (c) for the protection of the facilities, amenities or *natural park features* in a *park*, to prevent unreasonable interference with public use and enjoyment of a *park* or to avoid conflicting activities in a *park*.
10. Approval for a *special use* or *commercial use* may be revoked if
- (a) the requirements set out for the *special use* or *commercial use* have not been met; or
 - (b) the *special use* or *commercial use* is conducted in a manner which contravenes the conditions set out in the approval authorizing the *special use* or *commercial use*.

PARKS ADMINISTRATOR

11. The *parks administrator* may cause to be erected a sign or other device to be placed in a *park*
- (a) specifying an area where specific activities are permitted, prohibited or restricted;
 - (b) closing any road or other areas to public use, if in the *parks administrator's* opinion it is necessary for public safety and convenience.
 - (c) designating areas as *vehicle* parking areas, no parking areas, loading zones, and parking for persons with disabilities;
 - (d) limiting the speed at which *vehicles* may be operated on any road, if in the *parks administrator's* opinion it is necessary for public safety and convenience;
 - (e) specifying areas where dogs, horses or other *animals* are prohibited; and
 - (f) to restrict or prohibit access to water bodies within the boundaries of a *park* to all vessels and watercraft.

EXEMPTIONS

12. The employees, servants and agents of the District of Sooke or other public authority are exempt from the provisions of this bylaw to the extent required to carry out their power or duty.
13. Any person who has received the prior written permission to carry on a *special use* or a *commercial use* is exempt only from those provisions of this bylaw varied in the written approval.

PUBLIC CONDUCT

14. No person shall obstruct or interfere with any person or traffic lawfully using a *park*.
15. No person shall behave in a disorderly, dangerous or offensive manner in a *park*.
16. Every person in a *park* must observe and obey every prohibition and restriction announced by a sign or other device erected under section 11.

17. No person shall enter any part of a *park* signed as closed to public use.

CURFEW

18. No person shall enter upon or otherwise remain within a *park* for any purpose whatsoever between sunset and sunrise.

NOISY ACTIVITIES

19. No person shall in a *park* make or cause noises or sounds which disturbs or tends to disturb the quiet, peace, enjoyment, and comfort of adjacent landowners or persons in the vicinity, including

- (a) electrically or electronically amplified sound of any kind, including the playing of radios, tape players, compact disc players, vehicle sound systems or similar devices; and
- (b) the operation of model air planes, boats or model cars or any equipment, vehicles, vessels or machinery.

20. No person shall in a *park* operate a gas powered model airplane.

LIQUOR

21. No person shall in a *park* consume or possess liquor, as defined in the *Liquor Control and Licensing Act*, except in compliance with a license issued under the *Liquor Control and Licensing Act* and as authorized by the *parks administrator*.

22. A person in possession of an open liquor container contrary to section 21 must surrender the liquor to any *authorized personnel* upon request.

DAMAGE

23. No person shall remove, destroy or damage any natural park feature, either organic or inorganic, or other park property of any kind in a *park* except with the written permission of the *parks administrator*.

24. No person in a *park* shall in any way foul or pollute any fountain, lake, stream, pond, watercourse or any *park* property.

25. No person shall remove, destroy or damage any notices, rules or regulations posted in a *park* by and under the authority of the *parks administrator*.

26. No person shall molest, disturb, frighten, injure, kill, catch, trap or snare any *wildlife* in a *park* except as permitted by provincial or federal authorities.

TREES

27. No person shall cut, deface, damage or cut down any tree or carry out any logging operation or facilitate such operation in a *park*, except with the written permission of the *parks administrator*.

DUMPING AND LITTERING

28. No person shall deposit any garbage, refuse, empty or broken bottles, tin cans, paper or other waste material in a *park* except in receptacles provided for such purposes.
29. No person shall carry, transport or deposit any domestic, commercial or industrial waste, refuse or garbage of any kind into or upon any *park* or deposit the same into *park* waste receptacles.

FIRE

30. No person shall light or keep lit any fire in a *park* except in areas designated by a sign.
31. No person shall throw or place upon the ground in a *park* any lighted match, cigar, cigarette or other burning substance.

CAMPING

32. No person shall camp or sleep overnight in a *park* with or without a shelter of any kind, including, but not restricted to, a *vehicle*, recreational vehicle, tent, lean to, or other natural shelter.

STORAGE

33. No person, including an owner of property adjacent to a *park*, shall use a *park* for storage of any kind.

ANIMALS IN PARKS

34. A person having custody of a dog, horse or other *animal* in a *park* must exercise control over the *animal* to ensure that the *animal* causes no annoyance or injury to any person or their *animal(s)*, and no damage to any public or private property, or any *natural park feature*, *wildlife* or *park* facility.

35. A person having custody of a dog or other *animal* in a *park* must exercise effective control over the dog or other *animal* by restraining it with a leash or lead, or by having the dog or other *animal* respond and return immediately when the handler calls the dog or other *animal* to return to the handler.
36. A person having custody of a dog in a *park*, must restrain the dog with a leash no greater than 2 metres in length when required by a posted sign or when requested by *authorized personnel*.
37. A person having custody of a dog, horse or other *animal* in a *park* must
 - (a) remove any excrement deposited by the *animal* and must dispose of the excrement in a waste disposal container designated for that purpose; or
 - (b) carry the excrement out of the *park* if no waste disposal containers are available.
38. No person having custody of a horse or other *animal* shall permit the horse or other animal to graze or roam at large in a *park*.
39. A person having custody of a dog, horse or other *animal* in a park must not permit the *animal* to enter areas, signed as prohibited areas to dogs, horses or other *animals*, except a person with a disability accompanied by a guide *animal* so long as the guide *animal* is held by a leash or harness.
40. *Authorized personnel* may require a person having custody of a dog, horse or other *animal* to restrain or remove the dog, horse or other animal from a *park*.

FIREARMS AND HUNTING

41. No person shall discharge or carry any firearm, bow or crossbow in a *park*.

GAMES

- 41.1 No person shall play golf in a park. (Bylaw No. 260)

VESSELS AND WATERCRAFT

42. No person shall launch or remove a boat propelled by machinery from a body of water in a *park* except from a designated boat launch ramp.

CYCLES AND SKATES

43. No person shall use a *cycle* or *skates* in a *park* except on public roads, trails, or areas designated for such use by a sign.

VEHICLES AND PARKING

44. No person shall operate or propel any type of *vehicle* in a park except on public roadways or parking lots.
45. No person shall operate a *vehicle* in any part of a park posted as closed to public use.
46. No person shall operate a *vehicle* in a park in excess of the posted speed limit.
47. No person shall operate or park a *vehicle* in a *park* contrary to posted signs or traffic control devices.
48. No person shall park any *vehicle* in a park, except in a parking lot while that person is lawfully using the *park*.
49. *Vehicles* parked in areas contrary to posted signs may be towed away immediately at the owner's expense by order of *authorized personnel*.
50. *Vehicles* left unattended in a parking lot in a *park* for more than 24 hours may be towed away at the owner's expense by order of *authorized personnel*.

COMMERCIAL SERVICES, ACTIVITIES OR DEMONSTRATIONS

51. No person shall sell, expose or display for sale any goods or materials including refreshments or conduct any business in a *park*.
52. No person shall post, paint, or distribute any advertisement, banner, sign, placard or handbill of any kind in a *park*.
53. No person shall operate or station in a park any vehicle displaying advertising or equipped with a public address system for the purpose of advertising, demonstration or attracting attention.

CONSTRUCTION

54. No person shall build or place any temporary structures or facilities in a *park*.

54.1 Non-profit groups are exempted from the restrictions set out in *Sections 51, 52, 53, and 54* of this bylaw. (Bylaw No. 309)

55. No person shall build or place any permanent structures or facilities in a park.

REPEAL

56. Bylaw No. 2408, "Community Parks Regulation (Sooke Electoral Area) Bylaw No. 1, 1996" is repealed.

57. Offence and Penalty (Bylaw No. 335)

57.1 Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.00 as set out in the *Offence Act*.

57.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

57.3 This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.

57.4 All authorized personnel are designated to enforce this bylaw pursuant to section 264(1)(b) of the *Community Charter*.

57.5 The words or expressions set forth in Column 1 of Schedule A of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.

57.6 The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

Introduced and read a first time the 9th day of September 2002.

Read a second time the 9th day of September 2002.

Read a third time the 9th day of September 2002.

Adopted on the 30th day of September 2002.

Ed Macgregor
Mayor

Tom Day
Chief Administrative Officer

SCHEDULE A (Bylaw No. 335)
MUNICIPAL TICKET INFORMATION DESIGNATIONS

Offence	Bylaw Section No.	Fine
Fail to obtain commercial use approval	7.	\$200.00
Fail to obtain special use approval	9.	\$100.00
Contravene commercial use approval	10. (a)	\$200.00
Contravene special use approval	10. (b)	\$100.00
Obstruct or interfere use of park	14.	\$100.00
Display disorderly, dangerous, offensive manner	15.	\$200.00
Fail to observe or obey signs	16.	\$100.00
Enter closed park area	17.	\$100.00
Enter or remain in park between sunset and sunrise	18.	\$200.00
Make or cause noisy activities	19.	\$200.00
Operate gas powered model airplane	20.	\$100.00
Consume or possess liquor	21.	\$200.00
Remove, destroy, damage, pollute or litter park, natural park features, wildlife or park facilities	23, 24, 25, 26, 27, 28, 29	\$500.00
Light or keep lit any fire	30.	\$500.00
Use park for storage	33.	\$200.00
Uncontrolled animal	34, 35, 36, 37, 38, 39, 40	\$100.00
Discharge or carry firearm	41	\$500.00

Unauthorized launch or removal of boat	42.	\$100.00
Cycle or skate in undesignated areas	43.	\$100.00
Unauthorized use of vehicles	44, 45, 46, 47, 48	\$200.00
Unauthorized commercial services, activities or demonstrations	51, 52, 53	\$100.00
Unauthorized construction	54, 55	\$200.00