

COLUMBIA SHUSWAP REGIONAL DISTRICT

BYLAW NO. 5556

A bylaw to regulate the management, maintenance, improvement, operation, development, control and use of Columbia Shuswap Regional District parks within Electoral Areas A, B, C, D, E and F.

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WHEREAS under Section 176 of the *Local Government Act*, a regional district has the power to acquire, hold, manage and dispose of land, improvements, personal property or other property, and any interest or right in or with respect to that property;

AND WHEREAS pursuant to section 796.2 of the *Local Government Act*, a regional district may, by bylaw, regulate and prohibit in relation to a regional district service;

AND WHEREAS the CSRD has established a community parks service for electoral areas A, B, C, D, E and F and the Regional Board of the CSRD deems it advisable to adopt a community parks regulatory bylaw;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, hereby enacts as follows:

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Section 1 - Definitions

1. Definitions

For the purpose of this Bylaw, the following words or expressions are defined:

“ATV” means an *all* terrain vehicle, 4-wheel drive vehicle, off-road vehicle or other device used for off-road travel.

“Authorized Personnel” means the CSRD’s Team Leader, Parks and Recreation, employees of the CSRD’s Parks and Recreation Department and persons having a contract with the CSRD pertaining to the operation or administration of parks.

“Camp” means to occupy a campsite, to set up a tent or other shelter or to remain overnight.

“Campground” means an area in a park containing one or more campsites and designated as a campground.

“Campsite” means an area within a campground that is designated as a site for overnight camping.

“CSRD” means the Columbia Shuswap Regional District.

“Day Use Area” means a park, or any area of a park, designated for day time use only, and includes all boat launches located within any park.

“Domestic Animal” means a vertebrate that has become domesticated, including any mammal, bird, reptile, amphibian, insect, fish, marine animal or other animal kept as livestock or pet.

“Family Unit” means the parents, children and/or dependants of said parents residing in a single household.

“Firearm” includes a rifle, shotgun, handgun, spring gun or any other device that propels a projectile by means of an explosion, compressed gas or spring, but does not include a longbow or crossbow.

“Fireworks” means devices that explode or burn to produce visual or sound effects and such other explosive as may be designated as such by the Lieutenant-Governor under the provision of the *Fireworks Act of the Province of British Columbia* or under the provision of the *Canadian Explosives Act* and its regulations, as the case may be, but does not include torpedoes, flares, fuses or similar pyrotechnic devices used by motorists, railroads, police or other agencies for signaling purposes or illumination.

“Litter” includes garbage, refuse, rubbish or trash of any kind, including a container, package, bottle or can or any part thereof.

“Motorcycle” means a motorcycle as defined in the *Motor Vehicle Act* (British Columbia) and includes any vehicle that runs on two or three wheels and has a saddle or seat for the driver to sit astride.

“**Natural Resources**” means any land, water or atmosphere, their mineral, vegetable and other components, and includes all fauna and flora, including all vegetation.

“**Operator**” means a CSRD employee or contractor charged with managing and operating a park or operating facilities in a park.

“**Park**” includes land and water dedicated, owned, leased, licensed, controlled (including jointly) or used by the CSRD as park, sports field or recreation area, including any public trails that are owned or controlled by the CSRD that have been designated for pedestrian, equestrian, skating, skiing, snowshoeing, cycling, motorized or multiple use.

“**Park Road**” means a road within a park that is owned or controlled (including jointly) by the CSRD and is open to members of the public using the park.

“**Park Use Permit**” means a park use permit issued under this Bylaw.

“**Parking Area**” means an area within a park that is designated for use as public parking.

“**Registered Party**” means an individual or group of individuals who are registered as campers at a park in accordance with this Bylaw.

“**Snowmobile**” means a snowmobile as defined in the Snowmobile Regulation under the *Motor Vehicle (All Terrain) Act* (British Columbia).

“**Swimming Area**” means an area of a park designated for public swimming.

“**Vegetation**” includes all trees, shrubs, plants, flowers, natural grass and ground cover, whether wild or in a cultivated state, living or dead.

“**Vehicle**” means a vehicle as defined in the *Motor Vehicle Act* (British Columbia) and shall include a trailer of any kind.

“**Watercraft**” means a canoe, boat, kayak, personal watercraft, houseboat, motorboat or other water-borne vessel.

Section 2 – Public Conduct

2. Personal Conduct

- (1) No person shall cause or engage in any activity that causes a nuisance in a park.
- (2) No person shall obstruct or interfere with the use and enjoyment of a park by any person.
- (3) No person shall use obscene, profane, insulting or indecent language in a park.
- (4) No person shall make or cause to be made any noise in a park that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person in a park or of any person residing outside of a park.
- (5) Without limiting subsection (4) of this section, no person shall, between the hours of 10:00 p.m. and 7:00 a.m. the following day, operate any device that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person in a park or a person residing outside of a park.

3. Fires

- (1) No person shall start or maintain a fire in a park, except in facilities provided at a park for that purpose.
- (2) No person shall use any vegetation to start or maintain a fire in a park, except firewood that is provided by a campground operator for fire purposes.
- (3) No person shall leave a fire in a park unattended.
- (4) No person shall throw or place upon the ground in a park a lighted match, burning cigarette or cigar or any other burning material.

4. Personal Property

No person shall store, cache or leave equipment, supplies or other property in a park, except at a campsite at which that person is a member of a registered party during the period the party is registered to camp at that campsite.

5. Alcoholic Beverages

No person shall sell, possess or consume alcoholic beverages in a park, except:

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- (1) within areas where a parks permit and license under the *Liquor Control and Licensing Act* (British Columbia) have been issued.
- (2) Within designated campsites.

6. Equine or Packing Animals

No person shall bring into a park, or use within a park, any equine or other animal used for packing, except in areas or on trails designated for such use.

7. Domestic Animals

- (1) No person shall bring any domestic animal into any of the following located within a park:
 - (a) a swimming area;
 - (b) a building or structure open to the public; or
 - (c) an area, including a trail, where domestic animals are prohibited pursuant to a designation under this Bylaw.
- (2) Subsection (1) of this section does not apply to a domestic animal that provides therapeutic benefits to humans with physical and mental illnesses or provides assistance to people with physical disabilities when accompanying a person requiring such benefits or assistance.
- (3) Every person who brings a domestic animal into an area of a park designated as a leash area, shall cause the animal to be leashed at all times and shall maintain control of the leash at all times.
- (4) Every person who brings a domestic animal into a park shall ensure that when the animal is not on a leash that the animal remains at all times under the control of that person.
- (5) No person who brings a domestic animal into a park shall permit the animal to:
 - (a) cause an annoyance to any person;
 - (b) injure any person;

- (c) damage property;
 - (d) chase or molest wildlife;
 - (e) graze, browse or otherwise consume vegetation; or
 - (f) roam at large.
- (6) Every person who brings a domestic animal into a park shall clean up all excrement from that domestic animal and dispose of such excrement in an appropriate waste receptacle in a manner that does not cause any inconvenience or annoyance to others.
- (7) Authorized Personnel may, in writing or verbally, order a person who contravenes this section to remove the relevant domestic animal from the park and every person so ordered shall immediately remove the animal from the park.

8. Day Use Areas and Park Facilities

- (1) Except where otherwise designated, no person shall, between the hours of 10:00 p.m. and 5:00 a.m. the following day, enter or remain in a day use area.
- (2) Every group of 10 or more persons using any park facilities shall designate one person as their representative.

9. Commercial Activities

No person shall conduct any commercial activities within a park, except pursuant to a park use permit.

Section 3 – Motor Vehicles, Watercrafts and Aircraft

10. Illegal Parking and Tow Away

- (1) No person shall:
- (a) stop or park a vehicle on the traveled portion of a park road; or
 - (b) stop or park a vehicle in a manner that:
 - (i) impedes the proper use of a park road or parking area ;
 - (ii) damages vegetation; or
 - (iii) interferes with recreational use of the park.
- (2) No person shall, between the hours of 10:00 p.m. and 5:00 a.m. the following day, stop or park a vehicle in a park, except
- (a) at a campsite where that person is a member of the registered party for that campsite, or
 - (b) in a parking area designated for overnight parking.
- (3) Authorized Personnel may remove, or cause to be removed, any vehicle that is stopped or parked in contravention of this Bylaw, and impound and store such vehicle.
- (4) The owner of a vehicle that is removed and impounded under this Bylaw shall pay the costs of removal and impoundment.

11. Motor Vehicles, ATV's, Motorcycles and Snowmobiles

- (1) No person shall use or operate a vehicle in a park, except:
 - (a) on a park road; or
 - (b) in an area designated for the particular use.
- (2) Subsection (1) does not apply to a self-propelled wheelchair or other similar device used by a disabled person.
- (3) No person shall use or operate an ATV, motorcycle or snowmobile in a park, except in an area designated for such use.

12. Watercraft

- (1) No person shall use or operate a watercraft within a swimming area.
- (2) No person shall use or operate a motorized watercraft within a park within 30 metres of a swimming area.
- (3) No person shall moor or store a watercraft in a park, except when loading or unloading the watercraft and in either such case for not longer than ten minutes.
- (4) No person shall bring a watercraft into a park before 5:00 a.m., except for a watercraft parked at a campground in accordance with this Bylaw.
- (5) Every person who brings a watercraft into a park shall remove the watercraft from the park by 10:00 p.m., unless the watercraft is parked at a campground in accordance with this Bylaw.

13. Use of Aircraft

No person shall use an aircraft of any kind, including a helicopter, to arrive at or depart from a park.

Section 4 – Firearms & Hunting

14. Possession and/or Discharge of Firearms, Bows and Crossbows

- (1) No person shall carry or discharge a firearm, bow or crossbow in a park.
- (2) No person shall bring a firearm, bow or cross bow into a park.

15. Feeding of Wildlife

No person shall feed wildlife in a park.

16. Fireworks and Firecrackers

No person shall possess or discharge fireworks, firecrackers or explosive materials of any kind in a park, except for an event authorized by a park use permit.

Section 5 – Preservation and Waste Management

17. Prohibited Activity

- (1) No person shall:
 - (a) vandalize, damage or destroy any sign, structure, improvement or work of any kind in a park;
 - (b) damage or destroy any natural resource in a park;
 - (c) possess or remove any natural resource from a park;
 - (d) engage in any research or collection activity in a park without a permit; or
 - (e) remove water from a park or from any watercourse or water body in a park, except for personal consumption within the park.

18. Littering & Dumping

- (1) No person shall dispose of litter or other waste in a park, except in a waste receptacle or in a pit or area designated for that purpose.
- (2) No person shall bring litter or other waste into a park for the purpose of disposal in the park.
- (3) No person shall cause or allow waste to enter a park or flow or seep into any land or water in a park or to be emitted into the air in a park.
- (4) No person shall deposit, dump or leave any soil, refuse or debris in a park.

Section 6 – Camping

19. Campgrounds

- (1) No person shall camp within a park, except at a campsite in respect of which the person is a member of a registered party for that campsite.
- (2) No person shall use any facilities located within a campground unless that person is a member of a registered party for a campsite at that campground.
- (3) In order to register at a campground, the person or, if the registration is for a group of people, a designated representative of that group shall register with the campground operator by providing the name of the designated representative, the number of persons in the group, the mode of transportation of the group and any other information reasonably required by the campground operator.
- (4) The designated representative shall be responsible for
 - (a) the registration of the group;
 - (b) the payment of any applicable fees; and
 - (c) the actions and conduct of each person in the group while in the park.
- (5) No person shall, between the hours of 10:00 p.m. and 7:00 a.m. the following day, enter or remain within a campground unless the person is a member of a registered party.

20. Maximum Length of Stay

- (1) No person shall camp in a park for more than 14 consecutive days.
- (2) No person who has camped in a campground for 14 consecutive days shall camp further at that campground until they have remained outside of the campground for a period of at least 72 hours.

21. Second Non-Recreational Vehicle Charge

- (1) Subject to subsection (1), no more than one vehicle other than watercrafts and ATV's, may be parked at a campsite.
- (2) A second vehicle may be parked at a campsite if the vehicle is identified in the registration application for the registered party.
- (3) No more than one ATV and one watercraft may be parked at a campsite.

22. Maximum Number of Persons on a Campsite

No more than 6 persons may camp at a campsite at one time, except a family unit where it can be reasonably demonstrated that all members are of the same family unit.

Section 7 - Fees

23. Fees

Every person using a park or park facility shall pay to the CSRD any applicable fee pertaining to such use that may be imposed from time to time by the CSRD or a person having a contract with the CSRD to operate a park or park facility.

Section 8 – Park Use Permits, Designations & Regulations

24. Authorized Personnel Designations & Authority

- (1) Authorized Personnel may from time to time do the following in relation to parks:
 - (a) designate areas for climbing, walking, cycling, skating, games, swimming, boating or other activities of the public;
 - (b) designate areas where specific recreational activities are permitted or prohibited;
 - (c) designate areas for vehicle travel and stopping;
 - (d) designated public parking areas and parking spaces;
 - (e) designate areas at which persons must access watercourses and water bodies;
 - (f) designate areas for the protection of grass and grounds;
 - (g) designate areas for horseback riding;
 - (h) designate areas as campgrounds and campsites;
 - (i) designate areas for fire pits and barbeque fireplaces;
 - (j) designate areas that are closed for the protection of vegetation or wildlife;

- (k) establish kiosks and notice boards for the posting of notices;
 - (l) establish a park or part of a park as an off leash area for domestic animals;
 - (m) establish parks or parts of parks, and hours, where domestic animals are restricted;
 - (n) establish hours for the daily opening and closing of parks or parts of parks;
 - (o) establish hours for the daily opening and closing of parks or park facilities and temporarily extend the set hours of a park/facility to accommodate:
 - (i) a special event, such as a statutory holiday celebration;
 - (ii) an organized gathering; or
 - (iii) an organized sport or activity;
 - (p) limit the length of stay of a person in a park, including to a greater extent than otherwise be provided elsewhere in this Bylaw;
 - (q) temporarily or on an ongoing basis, limit the number of persons, vehicles or watercrafts in a park or any part of a park;
 - (r) temporarily close any part of a park 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;
 - (s) temporarily close any park or portion of a park to the public to enable the use of the park or portion by persons holding a park use permit;
 - (t) review applications for park use permits and issue park use permits;
 - (u) collect fees imposed respecting the use of any park or park facility;
 - (v) post signs, including to identify areas designated pursuant to this section;
 - (w) make incidental park rules and regulations not inconsistent with this Bylaw; and
 - (x) permit such uses or activities as may be considered necessary or desirable for the development or maintenance of any park or park facility.
 - (y) Allow for the sale, possession and consumption of alcoholic beverages through the issuance of a parks use permit.
- (2) No person shall disobey any park sign or violate any parks rule or regulation established under this Section.

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25. Park Use Permit

A person desiring to use a park or a park facility for an activity or other use for which a park use permit is required under this Bylaw may apply for a park use permit by completing and submitting to Authorized Personnel, no less than 5 working days in advance of the proposed activity or use, an application for a park use permit in a form prescribed by Authorized Personnel.

26. Permit Review

- (1) Authorized Personnel shall review every application for park use permits and shall issue a park use permit 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 Authorized Personnel may require;
 - (ii) any fee payable with respect to the park use permit;
 - (iii) proof of adequate insurance in respect of the activity or use described in the application as required by Authorized Personnel;
 - (b) the application is made by the person undertaking or responsible for the activity or use described in the application;
 - (c) the park or 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 CSR D bylaw or provincial or federal law or regulation;
 - (ii) will promote or facilitate the safe utilization of the park or facility for recreational purposes; and
 - (iii) will not interfere unduly with the enjoyment of the park/facility by others.
- (2) Authorized Personnel may:
- (a) impose terms and conditions under a park use permit, as may be considered necessary by Authorized Personnel;
 - (b) require that a permit applicant provide financial security to the CSR D, in an amount determined by Authorized Personnel and in the form of cash or an unconditional, automatically renewing letter of credit, to ensure compliance with the terms of the park use permit and this Bylaw in relation to the activity permitted under the park use permit;
 - (c) refuse to issue a park use permit to any person or group who has previously contravened this Bylaw; and
 - (d) revoke a park use permit if the use permitted by the permit is conducted other than in accordance with this Bylaw.

27. Retention of Permit

The holder of a park use permit or, if the holder is a corporation or other organization, a representative of the organization that holds the park use permit shall at all times be present at the park or park facility and keep the park use permit in his or her possession while the park or facility is in use pursuant to the permit and shall present the permit to any CSR D employee or agent upon request.

28. Removal of Property and Restoration of Permit Area

- (1) Except as otherwise provided in a park use permit, the holder of a permit shall, within 15 days following the expiry or termination of a park use permit, or receipt of a written order from Authorized Personnel, remove all property of any nature brought into the park and shall restore, repair and rehabilitate the area to as nearly as possible to its natural condition, or restore, repair or rehabilitate the area to the satisfaction of Authorized Personnel.

- (2) If a person fails to comply with subsection (1) of this section, Authorized Personnel may remove and dispose of the property and may restore, repair or rehabilitate the area as Authorized Personnel considers necessary.
- (3) Any expense incurred by the CSRD under subsection (2) of this section shall be a debt owing the CSRD payable by the permit holder within 21 days of receipt of an invoice. If the permit holder does not pay the amount of the invoice within the time provided, the CSRD may draw down and use any security held by it in relation to the applicable park use permit to pay for such expenses.

Section 9 – Enforcement and Penalties

29. Eviction

- (1) Authorized Personnel may, in writing or verbally, order a person who does anything in contravention of this Bylaw to leave a park, or a specified portion of it, within a period of time specified in the order, and every person so ordered shall comply with the order and leave the park, or the specified portion of it, in accordance with such order.
- (2) If no period of time is specified in an order issued under subsection (1) of this section, the order shall be effective immediately.
- (3) The order issued under subsection (1) of this section shall specify the period of time during which the order is to remain in effect, but in no case shall it remain in effect for more than 72 hours from the time the order is issued.
- (4) A peace officer may remove from a park any person who violates any provision of this Bylaw and who has refused to leave pursuant to an order under this section.

30. Enforcement and Obstruction of Authorized Personnel

- (1) This Bylaw may be enforced by Authorized Personnel, CSRD bylaw enforcement officers and the RCMP.
- (2) No person shall obstruct or interfere with any person enforcing this Bylaw.
- (3) No person shall obstruct or interfere with Authorized Personnel in the exercise of the powers of Authorized Personnel under this Bylaw.

31. Exemptions

This bylaw shall not apply to:

- (1) drivers, operators or other personnel of ambulances, police or fire department vehicles engaged in the performance of emergency duties; or
- (2) employees, contractors and agents of the CSRD while engaged in works or services undertaken for or on behalf of the CSRD in a park.

32. Offence and Penalties

Every person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000.

