



THE CORPORATION OF THE VILLAGE OF FRUITVALE
BYLAW NO. 829, 2011

A Bylaw to Regulate Parks and Public Space
Within the Village of Fruitvale

WHEREAS Council may by bylaw, pursuant to Section 8 subsection (3)(b) of the **Community Charter**, regulate, prohibit and impose requirements in relation to public places;

AND WHEREAS Council recognizes and values the contributions of citizens and community groups in developing and supporting parks and public spaces and wishes to maintain these community assets in good order;

NOW THEREFORE, the Council of the Corporation of the Village of Fruitvale, in open meeting assembled, enacts as follows:

PART I – DEFINITIONS

In the context of this bylaw, the following definitions apply:

“Chief Administrative Officer” means the person duly appointed as such from time to time by Council and includes any person appointed or designated by the Chief Administrative Officer to act as Chief Administrative Officer.

“Council” means the members of Council of the Village of Fruitvale, as duly elected from time to time, acting in concert.

“Liquor” means

1. fermented, spirituous and malt liquors;
2. a combination of liquors;
3. drinks and drinkable liquids that are intoxicating; and furthermore, any liquor that contains more than one percent (1%) alcohol by volume shall be conclusively deemed to be intoxicating; and “liquor” includes beer or a substance which, by being dissolved or diluted, is capable of being made a drinkable liquid that is intoxicating and which substance is declared by order of the Lieutenant Governor in Council of the Province of British Columbia to be liquor.

“Park” means play lots, playgrounds, play fields, open greens and other recreation places, grass plots, public squares and open spaces which are owned, possessed or operated by the Village of Fruitvale and which are used, reserved or dedicated for public use.

“Vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a roadway or highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

“Village” means the Village of Fruitvale.

PART II – PARK REGULATIONS

Prohibited Acts

No person other than a Village employee in the performance of duty shall do any of the following things in a Village park:

1. destroy, damage, climb, break, remove or injure any tree, shrub, plant, turf or flower;
2. deface or damage any building, wall, fence, playground, picnic table, bench, water fountain, water connection, electrical connection, video camera, closed circuit television system or any other structure in or on any park or cause there to be any unauthorized wiring or graffiti placed on any wall, fence or other structure in or on any park;
3. build or cause to be built or erected any structure, or shelter of any kind, including a tent, except as authorized by the Chief Administrative Officer;
4. undertake by any method or means overnight accommodation except for security measures during Village sanctioned special events or when authorized by a resolution of Council;
5. foul or pollute any fountain, pond, stream or other body of water;
6. discard or strew any refuse materials except within the refuse receptacles provided for such purpose;
7. set fire to any materials or discharge any fireworks or other explosive material of any kind without written authorization from the Chief Administrative Officer;
8. make a fire or throw or place on the ground any lighted match, cigar, cigarette or other burning substance;
9. smoke cigarettes, cigars, cigarillos or any other form of tobacco or other combustible material;
10. permit a motor vehicle to enter, remain or park in a park, unless such vehicle is an emergency or municipal vehicle or authorized by the Chief Administrative Officer;
11. sell or expose for sale or gift any refreshments, any article or merchandise, and/or conduct any business in any park unless with the valid permission in writing from the Chief Administrative Officer;
12. disturb, molest, frighten, injure, catch, trap or snare any bird, animal or fish in any park;
13. permit any dog in any park unless under the control of a competent person;
14. permit any horse in any park;
15. permit any animal or fowl to run at large or feed in or upon any park;

16. obstruct the free use and enjoyment of a park by any other person;
17. use or operate any device in such a manner as to disturb the enjoyment of the park by other persons;
18. interfere with or obstruct any employee of the Village in the performance of duty; or
19. possess or imbibe liquor at any time except where the said liquor is possessed pursuant to and in compliance with a licence under the *Liquor Control and Licensing Act*.

Signage

The Chief Administrative Officer is hereby authorized to order the placing or erection of any applicable signage in parks at such places as designated in order to regulate the use of a park or any portion of a park in order to give effect to the provisions of this bylaw, or any other applicable Village bylaw.

Video Surveillance

The Chief Administrative Officer is hereby authorized to order the placing of video surveillance cameras or closed circuit television systems in parks at such places as designated in order to provide information for law enforcement purposes.

Hours of Operation

Village parks shall be open for public use as follows, unless otherwise authorized by resolution of Council:

Haines Park:

April 15 – November 15	Open 6:00 AM until 10:00 PM Closed 10:01 PM until 5:59 AM
November 16 – April 14	CLOSED

McInnis Park:

May 1 – November 15	Open 6:00 AM until 10:00 PM Closed 10:01 PM until 5:59 AM
November 16 – April 30	CLOSED

Lewis Park:

May 1 – November 15	Open 6:00 AM until 10:00 PM Closed 10:01 PM until 5:59 AM
November 16 – April 30	CLOSED

Creekside Community Park:

April 01 – November 15	Open 6:00 AM until 10:00 PM Closed 10:01 PM until 5:59 AM
November 16 – March 31	CLOSED

Vale Park:

April 01 – November 15	Open 6:00 AM until 10:00 PM Closed 10:01 PM until 5:59 AM
November 16 – March 31	CLOSED

PART III – ENFORCEMENT

Penalty

Except as otherwise provided in this bylaw, any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw shall be liable on conviction to a fine not exceeding two thousand dollars (\$2,000.00).

PART IV – GENERAL

Remainder of Bylaw to be Maintained Intact

In the event that any portion of this bylaw is declared to be ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

PART V - REPEAL

Village of Fruitvale Bylaw No. 459 entitled "Parks Regulation Bylaw, No. 459, 1989" is hereby repealed.

PART VI – CITATION

This Bylaw may be cited for all purposes as "Village of Fruitvale Parks Regulation Bylaw No. 829, 2011".

READ a first time this 30th day of May, 2011.

READ a second time this 30th day of May, 2011.

READ a third time this 30th day of May, 2011.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 17th day of June, 2011.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of Bylaw No. 829, 2011, entitled "Village of Fruitvale Parks Regulation Bylaw No. 829, 2011".

DATED this 17th day of June, 2011.

Chief Administrative Officer