



**CITY OF KAMLOOPS**

**PARKS AND PUBLIC LANDS BYLAW NO. 35-66**

**Effective Date - February 10, 1998**

*Consolidated for Convenience Only*

This is a consolidation of "Parks Regulation Bylaw No. 35-66, 1998". The amendment bylaws listed below have been combined with the original bylaw for convenience only. This consolidation is not a legal document. The original bylaws should be consulted for all interpretations and applications on this subject.

<b>Amendment Bylaw</b>		<b>Effective Date</b>
Bylaw No. 35-74	- Sections 3, 6, 7, 8, 9, 10, and 11 - To regulate dogs, fires, hours of operation, boulevard maintenance, significant trees, penalties and repealing Bylaw No. 35-54.	March 5, 2002
Bylaw No. 35-75	- Sections 6 and 10 - Attendance between 11:00 p.m. and 5:00 a.m. and penalties.	March 13, 2002
Bylaw No. 35-78	- Section 6 - Liquor, prohibited activities, power to enforce, and penalties.	December 7, 2004
Bylaw No. 35-84	- Section 10 - Repealing and replacing 10(a) - penalties for cutting down trees.	January 20, 2009
Bylaw No. 35-85	- Sections 3, 5, 6, 7, 8, 9, and 10 - Renumbered and Section 5 - Temporary Shelter - Public Areas.	March 10, 2009
Bylaw No. 35-89	- Illegal Deposit of Refuse on Public Lands	January 1, 2015
Bylaw No. 35-91	- Smoking at or in Parks and City Facilities	February 1, 2016
Bylaw No. 35-93	- Remove all references to Trees	December 12, 2017
Bylaw No. 35-94	- Temporary Overnight Shelters	April 17, 2018

The bylaw numbers in the margins of this consolidation refer to the bylaws that amended the principal bylaw "Parks Regulation Bylaw No. 35-66, 1998".

*This is a consolidated bylaw prepared by the City of Kamloops for convenience only. The City does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.*

CITY OF KAMLOOPS  
BYLAW NO. 35-66  
(AS AMENDED)

(35-93)

A BYLAW TO PROVIDE FOR THE USE, REGULATION AND PROTECTION  
OF PUBLIC LANDS, TO INCLUDE PARKS AND BOULEVARDS  
WITHIN THE CITY OF KAMLOOPS

---

The Municipal Council of the City of Kamloops, in open meeting assembled, enacts as follows:

- (35-94) 1. This bylaw may be cited as “Parks and Public Lands Bylaw No. 35-66, 1998”.

APPLICATION

2. The purpose of this bylaw is to ensure that all public lands including parks and boulevards within the City of Kamloops are protected and preserved for all present and future needs and remain accessible to all citizens. This includes all plant materials and affixed accessories located upon the above areas.

DEFINITIONS

3. In this bylaw, unless the context otherwise requires:

“Boulevard” means that portion of a highway or street between the curb line and the adjoining property, or the lateral line of a roadway or lane and the adjoining property, be it either side, front and/or back. It includes, but is not limited to, sidewalks, flat land, slopes and ditches.

- (35-94) “Bylaw Enforcement Officer” means that person appointed by the City, whether officially titled as such or not, or any person delegated to assist in carrying out his/her duties under this bylaw, and includes any peace officer.

“City” means the City of Kamloops.

- (35-91) “City Facility” means publicly accessible portions of City owned buildings, lots, or structures, including, but not limited to, parking lots, courtyards, City Hall, fire halls, and recreation facilities.

- (35-94) “Director” means the person appointed from time to time by Council as Director of the Civic Operations Department or Community and Protective Services Department and any duly authorized delegate.

- (35-94) “Homeless Person” means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.

- (35-74) "Park" includes:
- (a) every public park, playground, urban forest (including all driveways, roadways, paths, and lanes within a public park, playground, or urban forest), beach, boulevard, swimming pool (whether indoor or outdoor), water playground, wading pool, community centre, public library, art gallery, museum, arena, exhibition building, and all community recreational facilities owned or controlled by the City; and
  - (b) any real property acquired and held by the City and dedicated and reserved by it for the use, recreation, or enjoyment of the public, or land designated for natural or environmental purposes.
- (35-94) "Person" includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.
- (35-94) "Prohibited Areas" means playgrounds, water playgrounds, swimming pools, wading pools, horticulture display areas, and ornamental gardens, maintained or landscaped public lawns, stadiums, skateboard parks, tennis courts, or other sports facility courts, sports fields, dugouts, stages, bleachers, washroom facilities, picnic shelters, gazebos, cemeteries, pathways, driveways, roadways, lanes, bridges, docks, wharfs, boulevards, areas of a Park that have otherwise been issued a permit pursuant to this bylaw, and all other offices, community and recreational facilities, parking lots, or parkades, that are owned or controlled by the City.
- "Public Lands" means any lands under the care, management and jurisdiction of the City of Kamloops.
- (35-91) "Smoke or Smoking" means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, electronic cigarette, or other smoking equipment that burns or vaporizes tobacco, marijuana, or any other substance.
- (35-85)  
(35-94) "Temporary Overnight Shelter" means the use of structures, improvements, or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard, or other rigid or non-rigid material to allow Persons relief from the elements during periods of rest.

#### FACILITY USE AND OVERNIGHT CAMPING PERMITS AND NOTICE OF APPEAL

- (35-94) 4. (a) The use of any part of a park or public lands within the boundaries of the City for other than general public use shall be granted only if an application is made by the prospective permittee which results in the issuance of a facility use permit or overnight camping permit. Such permits shall be applied for through the Civic Operations Department or Community and Protective Services Department.
- (b) Overnight camping for self-contained recreational vehicles only shall be permitted in designated park or recreation areas where such overnight camping is associated with a special event or tournament. In all cases, each self-contained recreational vehicle shall obtain an overnight camping permit and the owner or person in custody of such vehicle shall pay the designated overnight fee.

- (35-94) (c) If any person, group or other body wishes to appeal any decision of the Civic Operations Department or Community and Protective Services Department regarding the granting or refusal of any facility use permit, the appeal shall be made in writing to City Council and shall contain:
- i) the names of those appealing the decision, and
  - ii) a statement of the reasons for submission of appeal.
- (35-94) (d) On receipt of any notice of appeal as described in 4(c) above, the Civic Operations Department or Community and Protective Services Department shall submit to City Council the original application for the facility use permit, the notice of appeal, and a written statement specifying why the facility use permit was refused or granted with certain specified conditions.
- (35-94) (e) City Council may either confirm the decision of the Civic Operations Department or Community and Protective Services Department with respect to the facility use permit or change the decision in any way it deems fit and may request the attendance of the Director and the appellants. The decision of City Council shall be final.

(35-94) “TEMPORARY OVERNIGHT SHELTER - PUBLIC AREAS

5. (a) This Bylaw applies to any and all forms of Temporary Overnight Shelter placed, erected, or otherwise imposed in, on, within, or attached to any Public Lands within the City of Kamloops, without the express written consent or valid permit issued by the Civic Operations Department or Community and Protective Services Department.
- (b) Notwithstanding Section 4 of this bylaw, where there is no accessible shelter accommodation available in the City, a Homeless Person may erect, occupy, and use a Temporary Overnight Shelter on Public Lands that is not a Prohibited Area, provided that the Person complies with all other provisions of this bylaw.
- (c) Temporary Overnight Shelters, as referred to in Section 5(b) above, shall only be erected, occupied, or used each evening as follows:
- i) During Wildfire Season - March through November: between 9:00 pm (2100 hrs) on one day until 7:00 am (0700 hrs) on the following day; and
  - ii) During Non-wildfire Seasons - December through February: between 5:00 pm (1700 hrs) on one day until 8:00 am (0800 hrs) on the following day.
- (d) Each Temporary Overnight Shelter referred to in Section 5(b) above may only cover an area of less than 10 m<sup>2</sup> and may not adjoin, abut, or be connected to any other Temporary Overnight Shelter.
- (e) A Temporary Overnight Shelter shall not be erected, occupied, or used in, on, within, or attached to any Prohibited Area.

- (35-94)
- (f) All Persons erecting, occupying, or using a Temporary Overnight Shelter on Public Lands shall be required to remove the Temporary Overnight Shelter and all possessions, wastes, and other incidental materials associated therewith from said Public Lands at any time other than the permitted times stipulated under Section 5(c) above.
  - (g) Any Temporary Overnight Shelter on Public Lands that is found:
    - i) in, on, within, or attached to any Prohibited Area; or
    - ii) during times not authorized by this bylaw;

shall be unlawful and subject to enforcement and removal, including the removal of any possessions, waste, and other incidental materials in, at, or near the erection, occupancy, or use of the Temporary Overnight Shelter.
  - (h) All Persons using Temporary Overnight Shelter on Public Lands shall be required to comply with all other provisions of this bylaw and any other applicable City bylaw and provincial or federal act or regulation.
  - (i) Without limiting any other authority granted under this bylaw, the Director, a Bylaw Enforcement Officer, a City officer or employee, or an agent of the City may remove or cause to be removed from Public Lands any Temporary Overnight Shelter that is not in compliance with this bylaw, including any vehicles, camping equipment, or possessions in, at, or near the Temporary Overnight Shelter.
  - (j) No Person shall obstruct, hinder, or interfere with any City employee, agent, Bylaw Enforcement Officer, ambulance attendant, or any other person acting in the course of his/her duties at or near the erection, occupancy, or use of a Temporary Overnight Shelter on any Public Lands within the City.

#### SPECIFIC REGULATIONS

- (35-85)  
(35-93)
- 6.
- (a) No person shall deface, cut down or otherwise damage any shrub or other plant material growing in any park or public lands in the City, or deface, remove or damage any item placed or erected therein, and no person shall permit any animal under his/her control to damage any property in a park or public lands.
  - (b) No person shall deposit any refuse or any offensive matter in any park or public lands in the City.
  - (c) No person shall remove any material from any park or public lands in the City, except with the written permission of the Director.
  - (d) No person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, any City employees or agents in the exercise of any of the powers and authorities conferred upon them.

- (e) No person shall wilfully or maliciously discharge any water from any reservoir, pond, lake, fire hydrant or water main in any park or public lands in the City. No person shall throw stones or other objects, or deposit any injurious, noxious or offensive matter in any water source in any park or public lands. No person shall cause any damage to water services in any park or public lands.
- (f) No person shall injure, molest or disturb any wildlife in any park or public lands in the City.
- (35-74) (g) No person owning or having custody, care or control of a dog shall allow the dog to be within a park, except as identified in the City of Kamloops Animal Control Bylaw, as amended from time to time.
- (h) No person shall use any change house or dressing room in any park in the City for any purpose other than that for which the building is intended.
- (i) No person shall play any organized and scheduled game in any park or public lands in the City, except in such portions thereof as may be set apart for the purpose by the City or when a facility use permit has been issued for any such activity.
- (j) It shall be unlawful and an offence against this bylaw for any person to:
- i) Sell in any park or public lands in the City any article or service, except those services that may from time to time be approved by the City.
- ii) Engage in any kind of political or other demonstration in any park or public lands in the City without first obtaining a facility use permit.
- iii) Hold or attempt to hold any show, concert, exhibition, organized sports event or other similar activity in any park or public lands in the City without first obtaining a facility use permit.
- (35-74) (35-94) iv) Start, permit, or otherwise use any form of fire in any Park or Public Lands in the City without first obtaining a Facility Use Permit.
- v) Use firearms or any combustible material in any park or public lands in the City.
- vi) Place or erect any structure, sign, bulletin board or advertising device whatsoever, or distribute or post, paint or affix any advertisement, bills or other article of an advertising nature in any park or public lands.
- vii) Camp or park vehicles overnight unless a facility use permit or overnight camping permit is first obtained and then only in such areas of any such park or public lands and at such times as may be authorized by the said permit.
- (35-75) (35-94) viii) Be in any City Park between 2300 hrs (11:00 pm) and 0500 hrs (5:00 am) on any day unless that Person is a bona fide user as stated in Section 7 of this bylaw.

- (35-78) ix) It shall be an offence against this bylaw for any person to consume or have in their possession any alcohol or liquor in any City park or upon any public lands unless the said alcohol or liquor is consumed or possessed pursuant to and in compliance with the licence issued under the Liquor Control and Licensing Act. Any person or persons found in violation of this section are liable to a penalty of \$100 for a first offence and \$200 for each subsequent offence.
- (k) It shall be unlawful for any person or persons:
- i) To operate a motorized vehicle within any park or public lands, except on designated vehicular routes.
  - ii) To operate a motorized vehicle at speeds in excess of twenty (20) kilometres per hour within any park or public lands.
  - iii) To do any activity so as to interfere with or become a nuisance to the general public within any park or public lands.
  - iv) To use any boat in the waters of any designated swimming area.
- (35-78) v) It shall be unlawful for any person or persons to do any activity in a park or public lands where posted signs indicate that such activity is prohibited or unlawful.
- (35-78) (l) i) The Director or any duly authorized delegate shall have the power to enforce the maintenance of order in the parks and other public lands of the City and may alter the hours of operation for any City park or public lands and may close any City park or public lands on a temporary basis for public safety, emergencies, or weather related events and to remove or have removed any person or person who may contravene or refuse to comply with any regulation or provision herein contained.
- ii) Any person found in violation of section (l)i) will be liable to a penalty of \$100 for a first offence, and \$500 for any subsequent offences.
- (35-91) m) No person shall smoke at or in a park or a publicly accessible portion of a City Facility.

### PARK HOURS

- (35-85)  
(35-74)  
(35-94) 7. All City parks will be closed daily from 2300 hours (11:00 p.m.) to 0500 hours (5:00 a.m.) with the exception of bonafide users of:
- (a) Norbrock Stadium;
  - (b) McArthur Island Lawn Bowling Club and Greens;
  - (c) McArthur Island Sport and Event Centre;
  - (d) Heritage House;
  - (e) Yacht Club;
  - (f) Sandman Centre;
  - (g) Charles Anderson Stadium;
  - (h) Hal Rogers Centre;

- (i) Riverside Park Lawn Bowling Green;
- (j) Brocklehurst Arena
- (k) Valleyview Park Community Building; and
- (l) Kamloops Heritage Railway Society Workshop.

The hours of closure will not apply for major civic functions or tournaments authorized by the City.

### PENALTIES

- (35-85)  
(35-74)  
(35-75)  
(35-84)  
(35-89)  
(35-93)
8. (a) No person shall do any act or permit any act or thing to be done in contravention of this bylaw.
- (b) The City, by its workmen or authorized agent or through its officers, employees, or agents, may carry out the removal of refuse or any offensive matter in any park or public lands in the City at the expense of any person found in violation of Section 6(b), at the expense of the offender, and any charges or costs incurred by the City in this regard shall be recoverable by it in any Court of competent jurisdiction.
- (c) Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw, and:
- (i) Any person found in violation of Section 6(j)(ix) shall be liable for a penalty of One Hundred Dollars (\$100) for a first offence and Two Hundred Dollars (\$200) for each subsequent offence; or
  - (ii) Any person found in violation of Section 6(l) shall be liable for a penalty of One Hundred Dollars (\$100) for a first offence and Five Hundred Dollars (\$500) for each subsequent offence; or
  - (iii) Any person found in violation of Section 6(b) shall be liable to a penalty of not less than Five Hundred Dollars (\$500) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*; or
  - (iv) Where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty provided under the *Community Charter* of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*; or
  - (v) Any combination of the above.
- (35-85)  
(35-74)  
(35-93)
9. City of Kamloops Parks Regulation Bylaw No. 35-54 is hereby repealed.



C. G. BRANCHFLOWER  
MAYOR

C. W. VOLLRATH  
CORPORATE OFFICER