# THE CORPORATION OF THE TOWNSHIP OF LANGLEY PUBLIC SPACES REGULATION BYLAW 2018 NO. 5298

# **EXPLANATORY NOTE**

Bylaw 2018 No. 5298 regulates the use of public spaces in the Township of Langley.

### THE CORPORATION OF THE TOWNSHIP OF LANGLEY

# PUBLIC SPACES REGULATION BYLAW 2018 NO. 5298

WHEREAS section 8(3) of the *Community Charter*, SBC 2003, c 26 authorizes Council to, by bylaw, regulate, prohibit and impose requirements in relation to, among other things, public places, the protection of the natural environment, trees, animals and nuisances:

WHEREAS it is deemed necessary and desirable to repeal and replace Parks Regulation Bylaw 1976, No. 1575;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

### **PART 1: TITLE**

 This Bylaw may be cited for all purposes as "Public Spaces Regulation Bylaw 2018 No. 5298".

### **PART 2: INTERPRETATION**

# Interpretation

- 2.1 The bylaw as amended is further amended:
  - (1) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
  - (2) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
  - (3) unless expressly stated otherwise, a reference to a "section" is a reference to a section in this Bylaw and a reference to a "Part" is a reference to a Part in this Bylaw; and
  - (4) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and regulations promulgated thereto, as amended, revised, consolidated or replaced from time to time, and a reference to a bylaw or policy is a reference to a Township bylaw or policy, as amended, revised, consolidated or replaced from time to time.

### **Definitions**

- 2.2 In this Bylaw:
  - (1) "Bylaw Enforcement Officer" means a person who is designated by the Township as a bylaw enforcement officer;
  - (2) "Council" means the elected council of the Township;
  - (3) "Director" means the person appointed by Council to the position of Director of Parks and Recreation Division, his or her designates and authorized agents:
  - (4) "Drug Paraphernalia" means any product, equipment, thing or material of any kind primarily used or intended to be primarily used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body a "controlled substance" as defined in the *Controlled Drugs and Substances Act* (S.C. 1996, c. 19);
  - (5) "Fireworks" has the meaning ascribed to it in the Fire Prevention Bylaw 2013 No. 4956 as amended from time to time;
  - (6) "Geocache" means a container, usually containing a logbook and small trading items, hidden for persons to find through the use of a global positioning system;
  - (7) "Highway" has the meaning ascribed to it in the Community Charter,
  - (8) "Highway and Traffic Bylaw" means the Highway and Traffic Bylaw 2010 No. 4758 as amended from time to time;
  - (9) "Hoverboard" means a self-balancing two-wheeled or one wheeled board commonly referred to as a "hoverboard" with a weight under 30 lbs and height under 34 inches.
  - (10) "Idle" means operating a Vehicle engine when the Vehicle is stationary and not providing power for work equipment or conducting work activities;
  - (11) "Liquor" has the meaning ascribed to it in the Liquor Control and Licensing Act,
  - (12) "Liquor License" means a licence issued pursuant to the Liquor Control and Licensing Act and its regulations;
  - (13) "Motorized Toy" means any toy boat or other vehicle that is powered and propelled by a motor but, for certainty, does not include an Unmanned Aerial Vehicle;
  - (14) "Outside Waste" means Waste generated outside a Park;

- (15) "Park" means land and improvements owned or occupied by the Township for the use, recreation or enjoyment of the general public including, but not limited to, land gifted, dedicated and reserved for use as a park;
- (16) "Park Permit" has the meaning ascribed to it in section 4.4;
- (17) "Park Permit Application" has the meaning ascribed to it in section 4.4;
- (18) "Prohibited Vehicle" means:
  - (a) a device designed to be moved by animal power like a horse-drawn carriage;
  - (b) a Segway over 34 inches in height; and
  - (c) a recreational vehicle like a go-kart, a golf cart, a motorcross bike, a snowmobile, or an all-terrain vehicle but does not include a Hoverboard:
- (19) "Public Spaces" means Parks and School Spaces;
- (20) "Restriction Notice" has the meaning ascribed to it in section 4.17;
- (21) "School District" means The Board of Education of School District No. 35 (Langley);
- (22) "School Spaces" means playgrounds, recreational facilities, trails and parking lots owned or occupied by the School District that the School District in its discretion from time to time permits the general public to use for recreation or enjoyment, subject to such rules and policies as the School District may impose;
- (23) "Smoke" means:
  - (a) to burn a cigarette, e-cigarette, cigar or joint, or
  - (b) to burn any substance (including, but not limited to, tobacco, cannabis, or any other plant or herb) using any type of smoking device (including, but not limited to, a pipe, a bubbler, a bong, a hookah, a vaporizer, an electronic smoking device or a home-made smoking device);
- (24) "Special Event" means a gathering at which more than 100 persons are expected to attend;
- (25) "Sport Field" means an area used to play one or more outdoor sports and includes, but is not limited to, a soccer field, a football field, a rugby field, a baseball field, a basketball court, a volleyball court, a pickleball court and a tennis court;
- (26) "Township" means the Corporation of the Township of Langley;

- (27) "Township Clerk" means the person appointed by Council to the position having that name, his or her designates and authorized agents;
- (28) "Township of Langley" means the geographic area subject to regulation by the Township;
- (29) "Unmanned Aerial Vehicle" means a device or machine capable of flight without an onboard human pilot;
- (30) "Vehicle" means a device, other than a Prohibited Vehicle, in, on or by which a person or thing is or may be transported or drawn on a Highway including, but not limited to:
  - (a) a device designed to be moved by human power like a cycle or a skateboard;
  - (b) a Hoverboard; and
  - a device designed to provide mobility to a person with a disability like a scooter;
- (31) "Vessel" means any boat or craft designed, used or capable of being used for marine navigation, whether self-propelled or not and without regard to the method of propulsion, and includes a raft or boom of logs or lumber;
- (32) "Waste" means any litter, garbage, rubbish, refuse, or other form of waste (including organic waste);
- (33) "Weapon" means any thing designed, used or capable of being used to inflict bodily harm and includes, but is not limited to, a firearm, a bow, a crossbow, a knife, a sword, a slingshot, a catapult, and nunchucks; and
- (34) "Wildlife" means a species, subspecies, variety or geographically or genetically distinct population of animal, plant or other organism, other than a bacterium or virus, that is wild by nature.

# **PART 3: APPLICATION**

### **Public Spaces**

3.1 Every Public Space shall be subject to the provisions of this Bylaw except to the extent that the provisions of this Bylaw directly conflict with a condition under which a Park was acquired by the Township or a School Space was acquired by the School District.

### **Exemptions**

Other than the prohibition in section 5.26 [Smoking], the prohibitions in this Bylaw do not apply to:

- a Township officer or employee engaged in the performance of his or her lawful duties;
- (2) a Township contractor, agent or volunteer engaged in the performance of his or her lawful duties at the Township's request;
- (3) a School District officer or employee engaged in the performance of his or her lawful duties;
- (4) a School District contractor, agent or volunteer engaged in the performance of his or her lawful duties at the School District's request; or
- (5) a police officer engaged in the performance of his or her lawful duties.

### **PART 4: ADMINISTRATION**

# **Administration**

- 4.1 The Director is responsible for the administration and enforcement of this Bylaw.
- 4.2 The Director may, with Council's approval, make rules for the administration, management, use and protection of Parks.
- 4.3 The Director may, without Council's approval, authorize community organizations to participate in the development of one or more Parks pursuant to a written agreement.

### **Park Permits**

- 4.4 A person may submit an application (a "Park Permit Application") to the Director for a permit (a "Park Permit") authorizing them to engage in one or more of the activities prohibited under this Bylaw.
- 4.5 A Park Permit Application must comply with the requirements of any applicable Council policy.
- 4.6 A Park Permit Application for:
  - (1) a Special Event must be submitted to the Director at least 30 days prior to commencement of the Special Event; and
  - (2) an activity other than a Special Event must be submitted to the Director at least 14 days prior to commencement of the activity in respect of which the Park Permit is sought.
- 4.7 The Director may consult with Township staff with respect to the merits of a Park Permit Application.
- 4.8 Within 30 days of receiving an application under section 4.6(1), or within 14 days of receiving an application under section 4.6(2), the Director shall:

- (1) issue a Park Permit, with terms and conditions; or
- (2) refuse a Park Permit on reasonable grounds.
- 4.9 A Park Permit issued pursuant to section 4.8(1) must be in writing and must specify:
  - (1) the activity in relation to which the Park Permit is issued:
  - (2) the time period during which the Park Permit is effective; and
  - (3) any terms or conditions of the Park Permit.
- 4.10 A Park Permit which is refused pursuant to section 4.8(2) must be in writing and must specify:
  - (1) the reasons for refusing the Park Permit; and
  - (2) the applicant's right to request reconsideration of the decision to refuse the Park Permit.
- 4.11 An applicant who has been refused a Park Permit pursuant to section 4.8(2) may request reconsideration of the decision to refuse the Park Permit in accordance with the following procedures:
  - (1) the applicant may apply for reconsideration by providing written notice to the Township Clerk within 14 days of receiving the decision; and if refused by the Clerk
  - (2) the applicant may within 14 days make written submissions to Council in respect of the decision.
- 4.12 Upon receiving an application under section 4.11, Council shall at their earliest opportunity:
  - (1) issue a Park Permit with terms and conditions it deems reasonable; or
  - (2) uphold the decision to refuse the Park Permit.
- 4.13 A Park Permit issued pursuant to section 4.12(1) must be in writing and must specify:
  - (1) the activity in relation to which the Park Permit is issued;
  - (2) the time period during which the Park Permit is effective; and
  - (3) any terms or conditions of the Park Permit.
- 4.14 A decision made pursuant to section 4.12(2) must be in writing and must specify the reasons for the decision.

- 4.15 A Park Permit issued pursuant to section 4.8(1) or 4.12(1) may be revoked by the decision-maker who issued the Park Permit, if the decision-maker is of the opinion that the person issued the Park Permit:
  - (1) contravened a term of the Park Permit or did not comply with a condition of the Park Permit; or
  - (2) contravened a Township bylaw.
- 4.16 No person shall violate the terms or conditions of a Park Permit.

### Restrictions on use of Parks

- 4.17 If a person has contravened this Bylaw more than three times over the course of a year, the Director may provide the person with a written notice (a "Restriction Notice") which:
  - (1) prohibits the person from using one or more Parks (but not all Parks) for a specified period of time not to exceed one year; or
  - (2) imposes conditions on the person's use of one or more Parks (or all Parks) for a specified period of time not to exceed one year.
- 4.18 No person shall violate the terms or conditions of a Restriction Notice.

# Seizure and detention of chattels left in a Park contrary to this Bylaw

- 4.19 The Director may seize, remove and store, or cause to be seized, removed and stored, any chattel placed within a Park contrary to this Bylaw.
- 4.20 If the contact information for the owner of a chattel seized under section 4.19 can be identified by the Director, the Director must make reasonable efforts to contact the owner of the chattel and notify them of the effect of sections 4.22 through 4.26.
- 4.21 If the contact information for the owner of a chattel seized under section 4.19 cannot be identified by the Director, the Director is not required to make any efforts to contact the owner of the chattel or to notify them of the effect of sections 4.22 through 4.26.
- 4.22 Within 7 days of receipt of notification under section 4.20, or within 7 days of seizure of a chattel described in section 4.21, the owner of a chattel seized under section 4.19 may obtain possession of the chattel by:
  - (1) providing the Director with proof of ownership of the chattel; and
  - (2) paying the Township a sum equal to all expenses incurred by the Township to seize, remove and store the chattel.
- 4.23 If the owner of a chattel seized under section 4.19 has not obtained possession of the chattel in accordance with section 4.21 within 7 days of receipt of notification under section 4.20, or within 7 days of seizure of a chattel described in section 4.21:

- (1) the Director may cause the chattel to be sold by public auction to the highest bidder, if the Director is of the opinion that the chattel has market value over \$100; or
- (2) the Director may dispose of the chattel, if the Director is of the opinion that the chattel has market value under \$100.
- 4.24 The Director must apply the proceeds of an auction held under section 4.23(1) in the following manner:
  - (1) firstly, deduct the costs of the auction;
  - (2) secondly, deduct the expenses incurred by the Township to seize, remove and store the chattel; and
  - (3) thirdly, pay the surplus, if any, to the owner of a chattel sold, if the Director can locate the owner of the chattel.
- 4.25 If an auction held under section 4.23(1) generates a surplus, and the Director cannot locate the owner of the chattel sold in the auction to pay them the surplus, the Director shall:
  - (1) hold the surplus for one year from the date of the auction; and
  - (2) pay the amount of the surplus into the Township's general revenues if the surplus is not claimed within one year from the date of the auction.
- 4.26 An amount paid into the Township's general revenues under section 4.25(2) is absolutely forfeited to the Township.

### **Closing Parks**

- 4.27 The Director may close part or all of a Park if, in his or her opinion, such closure is necessary to protect the environment or the health, safety or security of the public.
- 4.28 A park, or a portion of a park, closed pursuant to section 4.27 shall only be closed for so long as the closure is necessary to protect the environment or the health, safety or security of the public.

### **PART 5: GENERAL REGULATIONS**

### **Animals**

- 5.1 A person who owns or has custody, care or control of an animal shall ensure that such animal does not do any of the following in a Public Space:
  - (1) run at large or be uncontrolled except in an area specifically designated for such activity;

- (2) kill or injure a person or another animal;
- (3) harass, disturb or frighten a person or another animal;
- (4) bath or swim in a body of water except in a body of water specifically designated for such activity; or
- (5) damage property.
- 5.2 Without limiting the generality of section 5.1(1), a person who owns or has custody, care or control of a dog shall ensure that such dog does not enter onto any Sport Field in a Public Space (with or without a leash).
- 5.3 A person who owns or has custody, care or control of an animal shall ensure that any excrement deposited by such animal in a Public Space is immediately disposed of in a sanitary manner.

### **Boats**

5.4 No person shall operate a Vessel in a Public Space except on water in a Park as authorized by and in compliance with a Park Permit.

### **Commercial activities**

- No person shall display, distribute, post, paint or affix any advertisements or other promotional material of any kind whatsoever in a Public Space except:
  - (1) on information boards provided expressly for that purpose;
  - in a Park as authorized by and in compliance with a Park Permit or a written agreement with the Township; or
  - in a School Space as authorized by and in compliance with a written agreement with the School District.
- 5.6 No person shall offer for sale, or sell, any goods or services in a Public Space except:
  - in a Park as authorized by and in compliance with a Park Permit or a written agreement with the Township; or
  - (2) in a School Space as authorized by and in compliance with a written agreement with the School District.
- 5.7 No person shall offer for sale, or sell, food in a Public Space using materials that are not recyclable, biodegradable or compostable.
- 5.8 No person shall solicit funds in a Public Space for any commercial purpose except:
  - in a Park as authorized by and in compliance with a Park Permit or a written agreement with the Township; or

(2) in a School Space as authorized by and in compliance with a written agreement with the School District.

### Conduct

# 5.9 No person shall:

- (1) conduct himself or herself in an indecent manner or use profane, or grossly insulting language in a Public Space;
- (2) harass, disturb, frighten, or endanger any other person in a Public Space;
- interfere with, obstruct or impede the lawful free use and enjoyment of any Public Space by any other person;
- (4) violate any rule, notice or order of the Township which applies in a Park and which is posted in the Park or is otherwise available to the public; or
- (5) violate any rule, notice or order of the School District which applies in a School Space and which is posted in the School Space or is otherwise available to the public; or
- (6) interfere with, obstruct, or impede:
  - (a) a Township officer or employee in the performance of his or her lawful duties;
  - (b) a Township contractor, agent or volunteer in the performance of his or her lawful duties at the Township's request;
  - (c) a School District officer or employee engaged in the performance of his or her lawful duties;
  - (d) a School District contractor, agent or volunteer engaged in the performance of his or her lawful duties at the School District's request; or
  - (e) a police officer in the performance of his or her lawful duties.

### Construction of buildings, structures and shelters

- 5.10 No person shall construct, erect or install a building, structure or shelter of any kind, whether permanent or temporary, in a Public Space, except:
  - in a Park as authorized by and in compliance with a Park Permit or a written agreement with the Township; or
  - in a School Space as authorized by and in compliance with a written agreement with the School District.

# Drug paraphernalia

5.11 No person shall possess or use Drug Paraphernalia in a Public Space unless expressly permitted to do so by federal or provincial laws.

# Footwear and sporting equipment

5.12 No person shall play any organized sports in a Public Space unless wearing appropriate footwear, and using sporting equipment, specifically designed for such activity. For certainty, footwear with metal spikes is not permitted on synthetic turf fields.

### Fires

- 5.13 No person shall light a fire within a Public Space except:
  - (1) in an area of a Park specifically designated for such activity; or
  - (2) in a propane, white gas or natural gas barbeque in a Park; when there is no fire ban in effect.

# **Fireworks**

5.14 No person shall discharge Fireworks in a Public Space except in a Park as authorized by and in compliance with a permit issued pursuant to the Fire Prevention Bylaw 2014 No. 4956 as amended from time to time.

### Geocaches

- 5.15 A person placing a Geocache in a Public Space must ensure that:
  - (1) the Geocache is marked "Geocache" on the outside;
  - (2) the Geocache contains the person's name and contact information on the inside;
  - (3) the Geocache is not permanently attached to any building, structure or natural feature in the Public Space; and
  - the Geocache is not placed anywhere that will interfere with, obstruct or impede the lawful free use and enjoyment of any Public Space by any person.

### Golf

5.16 No person shall hit a golf ball or any other object with a golf club in a Public Space.

### Hours of use

5.17 No person shall enter or remain in a Park during the hours when the Park is closed as indicated by Township signage, or where no hours are posted, between dusk and dawn except as authorized by and in compliance with a Park Permit.

5.18 No person shall enter or remain in a School Space during the hours when the School Space is closed to the general public as indicated by School District signage, or where no hours are posted, between dusk and dawn.

# Liquor

5.19 No person shall possess or consume Liquor in a Public Space except as authorized by and in compliance with a Liquor Licence and a Park Permit.

# **Motorized toys**

- 5.20 No person shall operate a Motorized Toy in a Public Space except:
  - (1) in an area of a Park or School Space specifically designated for such activity;
  - (2) in a Park as authorized by and in compliance with a Park Permit; or
  - in a School Space as authorized by and in compliance with a written agreement with the School District.

# **Parachuting**

- 5.21 No person shall parachute or skydive into a Public Space except:
  - (1) in a Park as authorized by and in compliance with a Park Permit; or
  - (2) in a School Space as authorized by and in compliance with a written agreement with the School District.

### Park facilities and equipment

5.22 No person shall misuse, alter, damage or move any facility, building, structure, equipment, sign, landscaping, art or ornament constructed or installed in a Public Space.

# Plants and vegetation

- 5.23 No person shall, alter, damage or move any plant or vegetation within a Public Space, or remove any plant or vegetation from a Public Space, except:
  - (1) from a Park as authorized by and in compliance with a Park Permit; or
  - (2) from a School Space as authorized by and in compliance with a written agreement with the School District.

# Research

- 5.24 No person shall conduct research in a Public Space except:
  - (1) in a Park as authorized by and in compliance with a Park Permit; or

(2) in a School Space as authorized by and in compliance with a written agreement with the School District.

# Smoking

5.25 No person shall Smoke within a Public Space except in an area specifically designated by the Township or the School District, as applicable, for such activity.

# Special events

- 5.26 No person shall hold a Special Event in a Public Space except:
  - (1) in a Park as authorized by and in compliance with a permit issued pursuant to the Township of Langley Special Events Bylaw 1997 No. 3733 as amended from time to time, if applicable;
  - (2) in a Park as authorized by and in compliance with a Park Permit; or
  - in a School Space as authorized by and in compliance with a written agreement with the School District.

# Swimming and bathing

- 5.27 No person shall undress or dress in a Public Space except in an area specifically designated by the Township or the School District, as applicable, for that purpose.
- 5.28 No person shall enter, bathe or swim in any body of water in a Public Space without a bathing suit.
- 5.29 No person shall enter, bathe or swim in any body of water in a Public Space except:
  - in an area specifically designated by the Township or the School District, as applicable, for that purpose;
  - (2) in compliance with rules and signage of the Township or the School District, as applicable; and
  - in compliance with the directions of any person charged with managing, controlling or supervising bathing and swimming in the body of water.

### **Unmanned Aerial Vehicles**

- 5.30 No person shall operate an Unmanned Aerial Vehicle in a Public Space except as authorized by and in compliance with the *Aeronautics Act*, R.S. 1985, C. A-2 and its regulations, and any applicable codes, rules and conditions imposed by Transport Canada with respect to the operation of Unmanned Aerial Vehicles and:
  - (1) in an area of a Park or School Space specifically designated for such activity;
  - (2) in a Park, as authorized by and in compliance with a Park Permit; or

in a School Space, as authorized by and in compliance with a written agreement with the School District.

### Vehicles

- 5.31 No person shall operate, stop or park a Prohibited Vehicle in a Public Space.
- 5.32 No person shall operate, stop or park a Vehicle in a Public Space except:
  - in an area specifically designated by the Township or the School District, as applicable, for that purpose;
  - in a Park, in compliance with Township signage or as authorized by and in compliance with a Park Permit;
  - in a School Space, in compliance with School District signage or as authorized by and in compliance with a written agreement with the School District; and
  - (4) if applicable, in compliance with the Highway and Traffic Bylaw.
- 5.33 No person shall operate a Hoverboard in a Public Space at a rate of speed greater than 15 km per hour.
- 5.34 No person shall Idle a Vehicle in a Public Space for a period greater than one minute.
- 5.35 No person shall clean a Vehicle in a Public Space.

### Water

5.36 No person shall travel on or across any water in a Public Space which is frozen or appears to be frozen.

### Weapons

- 5.37 No person shall use a Weapon in a Public Space except:
  - in a Park as authorized by and in compliance with the Discharge of Firearms
    Regulation Bylaw 1991 No. 3001 as amended from time to time, if applicable; or
  - (2) in a Park as authorized by and in compliance with a Park Permit.

# Waste and combustible materials

- 5.38 No person shall transport Outside Waste into a Public Space for the purpose of depositing it in the Public Space.
- 5.39 No person shall deposit Outside Waste in a Public Space.
- 5.40 No person shall deposit Waste in a Public Space except:

- in receptacles specifically provided by the Township or the School District, as applicable, for that purpose;
- (2) composted organic waste in a community garden in a Park for the purpose of growing plants;
- (3) in a Park as authorized by and in compliance with a Park Permit; or
- in a School Space as authorized by and in compliance with a written agreement with the School District.
- 5.41 No person shall deposit any lighted match, cigarette, cigar or other burning substance in a Public Space except in a receptacle specifically provided by the Township or the School District, as applicable, for that purpose.

### Wildlife

5.42 No person shall feed, molest, harass, disturb, frighten, injure, hook, trap or snare any Wildlife in a Public Space except as authorized by and in compliance with a federal or provincial permit.

### PART 6: OFFENCES AND PENALTIES

- 6.1 A person who violates a provision of this Bylaw or a Restriction Notice, commits an offence under this Bylaw.
- 6.2 In the case of a continuing offence, each day that the offence continues constitutes a separate offence under this Bylaw.
- 6.3 A person who commits an offence under this Bylaw is subject to any remedies or penalties available to the Township under provincial law including, but not limited to:
  - a bylaw notice fine issued under the Bylaw Notice Enforcement Bylaw 2008 No.
     4703 as amended from time to time; and
  - (2) a fine of up to \$10,000 or a term of imprisonment of up to 3 months upon summary conviction.

### **PART 7: GENERAL**

- 7.1 If any part, section, subsection, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this Bylaw shall not be affected.
- 7.2 Parks Regulation By-law, 1976, No. 1575 is hereby repealed.

### 7.3 This Bylaw is to come into force and take effect on the date of its adoption.

READ A FIRST TIME the	23	day of	July	, 2018
READ A SECOND TIME the	23	day of	July	, 2018
READ A THIRD TIME the	23	day of	July	, 2018
RECONSIDERED AND ADOPTED	17	day of	September	, 2018

Mayor

Township Clerk