

DISTRICT OF SALMON ARM

BY-LAW NO. 2119

A by-law to provide for the use, regulation and protection of public lands and parks within the District of Salmon Arm

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

1. This bylaw may be cited as "Parks Regulation Bylaw No. 2119, 1993".

2. **Definitions**

In this bylaw, unless the context otherwise requires, the following expressions shall have the meanings hereinafter assigned to them, that is to say:

a) "Animal" includes any horse, mule, swine, sheep, goat, cow or other animal of the bovine species, or any domestic geese, ducks, fowl poultry, and rabbits.

b) "District" shall mean the District of Salmon Arm.

c) "Dog" means any dog apparently over the age of four months and including male or female of the species but not a bonafide Seeing Eye Dog.

d) "Motorized Vehicle" means a vehicle, not run on rails, that is designed to be self propelled or propelled by electric power obtained from overhead trolley wires.

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e) "Overnight" means any time between the hours of 10:00 o'clock in the afternoon and 6:00 o'clock in the forenoon of the following day; and is applicable to all parks except Marine Peace Park, which shall be open until 11:00 o'clock in the afternoon.

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f) "Park" shall mean any improved land used for outdoor recreation such as a playground, beach, spray park, skateboard park, athletic court, athletic field, trail, wharf and public plaza that are under the care, management and jurisdiction of the City; and any unimproved land for natural and environmental purposes that is under the care, management and jurisdiction of the City.

g) "Parks and Facilities Manager" shall mean the person appointed from time to time by the District of Salmon Arm and any person appointed to assist him/her in carrying out his/her duties under this by-law.

h) "Public Lands" shall mean any public lands other than park under the care, management and jurisdiction of the District of Salmon Arm.

i) "Run at Large" means, in reference to an animal, that it is not upon the premises of its owner and is not under the immediate care and supervision of its owner or his agent.

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j) "Smoking" shall mean the inhaling of, or exhaling of, the smoke from tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning.

3. Facility Use and Overnight Camping Permits and Notice of Appeal

- a) The use of any part of a park or public lands within the boundaries of the District 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. A facility use permit or overnight camping permit will not be issued unless the requested use is a permitted use under the provisions of the Zoning By-law.
- b) A facility use permit shall be in the form of the facility use permit contained in Appendix "A" attached to and forming part of this by-law.
- c) The Parks & Facilities Manager shall be responsible for the issuing of Facility Use Permits and Overnight Camping Permits.
- d) Any person, group or other body may appeal any decision of the Parks & Facilities Manager regarding the granting or refusal of a facility use permit, in writing to District Council. The appeal shall contain:
 - i. the names of those appealing the decision of the Parks & Facilities Manager, and
 - ii. a statement of the reasons for submission of the appeal.
- e) On receipt of any notice of appeal as described in 3(d) above, the Parks & Facilities Manager shall submit to District 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 together with any specified conditions.
- f) The District Council may either confirm the decision of the Parks & Facilities Manager with respect to the facility use permit or change his/her decision in any way it sees fit and may request the attendance of the Parks & Facilities Manager and the appellants. The decision of District Council shall be final.

4. Specific Regulations

- a) No person shall deface, remove or otherwise damage any tree, shrub or other plant material growing in any park or public lands in the District, or deface, remove or damage any affixed accessory placed or erected therein, and no person shall permit any animal under his 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 District.

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- c) No person shall remove any material, except with the written permission from the Parks & Facilities Manager, from any park or public lands in the District.
- d) No person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, any District 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 District. 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 commit 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 District.
- g)
 - i. No person shall suffer or allow any animal to run at large in any park. Dogs only shall be permitted to enter those parks listed on Appendix "B" and only while on a leash and in the actual custody and control of the owner, his agent or servant, except where excluded by posted notice.
 - ii. The person in actual custody or control of a dog in those parks listed on Appendix "B" shall remove from said parks and dispose of in sanitary manner all faeces dropped by such dog.
- h) No person shall use any change house or dressing room in any park or public lands in the District for any purpose other than that for which they were intended.
- i) No person shall play any organized and scheduled game in any park or public lands in the District, except in such portions thereof as may be set apart for that purpose by the District 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 District any article or service, except those services authorized pursuant to Zoning regulations.
 - ii. Engage in any kind of political or other demonstration in any park or public lands in the District 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 District without first obtaining a facility use permit.

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4. **Specific Regulations** (cont'd.)

- iv. Light any fire in any park or public lands in the District except in designated areas as are provided by the District for that purpose.
- v. Use fireworks or any combustible material in any park or public lands in the District except as authorized by a Facility Use Permit.
- vi. Place or erect any structure, sign, bulletin board or advertising device whatever, or distribute or post, paint or affix any advertisement, bills or other article of an advertising nature in any park or public lands except as authorized by a Facility Use Permit and in compliance with the Sign By-law.
- 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.
- viii. No person shall be permitted in any park or public lands to possess open liquor at any time, except where the said liquor is possessed pursuant to and in compliance with a licence issued under the *Liquor Control and Licensing Act*.

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- 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.
- l) The Parks & Facilities Manager or any other authorized representative of the District shall have power to enforce the maintenance and order in the parks and other public lands of the District, and to remove or have removed any person or persons who may contravene or refuse to comply with any of the regulations or provisions herein contained.

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- m) Smoking shall be prohibited in a park.

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5. Exemptions

a) Exemption to Emergency Vehicles

The provisions of this bylaw shall not apply to any emergency vehicle while it is responding to an emergency call and sounding its siren, exhaust whistle or bell, but the exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of others.

b) Exemption to Public Utility Vehicles

The provisions of this By-law shall not apply to:

- i. municipal or provincial utility vehicles;
- ii. vehicles of a public utility corporation;
- iii. wrecking vehicles, while such vehicles are actually engaged in work of necessity in contravention of any of such provisions.

This exemption shall not relieve the drivers of such vehicles from taking due precaution for the safety and protection of the public and property.

c) Other Exemptions

The Parks and Facilities Manager may, by written approval, exempt any person or vehicle from such provisions of this by-law as he/she deems fit, and under such conditions as he/she may impose.

6. Validity of Bylaw

Should any section or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the by-law as a whole or any part thereof other than the part so declared to be invalid.

7. Penalties

Every person who contravenes any of the provisions of this by-law shall be deemed to have committed an offence against this by-law and shall be liable upon conviction, to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00) for each offence. Each day that a violation continues to exist shall constitute a separate offence.

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8. "District of Salmon Arm Parks Regulation By-law, 1978", No. 1252 is hereby repealed.

READ A FIRST TIME THIS 8th DAY OF March 1993

READ A SECOND TIME THIS 8th DAY OF March 1993

READ A THIRD TIME THIS 8th DAY OF March 1993

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 22nd DAY OF
March 1993

Mayor

Clerk

PERMIT NUMBER: _____

FEE \$ _____

FACILITY USE PERMIT

USER NO. _____

GROUP: _____ ADDRESS: _____

APPLICANT: _____ TELEPHONE NO.: _____

FACILITY NO.: _____ NAME: _____

ADDRESS: _____ TELEPHONE NO: _____

DATE: FROM _____ TO _____ EXCEPTIONS: _____

DATE/FREQUENCY: _____ TIME: _____

EVENT DESCRIPTION: _____

EVENT LOCATION: _____

SPECIAL REQUIREMENTS: _____

1. The Permittee shall pay the District of Salmon Arm an Advance Permit Fee of \$ _____
2. The Permittee agrees to abide by all regulations and bylaws which may be in effect within the District of Salmon Arm.
3. This permit is not transferable.
4. At expiry of this permit, title to all permanent improvements or construction as installed under permission contained herein shall revert to and remain the property of the District of Salmon Arm and the Permittee shall not be entitled to any compensation. Therefore temporary structures must be removed before expiry date.
5. This permit is not valid until signed by the Permittee and accompanied by a current official receipt if a fee has been levied.
6. This permit may be cancelled at any time without notice by the District of Salmon Arm.
7. The Permittee hereby indemnifies and saves the District harmless from any loss, costs or damages whatsoever arising from the privileges granted the Permittee by this permit.
8. Any full or partial cancellations by the Permittee require a minimum of 72 hours notice prior to the event. The full permit fee will be charged to the Permittee if this minimum notice requirement is not met, regardless of whether or not the facility can be resold prior to the scheduled event.
9. Extraordinary cleanup and/or damage will be charged to the Permittee at cost.

IN CONSIDERATION OF THE PRIVILEGE GRANTED HEREIN, I HEREBY AGREE TO OBSERVE AND ABIDE BY THE TERMS AND CONDITIONS OF THIS PERMIT.

_____, 19_____
Date

Permittee

for the District of Salmon Arm

Witness

PERMIT NO.

DISTRICT OF SALMON ARM
OVERNIGHT CAMPING PERMIT

DATE _____ VEHICLE LICENCE NUMBER
FEE PAID \$

EVENT SOLD FOR

CAMPING SITE LOCATION

for the District of Salmon Arm

DISPLAY ON FRONT WINDOW - THIS SIDE UP

The undersigned acknowledges that use of District of Salmon Arm facilities is at their own risk and the undersigned indemnifies and saves the District harmless from any losses whatsoever arising from the undersigned's use of the District facilities.

Signed:

Camper

PERMIT NO.

DISTRICT OF SALMON ARM
OVERNIGHT CAMPING PERMIT

DATE _____ VEHICLE LICENCE NUMBER
FEE PAID \$

EVENT SOLD FOR

CAMPING SITE LOCATION

or the District of Salmon Arm

DISPLAY ON FRONT WINDOW - THIS SIDE UP

The undersigned acknowledges that use of District of Salmon Arm facilities is at their own risk and the undersigned indemnifies and saves the District harmless from any losses whatsoever arising from the undersigned's use of the District facilities.

Signed:

Camper

DISTRICT OF SALMON ARM

Dogs shall be permitted to enter those parks listed on Appendix "B" only while on a leash and in the actual custody and control of the owner, his agent or servant, except where excluded by posted notice.

BLACKBURN PARK

CANOE BEACH PARK

FLETCHER PARK

KLAHANI PARK

McGUIRE PARK

MARINE PEACE PARK

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FORESHORE TRAIL

consisting of the 10 m wide dedicated municipal walkway and municipal lands lying between the eastern terminus of Harbourfront Drive NE and 47 Avenue NE and adjacent to the Canadian Pacific Railway - on maximum 2 metre leash, except during the period of May 01 to June 30 of each year when dogs are prohibited.