



City of Vernon

**PARKS and  
PUBLIC  
PLACES  
BYLAW**

**#5057**

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5057

**AMENDMENTS**

<p><b>BYLAW NO.</b></p>	<p><b>ADOPTION</b></p>	<p><b>AMENDMENT</b></p>
<p>5334</p>	<p>October 11, 2011</p>	<p>AMEND the <u>Interpretation</u> section of the bylaw, to <b>DELETE</b> section '(c) "bylaw offence notice"</p> <p>AMEND the <u>Parking and Traffic Control</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none"> <li>• <b>ADD NEW</b> section '(g)' referencing licenced vehicles in parks</li> <li>• <b>AMEND</b> section '(h)' to add reference to Bylaw Enforcement Officers and to remove reference to a 'bylaw offence notice'</li> <li>• <b>AMEND</b> section '(i)' to add reference to Bylaw Enforcement Officers,</li> <li>• <b>AMEND</b> section '(j)' to improve wording</li> <li>• <b>DELETE</b> section '(k)' regarding issuance of a 'bylaw offence notice'</li> <li>• <b>AMEND</b> section '(l)' to remove reference to a 'bylaw offence notice'</li> <li>• <b>DELETE</b> section '(q)' outlining penalties for infractions in section 4 as</li> <li>• <b>AMEND</b> section '(o)' to correct reference to the City's Traffic Bylaw.</li> </ul> <p>AMEND the <u>Animal Control</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none"> <li>• <b>AMEND</b> section (a) to improve wording and rename as subsection (i),</li> </ul>

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		<ul style="list-style-type: none"><li>• <b>ADD NEW</b> section (a)(ii) regarding dogs in park.</li></ul> <p>AMEND the <u>Safe Use of Public Places</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none"><li>• <b>REPLACE</b> subsection (g) with <b>NEW</b> subsection (g).</li></ul> <p>AMEND subsection 15. of the <u>Public Nuisance</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none"><li>• <b>ADD</b> new subsection (n) regarding 'No Smoking' areas</li></ul> <p><b>AMEND</b> subsection 18. of the <u>Seizure and Detention</u> section to amend section reference</p> <p><b>AMEND</b> subsection 24. of the <u>Restriction of Access</u> section to amend Schedule reference</p> <p><b>ADD NEW</b> section for <u>Obstruction</u></p> <p><b>AMEND</b> the <u>Offence and Penalty</u> section of the bylaw as follows:</p> <ul style="list-style-type: none"><li>• <b>ADD NEW</b> section 27. regarding enforcement by municipal ticket or bylaw notice\</li><li>• <b>ADD NEW</b> section 29. regarding Court orders in accordance with the Community Charter</li></ul> <p><b>ADD NEW</b> section 31. regarding legal remedies</p> <ul style="list-style-type: none"><li>• <b>AMEND and Renumber</b> section 27. to amend penalty limits and to reference cost and incarceration</li></ul> <p><b>RENUMBER/RELETTER</b> all sections, and subsections as required</p> <p><b>DELETE</b> <u>Schedule A – Bylaw Offence</u> Notice and re-letter subsequent Schedules</p>
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5476	February 11, 2014	<p>Amend <u>Section 2 – Interpretation</u> as follows:</p> <ul style="list-style-type: none"> <li>• <b>ADD</b> new section (g) by adding reference to "dog park"</li> <li>• <b>AMEND</b> section (i) by dividing it into subsections and adding a subsection to reference "Justice Park"</li> <li>• <b>AMEND</b> section (j) to improve wording</li> <li>• <b>AMEND</b> section (l) by dividing it into subsections and adding a subsection to reference "Unoccupied areas of Crown Land contiguous to a watercourse"</li> </ul> <p>Amend <u>Section 3 – Application</u> as follows:</p> <ul style="list-style-type: none"> <li>• <b>AMEND</b> to improve wording</li> <li>• <b>ADD</b> <u>Section 3(a) – Management of Parks</u></li> <li>• <b>ADD</b> <u>Sections 3(b) and (c) – General</u></li> </ul> <p>Amend <u>Section 6 – Animal Control</u> as follows:</p> <ul style="list-style-type: none"> <li>• <b>AMEND</b> subsection (a)(i) to improve wording</li> <li>• <b>ADD</b> new subsections (a) (iii), (iv), and (v)</li> </ul> <p>Amend <u>Section 15 – Public Nuisance</u> as follows:</p> <ul style="list-style-type: none"> <li>• <b>ADD</b> new subsection (o)</li> </ul>
5521	September 22, 2014	<ul style="list-style-type: none"> <li>• <b>AMEND</b> Section 9 – <u>Safe Use of Public Places</u> to include provisions for liquor sampling at Farmers' Market</li> </ul>
5573	September 28, 2015	<p><b>AMEND</b> Offence and Penalty Section 29, change section 13 to 31.</p>
5637	August 14, 2017	<ul style="list-style-type: none"> <li>• <b>ADD NEW</b> definitions for '<i>homeless person</i>', '<i>temporary shelter</i>' and '<i>traffic control device</i>'</li> <li>• <b>ADD NEW</b> wording under Section 11. <u>Public</u></li> </ul>

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		<p><u>Nuisance</u></p> <ul style="list-style-type: none"> <li>• <b>ADD NEW</b> Section 14. <u>Erecting Structures</u></li> <li>• <b>ADD</b> reference to 'temporary shelter' to Section 17. <u>Seizure and Detention</u></li> <li>• <b>AMEND</b> Section 20. <u>Hours of Operation</u></li> <li>• <b>HOUSEKEEPING</b> changes including renumbering and title updates</li> <li>• <b>ADD NEW</b> Schedule B – Cenotaph Park – No Temporary Shelter(s) Location</li> <li>• <b>ADD NEW</b> Schedule C – Spirit Square/Civic Grounds – No Temporary Shelter(s) Location</li> <li>• <b>ADD NEW</b> Schedule D – Recreation Centre – No Temporary Shelter(s)</li> <li>• <b>ADD NEW</b> Schedule E – Kal Tire Place – No Temporary Shelter(s)</li> </ul>
<b>5652</b>	<b>October 23, 2017</b>	<ul style="list-style-type: none"> <li>• <b>ADD NEW</b> definition for 'dusk'</li> <li>• <b>AMEND</b> Section 14.b) in relation to the times that a temporary shelter may be erected and occupied</li> </ul>
<b>5660</b>	<b>November 27, 2017</b>	<ul style="list-style-type: none"> <li>• <b>AMEND</b> Section 14. Erecting Structures to ADD Schedule "F" (Linear Park – effective <b>February 1, 2018</b>)</li> <li>• <b>ADD NEW</b> Schedule F – Linear Park – No Temporary Shelter(s) Location</li> </ul>
<b>5678</b>	<b>June 11, 2018</b>	<ul style="list-style-type: none"> <li>• <b>AMEND</b> Section 2 - Interpretation:</li> <li>• REPLACE definition for "highway"</li> <li>• ADD NEW definitions for "Transit Stop" and "smoke " or "smoking"</li> </ul>

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		<ul style="list-style-type: none"> <li>• Section 16 – Wording</li> <li>• Section 17 – Wording</li> <li>• RENUMBER Sections as required.</li> </ul>
<b>5700</b>	<b>July 23, 2018</b>	<ul style="list-style-type: none"> <li>• <b>AMEND</b> Section 2 – Interpretation, ADD NEW definition for '<b>designated smoking area</b>'</li> <li>• <b>AMEND</b> Section 17 – 'No person shall smoke' ADD wording for designated smoking area.</li> </ul>
<b>5710</b>	<b>September 4, 2018</b>	<ul style="list-style-type: none"> <li>• <b>AMEND</b> Section 2 – Interpretation, DELETE definition for '<b>road end</b>', ADD NEW definition for '<b>lake access site</b>'</li> <li>• <b>AMEND</b> Section 17 – 'No person shall smoke' ADD wording for lake access site.</li> </ul>

THE CORPORATION OF THE CITY OF VERNON  
BYLAW NUMBER 5057  
A Bylaw to Regulate Parks and Other Public Places

WHEREAS Council may, by bylaw, regulate, prohibit and impose requirements in relation to the management of services, public places, nuisances, disturbances and other objectionable situations;

AND WHEREAS Council wishes to regulate, prohibit and impose requirements in relation to City parks, recreation facilities, highways, and other public places;

NOW THEREFORE the City Council of the Corporation of the City of Vernon ENACTS AS FOLLOWS:

**Citation**

1. This Bylaw may be cited for all purposes as “City of Vernon Parks and Public Places Bylaw 5057, 2007”.

**Interpretation**

2. In this bylaw:
  - (a) “**boulevard**” means that portion of a highway between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent parcel line, and includes curbs, sidewalks or ditches;
  - (b) “**Bylaw Enforcement Officer**” means a member of the Royal Canadian Mounted Police, Vernon detachment, the Park Manager, or an individual designated as a Bylaw Compliance Officer by Council for the purpose of enforcing this bylaw;

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- (c) “**camping equipment**” includes portable cooking equipment, sleeping bags or rolls, mattresses, backpacks, packsacks, tents, tarps or lean-tos;
- (d) “**campsite**” includes any place of temporary abode where camping equipment is used;
- (e) “**controlled substance**” means a controlled substance as defined or described in Schedules I, II or III of the Controlled Drugs and Substances Act, 1996 chapter 19, as amended from time to time, but does not include a controlled substance permitted under that Act;
- (f) “**designated smoking area**” means an area designated by the Park Manager where smoking is permitted. *(Bylaw 5700)*
- (g) “**dog**” means an animal of the species canine over the age of three (3) months;
- (h) “**dog park**” means an area signed by the City as allowing dogs and that allows for the exercising, training, or companionship of dogs on or off leash (as signed) and equipped with collection bag dispensers and garbage receptacles; *(Bylaw 5476)*
- (i) “**dusk**” means the time one half hour after sunset, just before night; *(Bylaw 5652)*
- (j) “**hazardous materials**” means broken glass, hypodermic needles, or other material with edges sharp enough to break or puncture skin;
- (k) “**highway**” includes every road, street, lane, bridge, viaduct or right of way designed or intended for or used by the general public for the passage of vehicles, and any other way open to public use, other than a private right of way on private property, but within the bounds of a “Park”, does not



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include public pathways, walkways, sidewalks, carriage ways, or a road right of way; *(Bylaw 5678)*

- (l) **“homeless person”** means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis *(Bylaw 5637)*;
- (m) **‘lake access site’** means a portion of highway located between an intersecting highway and a natural lake or watercourse; *(Bylaw 5710)*
- (n) **“park”** includes:
  - i) an area of land in respect of which the City holds an interest for park or for park and recreational purposes, whether because of bylaw dedication, gazetting, a trust, a right of reverter, a condition on title, a statutory or other restrictive covenant, subdivision dedication or otherwise, and includes areas of land owned, controlled or possessed by the City that are identified as “park” by signs posted by the City;
  - ii) those parcels of land known as "Justice Park" and used by the public as a park, which are legally described as follows:

Lot 12-20 Block 10 Plan 327 Section 34 Township 9 Osoyoos  
Division Yale District & Lots 35 to 37 & Plan M9268 & Lot 1 & 2  
Plan 6242 *(Bylaw 5476)*
- (o) **“Park Manager”** means the individual appointed by Council as the Chief Administrative Officer (CAO), the deputy CAO, or any person designated by the CAO to act in the manager’s place; *(Bylaws 5476, 5637)*
- (p) **“person”** includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

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- (q) **“public place”** includes:
- i) an area of land, including a highway or park, or improvement on the land, in respect of which the City holds an interest so as to possess and control the land or improvement, which land or improvement is available for public use, access or both, and includes without limitation civic buildings, areas around civic buildings, or areas developed for use on a highway;
  - ii) unoccupied areas of Crown Land contiguous to a watercourse. *(Bylaw 5476)*
- (r) **“temporary shelter”** means a tent, lean to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material, and that covers an area of less than ten (10) square meters; *(Bylaw 5637)*
- (s) **“traffic control device”** means a sign, signal, line, metre, marking, place, barrier or device not inconsistent with the *Motor Vehicle Act*, placed or erected by authority of the City or a person authorized by Council under an enactment to exercise that authority; *(Bylaw 5637)*
- (t) **“Transit Stop”** means a sign posted location where public transit vehicles or Vehicles for Hire stop to pick up riders, and distances from a **Transit Stop** shall be measured from the sign that identifies the **Transit Stop** location; *(Bylaw 5678)*
- (u) **“smoke” or “smoking”** means to inhale, exhale, burn or carry a light cigarette, cigar, cigarillo, pipe, electronic cigarette, or other smoking equipment, that burns or vaporizes, tobacco, cannabis or any other substances; *(Bylaw 5678)*

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- (v) “**vehicle**” means a conveyance for the carriage or transport of an individual, goods or materials, whether self-propelled or drawn or pulled by animals or any mechanical or muscular device or other motive power, and includes trailers, bicycles, tricycles, or motor vehicles such as motorcycles or snowmobiles.

**Application**

- 3. Except as otherwise provided in the bylaw, this bylaw does not apply to:
  - (a) a provincially designated arterial highway, as defined in the *Highway Act*;
  - (b) land held by the Province as a park or public open place;
  - (c) land held by Regional District of North Okanagan as a park or public open place. *(Bylaw 5476)*

**Management of Parks**

- 3. (a) This bylaw shall regulate and control the use of all parks and public places within the City of Vernon.
  - (i) Council delegates their powers under section 15 of the Community Charter to the Park Manager. As per section 156 of the Community Charter, Council may overturn a delegated decision made under this section upon appeal or otherwise. *(Bylaw 5476)*

**General**

- 3. (b) The Park Manager may;
  - (i) designate certain areas of a park for a specific use and may prescribe certain rules and regulations for the use and may prescribe such times desired by the Parks Manager for such use;

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- (ii) issue written permission for any procession, march, drill, performance, ceremony, concert, gathering or meeting and may charge rent for the use of any park or portion thereof as set down in the current City of Vernon Recreation Services Fees and Charges Bylaw;
  - (iii) upon request, issue a special event or special occasion permit for such use, and such persons and vehicles as the Parks Manager permits, to enter or be in a specific park while or during such times as the park is closed, such permit shall be displayed or produced upon request to any Bylaw Enforcement Officer. *(Bylaw 5476)*
- (c) The Park Manager may temporarily close a park or any part thereof to the public use. *(Bylaw 5476)*

**Parking and Traffic Control**

- 4. (a) A person must not drive, park or leave standing a vehicle in a public place except in an area designated for that purpose by a traffic control device.
- (b) A person must not stop or park a vehicle in a parking place in a public place where a traffic control device indicates that place is reserved for a particular class of vehicle, except for that particular class of vehicle.
- (c) A person must not stop or park a vehicle on grass located in a public place unless a temporary or other traffic control device indicates a person may park a vehicle on the grass, or by approval of the park manager.
- (d) A person must not allow or permit a vehicle to obstruct traffic circulation on a public way located in a public place.

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- (e) A person must not in a public place stop or park a vehicle within 5 metres of a fire hydrant.
- (f) A person must not in a public place stop or park a vehicle adjacent to a curb that is painted yellow.
- (g) Other than a vehicle operated by a park worker that does not leave the park, a person must not stop or park a vehicle in a park that does not display a valid and current licence plate issued for that vehicle.
- (h) The Park Manager or a **Bylaw Enforcement Officer** may remove, detain or impound, at the owner's sole expense, a vehicle found in violation of a provision of this bylaw.
- (i) Without limitation, the Park Manager or a **Bylaw Enforcement Officer** may seize a vehicle or other thing unlawfully occupying a portion of a public place.
- (j) Subject to sections 17 to 19, if a vehicle or other thing is seized under this bylaw, the owner must pay a fee in the amount of \$100.00 to the Park Manager before the owner may recover the vehicle or thing. If the owner:
  - i) refuses to pay;
  - ii) cannot be identified after reasonable efforts which may include advertisements in local papers; or *(Bylaw 5637)*
  - iii) has not recovered the vehicle or thing within 60 days of receiving written notice from the Park Manager that the vehicle or thing has been removed, detained or impounded by the City,

the Park Manager may dispose of the vehicle or thing by public auction and the City will retain the proceeds. Prior to the auction, the owner may

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recover the vehicle or thing that has been removed, detained or impounded by paying, at the place of business of the City or its agent where the vehicle or thing is located, the fees referred to in paragraph (i) and section 17.

- (k) A person, other than the owner or operator of a vehicle in respect of which a bylaw notice or Municipal Ticket Information has been issued, must not remove the bylaw notice or Municipal Ticket Information that has been placed or affixed on the vehicle by a Bylaw Enforcement Officer.
- (l) A person must not operate a motorized vehicle, including a motorcycle or snowmobile, in a public place, other than on a highway, not a road end, that has been opened to traffic by bylaw or has not been closed to traffic by bylaw, except to the extent an area of the public place is designated for that purpose by a traffic control device.
- (m) If a provision of this bylaw is inconsistent with a provision of the City's Traffic bylaw, as amended, the latter prevails.

**Protection of Public Places**

- 5. Unless expressly authorized by the Park Manager, a person must not deface, cut, remove, destroy or damage a tree, shrub, structure, building or other thing or any real or personal property in a public place, or destroy, deface or damage a traffic control device located in a public place.

**Animal Control**

- 6. (a)(i) A person must not take a dog into, or allow a dog to go into a park, except where the park is a dog park and a City sign expressly authorizes dogs.
- (a)(ii) A person must not take a dog into a public place if a City sign expressly prohibits dogs from entering the area.

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- (a)(iii) A person shall not take or allow more than four (4) dogs at one time into or upon a dog park
- (a)(iv) A person in a dog park must not have a dog off leash where a sign requires the dog to be on leash.
- (a)(v) No person may take a dog into a non-designated dog park, unless with permission of the Parks Manager or their designate, and in association with an approved event. *(Bylaw 5476)*
- (b) A person must not take a horse into, or permit a horse to enter into, a public place, except on an equestrian trail or other designated area where a City sign expressly authorizes horses, unless with permission of the Parks Manager or their designate. *(Bylaw 5637)*

**Rubbish Disposal**

- 7. A person must not:
  - (a) deposit or leave in a public place garbage or sewage, including without limitation all or part of bottles, tin cans, or other waste or debris, except in garbage or sewage receptacles expressly provided for the purpose of disposal.
  - (b) discard any hazardous material in a public place except in authorized receptacles for hazardous materials.

**Fires**

- 8. A person must not set, light or maintain a fire within a public place except in a fire pit constructed by the City for the purpose and in accordance with fire enactments of the City.

**Safe Use of Public Places**

9. (a) A person must not push or pull a person or engage in any other course of conduct which may cause or be likely to cause injury, harm or danger to a person in a public place, or on a diving tower, pier or wharf.
- (b) A person must not dive or jump from a diving tower, pier or wharf in a public place except from a diving board, platform or diving tower constructed by the City for that purpose and where this is permitted by a City sign.
- (c) A vehicle is not permitted on a pier or wharf in a public place.
- (d) A person must not carry or discharge in a public place a firearm, including an air gun, air rifle, air pistol, spring gun, except for a Police Officer or Bylaw Enforcement Officer in the performance of his or her duty.
- (e) A person must not operate watercraft within an area of a lake or watercourse designated by the City by a sign for public swimming.
- (f) A person must not operate a watercraft adjacent to an area designated by the City by sign for public swimming in a manner that endangers, disturbs or interferes with the use of the swimming area by individuals.
- (g) A person must not:
  - (i.) consume or possess an open alcoholic beverage in a park or public place; unless consumed at a vending stall as a sample of wares from a wine, cider, beer or spirits manufacturer at an approved Farmers' Market allowed to operate from a park or public place.
  - (ii.) possess an alcoholic beverage in a park; unless the alcoholic beverage is possessed under and in accordance with a licence



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issued under the *Liquor Control and Licensing Act* and approved by the Royal Canadian Mounted Police and the Park Manager, or if purchased or obtained as a sample from a vending stall of a wine, cider, beer, or spirits manufacturer at an approved Farmers' Market allowed to operate from a park or public place and in the process of being transported to their premise. *(Bylaw 5521)*

- (h) A person must wear a helmet while riding a bicycle, skateboard or motorcycle within a public place.

**Public Nuisance**

- 10. A person must not use obscene or profane language in a public place.
- 11. No person shall make or cause to be made noise, vibration, odour, dust, illumination or undertake any activity that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in a public place, including but not limited to failing to remove objects from the park that interfere with public park use. *(Bylaw 5637)*
- 12. Without limiting section 11, a person must not play or operate electronic equipment or an instrument or other apparatus for the amplification of sound in a public place in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in a public place.
- 13. Unless otherwise authorized under section 14 of this Bylaw, no person shall at any time construct, install, erect, place or occupy in any Public Place a temporary shelter, structure, improvement or work of any nature, or sleep in a public place.  
*(Bylaw 5637)*

**Erecting Structures**

14. (a) Subject to Section 14(b), no person may erect, construct, or build, or cause to be erected, constructed, or built, in or on any Park any tent, building, shelter, pavilion, or other construction whatsoever without the prior written permission of the Parks Manager. In determining whether to grant permission, the Parks Manager may consider the matters set out in Section 15.
- (b) Notwithstanding Section 14(a), where there is no accessible shelter accommodation available in the City, a Homeless Person may, without the prior written permission of the Parks Manager, as set out in Section 14(a), erect and occupy a Temporary Shelter in a Park, except in those Parks listed in Schedules "B", "C", "D", "E" and "F" (Linear Park – effective February 1, 2018) of this Bylaw, between the hours of dusk on one day and 9:00 a.m. of the following day, provided that the Homeless Person:
- (i) not erect the Temporary Shelter until **dusk** on one day; *(Bylaw 5652)*
  - (ii) dismantle and pack up the Temporary Shelter from the Park prior to **9:00 a.m.** of the following day;
  - (iii) comply with all other provisions of this Bylaw;
  - (iv) not erect the Temporary Shelter in, on, within or attached to:
    - A. playgrounds, spray parks or pools;
    - B. horticultural display areas or ornamental gardens;
    - C. skateboard bowls, tennis courts or other sports courts;
    - D. sports fields, stadiums or dugouts;
    - E. stages or bleachers;

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- F. washroom facilities, picnic shelters, or gazebos;
  - G. areas of a Park that have otherwise been issued a permit pursuant to this Bylaw;
  - H. recreation facilities;
  - I. cemeteries;
  - J. pathways, bridges, docks, wharfs;
  - K. beaches;
  - L. sidewalks or boulevards.
- c) The Parks Manager, or any officer, employee, or agent of the City may, in addition to any other authority granted under this Bylaw, remove or cause to be removed from any Park any Temporary Shelter that is not in compliance with this Bylaw.
- (d) In order to ensure that public safety is maintained, and to ensure that individuals banned from shelter space due to behavioural issues may avail themselves of temporary shelter in a park or public space at times when shelter space may be available, the individual may be required by a Bylaw Enforcement Officer to provide a name to confirm identification with the shelter providers. *(Bylaw 5637)*
15. A person must not urinate or defecate in a public place except in a toilet facility provided by or on behalf of the City.
16. A person must not in a public place
- (a) construct, install, erect or place any structures, improvement or work of any nature;

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- (b) carry on any commercial activity or enterprise without a City Business Licence issued for the specific public place;
- (c) place or display any work, character, sign or device designed to advertise any person, business, profession, group, association, article, thing, exhibition, matter or event, except on a public bulletin board provided for that purpose by the City;
- (d) drive or station a vehicle on which is displayed advertising of any kind, or a vehicle equipped with a public address system;
- (e) drive or park a vehicle in other than an approved or designated roadway or parking area as applicable;
- (f) ride, drive or herd livestock;
- (g) play or practice the game of golf or hit a ball with a golf club, except on a golf course;
- (h) carry on or permit to carry on an activity of a hazardous or unsafe nature which may cause injury, harm or damage to a person or structure in a public place;
- (i) cut, remove, alter, destroy or damage any tree or shrub or City property;
- (j) remove, cover or deface any City sign;
- (k) possess or use any explosive or explosive substance;
- (l) cause or permit any animal to roam at large, create a nuisance, injure another animal or an individual.
- (m) possess paraphernalia for the purposes of storing, transporting or using a controlled substance.

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- (n) create a nuisance by interfering with an approved event or rental occurring within an area of a park set aside for specific use through a permit issued under the authority of the Parks Manager. *(Bylaw 5476)*

17. **No Person shall smoke:**

- (a) in a Public Place, but does not include a Highway or a Designated Smoking Area; *(Bylaw 5700)*
- (b) at or within 7.5 metres of any Transit Stop;
- (c) in any Park. *(Bylaw 5678)*
- (d) at or within any portion of a Highway designated a 'lake access site'.  
*(Bylaw 5710)*

**Seizure and Detention**

18. The Park Manager, a Peace Officer, a Bylaw Enforcement Officer appointed by Council, a city officer or employee, or an agent of the City may remove from a public place a vehicle, camping equipment forming part of a temporary shelter or other item that contravenes this bylaw and deliver same to a place of safekeeping until it is returned to the owner or disposed of in accordance with this bylaw. *(Bylaw 5637)*

19. In addition to the fee set out in section 4(i), the following fees apply to removal, detention or impounding of vehicles or other items under this bylaw, and the owner must pay the City the fee prior to the return of the vehicle or other item:
- (b) in respect of each occasion that a person referred to in section 16 removes the vehicle or other item to a place of safekeeping, \$35.00; and
  - (c) for each day that the vehicle or other item is stored, \$2.50 per day to a maximum of \$75.00.

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20. On the expiration of thirty days from the date a vehicle or other item is removed and detained, the City may sell the vehicle or other item at a public auction and recover on behalf of the City any fees accrued under section 4(i) and 17 from the proceeds of the sale. *(Bylaw 5637)*

**Hours of Operation**

21. Unless otherwise authorized under this Bylaw, no person shall be in any Public Place at any time between sunset on any one day, and sunrise on the following day. *(Bylaw 5637)*

**Restriction of Access**

22. A Bylaw Enforcement Officer may direct a person to leave a public place if that person is acting in contravention of this Bylaw, or any other enactment, including federal or provincial enactments respecting the use or possession of controlled substances, alcohol or other intoxicants.
23. Every person directed to leave a public place by a Bylaw Enforcement Officer must proceed immediately to the nearest exit point.
24. A Bylaw Enforcement Officer may issue to an individual person a Prohibition Order restricting access to a public place if the person is found in possession of a controlled substance or controlled substance paraphernalia, alcohol, or other intoxicants while in a public place, to an individual person who has been convicted of controlled substance offences committed while within City public places, or to an individual person who has been convicted of a contravention of a provision of this bylaw.
25. A Prohibition Order issued under section 22 applies for a term of three (3) months.

26. A Prohibition Order under section 22 shall be in the form of that attached as Schedule A.

**Controlled Substances in Public Places**

27. A person must not possess or use a controlled substance in a public place.

**Obstruction**

28. No person may obstruct a bylaw enforcement officer or peace officer in the fulfillment of their duties.

**Offence and Penalty**

29. Every person who violates a provision of this bylaw or who suffers or permits an act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do, or refrains from doing anything required to be done by any other provisions of this bylaw, is guilty of an offence and of a separate offence each day the violation is caused or allowed to continue against this bylaw.
30. This bylaw may be enforced by means of a municipal ticket or bylaw notice in the forms prescribed for those purposes in the Community Charter and Bylaw Notice Enforcement Act. Designated offences, bylaw enforcement officers, fines, fine reductions or surcharges are as set out within City's current Municipal Ticket Information Bylaw and current Bylaw Notice Enforcement Bylaw.
31. In addition to penalties set out in section 31, a court may also make orders in accordance with section 263.1 of the Community Charter, as amended.
32. Nothing in this bylaw limits the City from utilizing any other remedy that would otherwise be available to the City at law, including remedies available through prosecution or civil remedies, including injunction.

Bylaw Number 5057

33. Every person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not less than \$500.00 and not more than \$10,000.00 in addition to the costs of prosecution or liable to a term of incarceration for a period of not more than 90 days, or both. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

**Severability**

34. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 26 day of February, 2007.

READ A SECOND TIME this 26 day of February, 2007.

READ A THIRD TIME this 26 day of February, 2007.

ADOPTED this 12 day of March, 2007.

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Mayor

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Clerk



**Schedule A  
Prohibition Order**

City of Vernon Prohibition Order	
Date of Issuance:	Prohibited from Entering the Following Public Place: _____ _____ _____
Person Prohibited: _____	
Address: _____	
Date of Expiry:	Reason: _____ _____

Description:	Features:
D.O.B. _____	_____
Hair Color _____	_____
Eyes _____	_____
Height _____	_____
Weight _____	
Race _____	

Schedule B  
Cenotaph Park – No Temporary Shelter(s)



Schedule C  
Spirit Square/Civic Grounds – No Temporary Shelter(s)





Schedule D  
Recreation Centre – No Temporary Shelter(s)



Schedule E  
Kal Tire Place – No Temporary Shelter(s)





Schedule F  
Linear Park – No Temporary Shelter(s)

