

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2835

A Bylaw of the Regional District of North Okanagan to regulate and to control the use of parks in the Regional District of North Okanagan Electoral Areas, which are under the jurisdiction of the Regional District of North Okanagan.

WHEREAS by Bylaw 1655, being the *Electoral Areas “B” and “C” Community Parks Service Conversion and Service Establishment Bylaw No. 1655, 2000*, and subsequent amendments thereto, the Regional Board converted and established the service of *Electoral Areas ‘B’ and ‘C’ Parks Service* to administer community parks, trails and natural spaces for the area comprised of all of Electoral Areas ‘B’ and ‘C’;

AND WHEREAS by Bylaw 2790, being the *Electoral Area ‘F’ Parks and Culture Service Establishment Bylaw No. 2790, 2018*, the Regional Board established the *Electoral Area ‘F’ Parks and Culture Service* to administer the acquisition, improvement and maintenance of land, buildings and other facilities for parks purposes;

AND WHEREAS there exists currently a Regional District parks regulation bylaw, being *Regional District of North Okanagan Parks Regulation Bylaw No. 1255, 1994* that applies to all the parks and recreation service areas in the Regional District of North Okanagan, except the Greater Vernon service area;

NOW THEREFORE, the Regional Board of the Regional District of North Okanagan, in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

1. CITATION

This Bylaw may be cited as ***“Electoral Area Parks Regulation Bylaw No. 2835, 2020”***.

2. DEFINITIONS

In this Bylaw:

“adaptive mountain bike” means a bike that has three or four wheels, hand or foot cranks able to propel the adaptive mountain bike without electric power, a motor with a maximum output of 800 watts, and either pedal assist or throttle actuated motor control.

“Bylaw Enforcement Officer” means a Bylaw Enforcement Officer of the Regional District, or the person or persons appointed from time to time by the Regional District to enforce and administer this Bylaw and shall include an RCMP Officer and a Dog Control Officer.

“camping equipment” includes portable cooking equipment, sleeping bags or rolls, backpacks or packsacks, tents, tarps or lean-tos.

“campsite” includes any place of temporary abode and any place where camping equipment is left or stored.

“controlled substance” means a controlled substance as defined or described in the *Controlled Drugs and Substances Act*, as amended from time to time, but does not include a controlled substance permitted under that *Act*.

“dog” means both male and female of the canine species apparently over the age of three (3) months.

“Dog Control Officer” means the person or persons appointed, from time to time, by the Regional District as a Dog Control Officer.

“dog park” means an area that permits exercising dogs on or off leash (as signed), and equipped with collection bag dispensers and garbage receptacles.

“dusk” means the time one half hour after sunset, just before night.

“electric bike (e-bike)” means a bicycle with an electric motor mounted either at the bottom bracket (mid-drive) or at either wheel hub, which provides power to the bicycle’s drivetrain. Engagement of the motor varies from pedal feedback over a specific wattage to direct throttle control.

“e-bike - Class 1” means a bicycle equipped with a motor that provides assistance only when the rider is pedaling (pedal assist) and that ceases to provide assistance when the bicycle reaches 32 kilometers per hour and has a maximum continuous wattage output of 500 watts.

“e-bike - Class 2” means a bicycle equipped with a motor that can be used exclusively to propel the bicycle (throttle equipped) and that ceases to provide assistance when the bicycle reaches 32 kilometers per hour. A class 2 e-bike is also considered a motorized vehicle.

“e-bike - Class 3” means a bicycle equipped with a motor that provides assistance only when the rider is pedaling (pedal assist) and that ceases to provide assistance when the bicycle reaches 45 kilometers per hour. A class 3 e-bike is also considered a motorized vehicle.

“environmentally sensitive area” means any part of a park, trail or natural space that has any of the following characteristics:

- (a) areas or landscape features identified in Sensitive Ecosystems Inventory for the North Okanagan, published by the British Columbia Ministry of Environment; or,
- (b) areas or landscape features identified in a plan, map or local bylaw as environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for another similar purpose that is compatible with the conservation of ecological features and functions of the site.

“homeless person” means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.

“leash” means a rope, chain, cord, leather strip, or other physical tether which is used to restrain an animal and does not exceed 2.4m in length.

“Manager, Parks” means the person appointed to manage and operate the parks, trails and natural spaces, or that person’s designated representative.

“metered zone” means any area designated and signed by the Regional District for purposes of parking vehicles on, which parking meters may be established and maintained to collect a fee for the use or occupation of a metered space established in such metered zones.

"metered zone period" means the daylight hours of every day starting on the first Saturday of the Victoria Day long weekend in May and continuing up to and including the Monday of the Labour Day long weekend in September.

"Motor Assisted Cycle (MAC)" – is an e-bike that meets the definition of a Motor Assisted Cycle as defined in the Motor Assisted Cycle Regulation. For greater clarity, a MAC:

- Has maximum continuous power output ratings that in total do not exceed 500 watts and is capable of propelling the cycle no faster than 32 kilometers per hour on level ground without pedaling,
- Must be equipped with a mechanism that either:
 - allows the driver to turn the motor on and off, or
 - prevents the motor from turning on or engaging before the MAC attains a speed of 3 kilometers per hour,
- Must disengage when the operator:
 - stops pedaling, or
 - releases the accelerator or
 - applies a brake,
- Cannot be gas-powered and must be electric powered,
- Must be capable of being propelled by muscular power using the pedals, but it is not necessary to always be pedaling.

"motorized vehicle" means any land vehicle intended to be self-propelled, that is designed primarily for travel on surfaces other than rails, and includes any trailer or equipment designed to be attached to the vehicle. For clarity adapted mountain bikes, motor assisted cycles and class 1 e-bikes are not considered motorized vehicles for the purposes of this Bylaw.

"occupy" means to remain in the same location or leave one's belongings in the same location.

"parking meter" means a mechanical or electronic device for the purpose of collecting the fees prescribed for such parking pursuant to this Bylaw and dispensing a parking pass.

"parking pass" means a tag or pass issued by the Regional District or purchased from a parking meter for the purpose of hourly, daily, or seasonal parking within specific parking facilities.

"parks, trails and natural spaces" means any real property owned or subject to a right of occupation by the Regional District for the purposes of pleasure, recreation or community uses of the public including public parks, playgrounds, playing fields, footpaths and other public places and all improvements and shall include beaches and other public areas adjacent to lakes or streams including foreshore or land covered by water, but does not include the travel portion of a highway.

"person" shall mean and include any individual, group of individuals, society, corporation, partnership, and the heirs, successors, administrators, or other legal representatives of the same.

"Regional Board" means the Board of Directors of the Regional District of North Okanagan.

“Regional District” means the Regional District of North Okanagan.

“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.

“traffic control device” means any sign, painted line or curb, metering device or combination thereof used to indicate parking or traffic restrictions.

“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 less than ten (10) square meters.

“vehicle” shall mean and include all conveyances for the carriage or transport of persons, passengers, goods or materials whether self-propelled or drawn or pulled by animals or any mechanical, muscular device or other motive power whatsoever, and shall include trailers, e-bikes, bicycles and tricycles.

“watercraft” means any boat, personal watercraft or other means of conveyance on water.

3. GENERAL REGULATIONS

1. This Bylaw shall regulate and control the use of all parks, trails and natural spaces within the Regional District of North Okanagan Electoral Areas, as defined in the *Electoral Areas ‘B’ and ‘C’ Community Parks Service Conversion and Service Establishment Bylaw No. 1655, 2000* and the *Electoral Area ‘F’ Parks and Culture Service Establishment Bylaw No. 2790, 2018*.
2. The hours of operation for parks, trails and natural spaces shall be the daylight hours from dawn to dusk, except when special permission has been granted, or as otherwise posted.
3. The Regional District may:
 - a) designate certain areas of the park, trail or natural space for a specific use and may prescribe certain rules and regulations for the use and may prescribe such times as desired by the Regional District for such use;
 - b) upon request, issue written permission for any procession, march, drill, performance, ceremony, concert, gathering, organized event or meeting and may charge rent for the use of any park, trail or natural space or portion thereof as set by the Regional District;
 - c) upon request, issue a special event or special occasion permit for such use, and such persons and vehicles as the Regional District permits, to enter or be in a specific park, trail or natural space while or during such times as the park, trail or natural space is closed, such permit shall be displayed in such vehicle, face up on the dash on the driver’s side and visible from the exterior of the vehicle, and the person or persons shall carry on their person such access permit and shall present same on request to any Bylaw Enforcement Officer.

4. PROHIBITIONS – GENERAL USE

1. No person shall enter or be in a park, trail or natural space except during the hours of operation.
2. No person shall use any land in a park, trail or natural space in contravention of this Bylaw or in contravention to a sign which has been posted prohibiting or regulating such use.
3. No person shall without prior written approval from the Manager, Parks, and having obtained the necessary permits and applicable business license:
 - a) place or erect any signs or billboards;
 - b) distribute any handbills or circulars;
 - c) use any audible advertising device;
 - d) sell or offer for sale any refreshments or any goods or services for a fee.
4. No person shall erect, construct or build any tent, building, shelter, pavilion or other construction whatsoever, or penetrate the ground with any object including stakes or posts, without prior written approval of the Regional District.
5. No person shall be in possession of liquor in any park, trail or natural space at any time, except where the liquor is possessed pursuant to and in compliance with a license issued under the *Liquor Control and Licensing Act* of the Province of BC, and approved by the RCMP and the Manager, Parks.
6. No person shall be permitted in any park, trail or natural space or public space to possess or use controlled substances or possess or use paraphernalia used for the purposes of storing, transporting or using controlled substances.
7. No person shall obstruct, interfere with, impede, hinder or prevent a Bylaw Enforcement Officer, lifeguard, officer or employee of the Regional District or other person engaged by the Regional District from performing any duties or exercising any authority under this Bylaw.

5. PROHIBITIONS – PUBLIC SAFETY

1. No person, while in a park, trail or natural space, shall conduct themselves in a manner or fashion causing or likely to cause injury, harm or danger to any person or property.
2. No person, on or near any pier or wharf, in, on or adjacent to a park, trail or natural space, shall push, pull or engage in any other course of conduct which may cause or be likely to cause injury, harm or danger to any person.
3. No person shall carry or discharge any firearms including air guns, air rifles, air pistols, spring guns, or any weapon of any description in a park, trail or natural space, except a Peace Officer in the performance of their duty.
4. No person shall operate any watercraft within the immediate vicinity of any public beach or designated swimming area in a manner that endangers, disturbs or interferes with the use of the beach and swimming area by members of the public.

5. No person shall bring a horse into a park, trail or natural space unless it is on a designated equestrian trail or in a designated area, and no person, possessor or harbourer of a horse shall permit such horse to enter upon or be in a park, trail or natural space unless such horse is being ridden, driven or handled by a person capable of controlling the horse at all times.
6. No person shall obstruct or interfere with any person who is lawfully using any park, trail or natural space property, unless such property has been designated for some other specific use, in writing, by the Regional District.
7. No person shall conduct any event, procession, march, drill, performance, ceremony, concert, gathering or meeting in a park, trail or natural space without the written permission of the Regional District firstly being obtained.
8. No person shall feed any animal or fowl in a park, trail or natural space.
9. No person shall dive or jump from any portion of a diving-tower, pier or wharf situated on/or adjacent to a park, trail or natural space except from diving-boards, platforms or towers specifically provided for and identified for such purpose.
10. No person shall ride or take a bicycle, scooter or skateboard onto pier or wharf located within a park, trail or natural space at any time.

6. PROHIBITIONS – PUBLIC NUISANCE

1. No person shall carry out and of the following activities:
 - a) behave in a disorderly or offensive manner;
 - b) molest or injure another person;
 - c) obstruct the free use and enjoyment of the park, trail or natural space by another person;
 - d) take up a temporary abode over night;
 - e) paint advertisements;
 - f) distribute handbills for commercial purposes;
 - g) place posters;
 - h) disturb, injure, or catch a bird, animal, or fish;
 - i) throw or deposit injurious or offensive matter, or any matter that may cause a nuisance, into an enclosure used for keeping animals or birds.
2. No person shall set, light or maintain any fire within a park, trail or natural space except in such receptacles, pits, or other areas specifically provided for such purpose and at such times as fires are permitted.
3. No person shall use obscene, profane, insulting or indecent language within a park, trail or natural space, nor shall any person make or cause to be made any undue noise therein which may reasonably interfere with or disturb the peace or use of others properly using a park, trail or natural space, or persons residing outside the park, trail or natural space.

4. No person, without prior written approval from the Manager, Parks, shall play or operate any radio, stereo equipment, or other instrument or apparatus for the amplification of sound in any public park, trail or natural space or public area so as to disturb other people using the park, trail or natural space or in the neighbourhood of the park, trail or natural space.
5. No person shall establish or set up a campsite in a park, trail or natural space without prior written approval from the Manager, Parks, unless it is used for picnicking or while the person takes temporary but not overnight respite in a park, trail or natural space.
6. No person shall urinate or defecate in or on any park, trail or natural space or any public space except in a provided public or private toilet facility.
7. No person may carry out any of the following activities in a Regional District park, trail or natural space unless that person has received prior written permission by the Regional District:
 - a) encumber or obstruct a road or trail;
 - b) drive a motor vehicle in contravention of the Noise Bylaw;
 - c) drive a motor vehicle in a manner that constitutes a nuisance or danger to pedestrians, animals or property;
 - d) operate, drive or propel a vehicle for the specific purpose of displaying or broadcasting advertisements.
8. No person shall remove from a park, trail or natural space material or debris unless:
 - a) that person has received prior express written approval from the Manager, Parks; or,
 - b) it has been determined by the Manager, Parks to be unnecessary for Regional District purposes, and the material or debris contains a sign advising that the material or debris may be removed.
9. No person shall enter an enclosure used for keeping animals or birds unless that person is authorized by the Manager, Parks.

7. PROHIBITIONS – DOGS

1. No person shall take, or allow, any dog to enter upon or be in a park, trail or natural space, other than those park, trail or natural spaces designated and signed as Dog Parks, without authorization from the Manager, Parks, or a person designated to act on behalf of the Manager, Parks, and in adherence to the Regional District's *Dog Control Bylaw* in effect, as amended from time to time.
2. No person shall take, or allow, more than four (4) dogs at one time to enter upon or be in a Dog Park.

8. PROHIBITIONS – VEHICLE USE

1. No person shall drive, park, or leave standing any vehicle in or on a park, trail or natural space except in an area designated for that purpose.
2. No person shall stop, stand, or park a vehicle in a parking space where a traffic control device indicates that space is reserved for a particular class or type of vehicle, except that particular class or type of vehicle.
3. No person shall park a vehicle on the grass within a park, trail or natural space except as specifically authorized by the Regional District.
4. No person shall cause or permit a vehicle to obstruct traffic in or on a park, trail or natural space.
5. No person shall park a vehicle within 5 meters of either side of a fire hydrant within a park, trail or natural space.
6. No person shall park a vehicle adjacent to a yellow painted curb within a park, trail or natural space.
7. No person, other than the owner or operator of a vehicle, shall remove any Bylaw Violation Notice (traffic ticket), placed thereon or affixed thereon by a Bylaw Enforcement Officer or other authorized person in the course of their duties in checking violations of this Bylaw.
8. No person shall operate a motorized vehicle, including Class 2 and Class 3 e-bikes, motorbikes, or snowmobiles on park, trail or natural space property without prior authorization of the Regional District unless the property is designated for such purpose, such as roadways, or signed accordingly.

9. PROHIBITIONS – DAMAGE TO PROPERTY OR ENVIRONMENT

1. No person shall carry out any of the following activities in a Regional District park, trail or natural space:
 - a) cut, break, injure, remove, climb, or in any way destroy or damage a tree, shrub, plant, turf, flower, or seed, or a building or structure, including a fence, sign, seat, bench, or ornament of any kind;
 - b) plant any tree, shrub, plant, turf, flower or seed of any kind without prior authorization from the Manager, Parks;
 - c) foul or pollute a fountain or natural body of water;
 - d) paint, smear, or otherwise deface or mutilate rocks;
 - e) damage, deface or destroy a notice or sign that is lawfully posted;
 - f) transport household, yard, or commercial waste for the purpose of disposal;
 - g) dispose of household, yard, or commercial waste;
 - h) deposit waste, debris of an offensive matter, or other substances, excluding household, yard, and commercial waste, unless it is deposited into receptacles provided for the intended purposes;

- i) act in contravention to signs or maps that may be posted by the Manager, Parks, from time to time for the purpose of identifying the boundaries of one or more environmentally sensitive areas and restricting activity in that area.

10. PROHIBITIONS – OVERNIGHT SHELTER

1. Sub-section (2) applies despite the general prohibitions under section 4.4, 6.1(d) and 6.5 of this Bylaw.
2. A homeless person must not place, secure, erect, use, or maintain in place, in a park, trail or natural space, a structure, improvement 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:
 - a) subject to sub-section (b), except between the hours of:
 - i. 7:00 p.m. of one day and 7:00 a.m. of the next day when Daylight Saving time is not in effect; and,
 - ii. 8:00 p.m. of one day and 7:00 a.m. of the next day when Daylight Saving time is in effect.
 - b) at any time, in a playground, sports field, trail, a road within a park, environmentally sensitive area, or any area within a park that has been designated for an event or activity under a valid and subsisting permit issued under the authority of this Bylaw.

11. ENFORCEMENT – GENERAL

1. The Manager, Parks, may remove or cause to be removed from a park, trail or natural space any obstruction or thing placed there contrary to the provisions of this Bylaw, and recover the costs and expenses of the removal from the owner of the obstruction or thing.
2. The Dog Control Officer, or any other person so authorized by the Regional District may impound any dog, pet, or animal found unlawfully in a park, trail or natural space, and the relevant provisions of the Regional District's *Dog Control Bylaw* in effect or the *Livestock Act* of the Province of BC shall apply where applicable.
3. This Bylaw may be enforced by Bylaw Enforcement Officers, and despite anything contained in this Bylaw or any other bylaw to the contrary, the Bylaw Enforcement Officers, while exercising their duties, shall be exempt from the provisions thereof.
4. No action or other proceeding for damages lies against a Bylaw Enforcement Officer for any act done or omitted to be done in good faith in the
 - a) performance or the intended performance of any duty, or
 - b) exercise or the intended exercise of any power.under this Bylaw, or for any neglect or default in the performance or exercise in good faith of that duty or power.

12. ENFORCEMENT / SEIZURE AND DETENTION – VEHICLES

1. Any vehicle found to be in contravention of any provisions of this Bylaw, and which has received a Bylaw Violation Notice pursuant to the provisions of this Bylaw, may be removed, detained, or impounded at the owner's expense.
2. In the event that a vehicle is removed, impounded, detained, or stored, notification will be provided to the RCMP, Parks Department, or the office of the contractor providing the bylaw enforcement service.
3. Any vehicle removed, detained, or impounded may be recovered by the owner or their agent upon satisfactory proof of ownership or interest and by paying, at the place of business of the contractor (towing company), the fees, costs, and expenses which have been incurred in removing, detaining, and storing said vehicle.
4. It shall be the duty of any Bylaw Enforcement Officer to record on a Bylaw Violation Notice, the following:
 - a) A general description of the location which indicates where the vehicle is or has been parking in violation of any of the provisions of this Bylaw;
 - b) The license number and a general description of such vehicle;
 - c) The time during which such vehicle is parked in violation of any provisions of this Bylaw; and
 - d) Any other facts, knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

13. ENFORCEMENT / SEIZURE AND DETENTION – CAMPING EQUIPMENT

1. The Manager, Parks, a Bylaw Enforcement Officer, Regional District staff, or a contractor acting under the direction of the Manager, Parks, may remove any camping equipment left or stored in a park, trail or natural space or public space and any other items comprising a part of a campsite in a manner contrary to the provisions of this Bylaw and take the equipment to a place of safekeeping until it is returned to the owner or disposed of.
2. For removal, detention and impounding of camping equipment pursuant to subsection (1), the following fees are payable to the Regional District prior to the owner being entitled to the return of the equipment:
 - a) For each occasion that the Manager, Parks, a Bylaw Enforcement Officer, Regional District staff, or a contractor acting under the direction of the Manager, Parks, are engaged in the removal of the camping equipment to the place of detention and safekeeping: \$45.00; and
 - b) For each day that the camping equipment is stored or detained: \$4.50 per day to a maximum of \$100.00.
3. The owner of any camping equipment or other items removed and detained pursuant to subsection (1) shall, prior to release of the camping equipment or other items, pay any applicable fees for the removal or detention.

4. Upon the expiration of 30 days from any removal or detention under subsection (1), the Manager, Parks, a Bylaw Enforcement Officer, Regional District staff, or a contractor acting under the direction of the Manager, Parks may put the camping equipment or other items up for sale by public auction and recover any fees accrued pursuant to subsection (2) to pay any applicable fees for the removal or detention from the proceeds of the sale, or may dispose of the seized items as deemed necessary.

14. TEMPORARY CLOSURES

1. The Manager, Parks may order any closure of a park, trail or natural space to the public and may issue notices to be posted at the entrances to the park, trail or natural space, or part thereof, indicating that it is closed to the public if the closure is necessary for:
 - a) for maintenance, renovation, or other work; or,
 - b) for the safety of users or staff due to construction activity or existence of hazardous conditions.
2. A person must not enter or remain in any park, trail or natural space, or part of a park, trail or natural space, that has been closed under subsection (1).
3. The closure under subsection 1.a may not be in effect for more than 21 consecutive days.
4. If the closure under subsection 1.b exceeds, or is expected to exceed, 21 days, the Manager, Parks, must report on the closure to the Regional Board.

15. OFFENCE AND PENALTY

1. Any person who contravenes any of the provisions of this Bylaw, commits an offence, and is liable to a penalty of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00).
2. For the following offences, Bylaw Enforcement Officers or other persons Designated by the Regional District may issue a Bylaw Violation Notice in a form substantially in accordance with, and levy a penalty in the amounts set out in the Regional District's *Ticket Information Authorization Bylaw*.
3. Despite subsections (1) and (2), in addition to, or in lieu of a penalty, a Bylaw Enforcement Officer may order an offender to leave, and have an offender removed from, any park, trail or natural space.

16. FORCE AND EFFECT

1. This bylaw shall apply and be in force and effect upon adoption thereof, within the community parks, trails and natural spaces that are under the jurisdiction of the Regional District of North Okanagan, and any existing signage in community parks, trails or natural spaces within Electoral Areas "B", "C" and "F" that make reference to Bylaw No. 1255, will be deemed to refer to Bylaw No. 2835.
2. Bylaw No. 1255, being *Regional District of North Okanagan Parks Regulation Bylaw No. 1255, 1994* is repealed.

Read a First, Second and THIRD Time

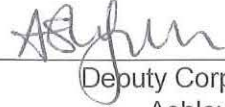
this 22nd day of July, 2020

ADOPTED

this 22nd day of July, 2020



Chair
Kevin Acton



Deputy Corporate Officer
Ashley Bevan