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February 2017

PARKS AND OPEN SPACE BYLAW

Bylaw No. 7370, 2002

CONSOLIDATED VERSION
PARKS AND OPEN SPACE BYLAW NO. 7370, 2002

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AMENDING BYLAW	EFFECTIVE DATE	AMENDMENTS
8817, 2017	February 6, 2017	<i>(Section 19)</i>

CITY OF PRINCE GEORGE

BYLAW NO. 7370

A Bylaw of the City of Prince George to Regulate the Use of Parks and Open Spaces in the City.

The Council of the City of Prince George, in open meeting assembled, enacts as follows:

Amending
Bylaw

1.0 DEFINITIONS

1.1 In this bylaw:

- (a) “Boulevard” means the portion of a highway between the curb line or the edge of the travelled roadway and the parcels adjoining the highway.
- (b) “Boulevard Trail” means a trail located within a boulevard but excludes sidewalks surfaced with concrete, asphalt, brick or another impervious surface.
- (c) “Campground” means an Open Space Area which has been designated as a site on which daytime or overnight camping is permitted.
- (d) “Cycle” includes a bicycle and any other conveyance that is moved by human power through pedals.
- (e) “Development” means any building, structure or other improvement constructed or placed on, in, over or under land in an Open Space Area.
- (f) “Director” means the Leisure Services Director of the City and includes the Director’s duly authorized designate.
- (g) “Highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property.
- (h) “Open Space Area” means all land:
 - (i) dedicated, owned or controlled (including jointly controlled) or used by the City as a public park, sports field, playground or recreational area;
 - (ii) within a Boulevard Trail;
 - (iii) within a Trail; or
 - (iv) held by the City as public open space.
- (i) “Parking Lot” means any part of an Open Space Area that has been improved for vehicle parking.

- (j) “Pet” means any animal that is ordinarily kept within or at its owner’s residence.
- (k) “Skating” includes skateboarding, in-line skating, roller-skating, roller-skiing and scooter riding.
- (l) “Trail” includes any public path which is owned or controlled by the City, not located within a highway, which has been improved or designated for pedestrian, equestrian, skating, skiing or cycling use.
- (m) “Trail User” means any person travelling on a Trail or Boulevard Trail, including persons on foot and persons using cycles, roller skates, in-line skates, skateboards, scooters, skis, snowboards, snowshoes and wheelchairs, and persons on horseback.
- (n) “Vegetation” includes all trees, shrubs, plants, flowers and natural grass, and all ground cover, whether it is in a wild or cultivated state.
- (o) “Vehicle” means a vehicle as defined in the *Motor Vehicle Act*.
- (p) “Weapon” includes any firearm (including a rifle, shotgun, handgun and air gun), sling shot, bow, crossbow, catapult and any other weapon which releases a projectile.

2.0 CONDUCT IN OPEN SPACE AREAS

- 2.1 No person shall obstruct the free use or enjoyment of an Open Space Area by any other person.
- 2.2 No person shall use any indecent, obscene, blasphemous or grossly insulting language while in any Open Space Area.
- 2.3 No person shall engage in any activity which causes a nuisance in an Open Space Area.
- 2.4 No person shall consume alcoholic beverages in an Open Space Area unless they have obtained authorization under Section 16.1 and then only in accordance with the authorization and the conditions set out in the City of Prince George Alcohol Policy from time to time.

3.0 DUMPING AND LITTERING

- 3.1 No person shall deposit, dump or leave any soil, refuse or debris in any Open Space Area.
- 3.2 No person shall place or deposit any paper, cardboard, glass, or any other litter of any kind in any Open Space Area, except in a waste container provided for such purpose by the City.
- 3.3 No person shall place any domestic garbage, commercial waste, or other waste produced outside an Open Space Area, in any waste container within an Open Space Area.

4.0 BUSINESS ACTIVITIES

4.1 No person shall:

- (a) distribute, place or erect any signs or other materials for the purpose of advertising any commercial activity;
- (b) use any public address system for advertising any commercial activity; or
- (c) sell or offer for sale any goods or services;

in an Open Space Area, without authorization under Section 16.1.

5.0 PUBLIC GATHERINGS

5.1 No person shall:

- (a) take part in any procession, demonstration or public gathering;
- (b) make a public address; or
- (c) operate any amplifying system or loudspeaker;

in an Open Space Area, without authorization under Section 16.1.

5.2 Approval for proposed activities under Section 5.1 shall not be denied without reason. Approval may be withheld for the protection of the facilities, amenities or vegetation in an Open Space Area, to prevent unreasonable interference with public use and enjoyment of Open Space Areas, or to avoid conflicting activities in an Open Space Area.

6.0 WEAPONS

6.1 No person shall carry or discharge any Weapon in an Open Space Area, except in an area designated for the holding of supervised archery or shooting events.

7.0 DANGEROUS OBJECTS

7.1 No person shall:

- (a) carry or discharge any fireworks or explosives of any description;
- (b) throw any stones or other dangerous objects; or
- (c) propel a golf ball in any manner

in or across an Open Space Area, except in an area designated for that purpose, or unless authorization has been obtained under Section 16.1.

8.0 DAMAGE TO PROPERTY

8.1 No person shall:

- (a) destroy, damage, deface or remove any vegetation or Development;
- (b) walk, stand, sit or lay upon any flower or shrub bed;
- (c) walk across or use any grassed area or other land where signs have been posted prohibiting such use; or
- (d) begin or continue the construction of any Development without prior written authorization under Section 16.1;

in any Open Space Area.

9.0 CAMPING

9.1 No person shall set up a tent or other temporary abode in an Open Space Area, except in accordance with rules established under Section 16.1.

10.0 FIRES

10.1 No person shall:

- (a) start or maintain any fire in an Open Space Area except a wood fire in a permanent outdoor barbecue, fireplace or fire pit provided by the City;
- (b) leave any fire unattended;
- (c) throw or place any burning material or substance in a waste container or on the ground within any Open Space Area, without taking precautions to extinguish such material or substance; or
- (d) remove any firewood from any Open Space Area.

10.2 No wood fire shall be ignited or maintained in any Open Space Area during a period when fires have been prohibited under Section 16.1, or in a manner that contravenes any other bylaw or regulation.

11.0 VEHICLES

11.1 No person shall operate a vehicle in an Open Space Area except on a highway designated for vehicle use or within a Parking Lot.

11.2 No person shall park or stand a vehicle in an Open Space Area except in a Parking Lot.

12.0 PARKING LOTS

- 12.1 Parking Lots shall be used only for vehicle parking, except as authorized under Section 16.1.
- 12.2 Without limiting Section 12.1, except as authorized under Section 16.1, no person shall:
- (a) leave a vehicle in a Parking Lot overnight; or
 - (b) act contrary to any traffic control device in a Parking Lot.

13.0 TRAILS

- 13.1 All Trail Users shall:
- (a) share the Trail with all other users;
 - (b) keep to the right of the center of the Trail except:
 - (i) when passing other users travelling in the same direction; or
 - (ii) when turning left off the pathway onto an intersecting road or path;
 - (c) control their speed and exercise due care and attention, having due regard for safety of others on the Trail;
 - (d) warn others when passing, by bell, horn or other warning device; and
 - (e) yield the right-of-way to slower moving users.
- 13.2 Equestrians shall ride or lead horses only on Trails and Boulevard Trails designated for equestrian use and shall conform with the regulations in Section 13.1 and Section 15.2.

14.0 BICYCLES AND SKATING

- 14.1 No person shall cycle or skate within any portion of an Open Space Area where bicycling or skating is prohibited.
- 14.2 No person shall operate a cycle in an Open Space Area unless the cycle is equipped with a bell, horn or other warning device suitable for warning Trail Users of the presence of the cycle on a Trail or Boulevard Trail.

15.0 PETS

- 15.1 Pets other than snakes, lizards, scorpions and other venomous or poisonous animals are allowed in Open Space Areas under the following designations and conditions:

- (a) Leash Areas – Areas where pets are allowed but the pet must be on a leash of no more than 2m in length.
 - (b) Off Leash/Under Control Areas – Areas where pets may be off a leash but must remain under the control of the owner.
 - (c) No Pets Areas – Areas where pets are prohibited, including playgrounds and sports fields, beaches and water park areas.
- 15.2 All persons bringing pets into Open Space Areas are required to clean up any defecation from their animal and dispose of it in appropriate waste receptacles.
- 15.3 Despite Section 15.1, horses may be brought into Open Space Areas, but only within designated equestrian trails.

16.0 PARK ADMINISTRATION

- 16.1 The administration of Open Space Areas and the implementation of the City's proprietary powers regarding Open Space Areas shall be delegated to and carried out by the Director, who shall report to Council through the City Manager. Without limiting the powers of the Director, the Director may:
- (a) temporarily close any portion of an Open Space Area to public use, for the purposes of construction, maintenance, repairs, removal of hazards or other reasonable cause;
 - (b) issue approvals for public gatherings, addresses and demonstrations, in accordance with Sections 5.1 and 5.2;
 - (c) designate areas within an Open Space Area where specified recreation activities, sports, camping or other activities are permitted or where specified activities are prohibited;
 - (d) establish rules for camping and other activities, including the designation of areas within which camping is allowed and limits on the duration of the activity;
 - (e) oversee the construction and development of new facilities in accordance with budgets approved by Council; and
 - (f) specify periods of time in which wood fires are prohibited within an Open Space Area on the basis of a fire hazard or air quality advisory warning.

17.0 PARK HOURS

- 17.1 Unless otherwise specified by the Director, Open Space Areas shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m. on all days.

18.0 EXEMPTIONS

18.1 The following persons are exempt from the provisions of this bylaw:

- (a) the employees, servants and agents of the City or other public authority to the extent required to carry out their power or duty; and
- (b) any person who has received the prior written permission of the Director to use part of the Open Space Area as a temporary access to that person's property, to the extent of the exemption granted in the permission.

18.2 In granting permission under Section 18.1(b), the Director may establish conditions, including without limitation conditions regarding security deposits, hours of use, insurance and indemnification of the City.

Bylaw 8817 19.0 OFFENCE AND PENALTY

19.1 This Bylaw may be enforced,

- a) by an Information laid in accordance with the *Offence Act*;
- b) by means of a ticket under the *Community Charter*;
- c) by Bylaw Notice in accordance with the "*Local Government Bylaw Notice Enforcement Act*"; or
- d) by a combination of the above noted methods in (a), (b) and (c).

19.2 With respect to enforcement further to a ticket issued pursuant to the *Community Charter*, the fines outlined in the "City of Prince George Ticket Information Utilization Bylaw No. 5422, 1990", as amended or replaced from time to time, shall apply.

19.3 With respect to enforcement further to a Bylaw Notice issued pursuant to the *Local Government Bylaw Notice Enforcement Act*, the fines outlined in Schedule "B" of the "City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016", as amended or replaced from time to time, shall apply.

19.4 Except as otherwise provided in this Bylaw, the "City of Prince George Ticket Information Utilization Bylaw No. 5422, 1990", or the "City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016", and amendments thereto, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carryout or perform any duty or obligation imposed by the Bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00).

20.0 REMOVAL

20.1 A peace officer may remove from an Open Space Area any person who violates any provision of this bylaw and who has refused to leave immediately after being requested to do so by the peace officer, the Director or a bylaw enforcement officer.

21.0 REPEAL

21.1 “Prince George Parks Bylaw No. 2912, 1977”, and all of its amendments are hereby repealed.

22.0 TITLE

22.1 This bylaw may be cited for all purposes as “Parks and Open Space Bylaw No. 7370, 2002”.

READ A FIRST TIME THIS THE **25th** DAY OF **MARCH**, 2002.

READ A SECOND TIME THIS THE **25th** DAY OF **MARCH**, 2002.

READ A THIRD TIME THIS THE **25th** DAY OF **MARCH**, 2002.

All three readings passed by a **UNANIMOUS** decision of Members of City Council present and eligible to vote.

ADOPTED THIS THE **8th** DAY OF **APRIL**, 2002, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

C. Kinsley
Mayor

D. Shaeffer
Clerk