

Bylaw No. 1788

A bylaw to regulate activity within Town Parks and public spaces.

WHEREAS pursuant to Section 8(3)(b) of the *Community Charter*, Council may by bylaw, regulate, prohibit and impose requirements in relation to public places, including squares, parks and trails;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Citation

- 1.1 *This Bylaw* may be cited for all purposes as “Parks, Trails and Public Places Regulations Bylaw No. 1788, 2014”.

Part 2 Severability

- 2.1 If a portion of *this Bylaw* is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the decision shall not affect the remaining sections of *this Bylaw*.

Part 3 Previous Bylaw Repeal

- 3.1 Town of Creston Bylaw No. 1600, cited as “Parks Regulations Bylaw No. 1600, 2011” and all amendments thereto, are hereby repealed.

Part 4 Definitions

- 4.1 In *this Bylaw*, unless the context otherwise requires:

“Applicant” means an *applicant* for a permit and the holder of the issued permit.

“Bylaw Notice” means a notice issued under *this Bylaw* to a person that has failed to comply with the regulations, prohibitions and requirements of *this Bylaw* and that the person must comply within a specified period of time and meet certain conditions.

“Bylaw Notice Enforcement Bylaw” means the *Bylaw Notice Enforcement Bylaw* in force from time to time and adopted by the *Council* under Section 194 of the *Community Charter* or similar successor legislation.

“Chief Administrative Officer” means the person appointed by *Council* as the Chief Administrative Officer of the *municipality* and, in case of absence, where any reference is made to the *Chief Administrative Officer* this shall include the *Officer* positions, or designate. **BL#1909**

“Closed booking” means a booking of a park, public space or facility which is closed to the general public, or where an admission fee is charged to access the booked area. **BL#1909**

“Commercial Vendor” means a private business offering services within a park or public space; or, that is carried out entirely from a mobile unit, whereby, the entire stock of goods, wares, merchandise, services, or foodstuffs offered for sale is actually carried and contained within a unit that is designed to be, or is mobile, at the time the items are offered for sale at *Town parks* or *public places*, and within a fixed period of time as determined by the *Town*. BL#1938

“Community Event” means a cultural, recreational or non-profit event in the Town of Creston which is open to the public.

“Costs” in the context of costs recovered by the Town of Creston under *this Bylaw*, means costs as defined in the *Fees and Charges Bylaw*.

“Council” means the elected *Council* of the Town of Creston.

“Designated Roadways” means an area of a *Town park* or *public space* that

- (a) is designated, set aside or established for vehicular traffic use,
- (b) includes areas authorized for the parking of motor vehicles,
- (c) may have posted signs regulating the use of the area,
- (d) is deemed for the purposes of *this Bylaw* to be a “street” as defined in the Town of Creston *Traffic Regulations Bylaw*, and
- (e) is governed by the *Traffic Regulations Bylaw*.

“Established annual community event” means Creston Valley Blossom Festival, Creston Valley Fall Fair, or Creston Valley Winter Festival. BL#1909

“Fee” and **“Fees”** means the fees and charges prescribed by the *Fees and Charges Bylaw*.

“Fees and Charges Bylaw” means the *Fees and Charges Bylaw* in force from time to time and adopted by the *Council* under Section 194 of the *Community Charter* or similar successor legislation.

“Municipality” means the body incorporated as the Town of Creston and the *Town’s* territorial jurisdiction, according to its context in *this Bylaw*.

“Municipal Trail” means a recreational trail that is owned or legally occupied by the *Municipality* and is marked as a trail by signs posted by or with the approval of the *Municipality*.

“Non-profit” means the gross revenue minus expenses equals the net revenue and whereby all net revenues are donated to the *sponsor*.

“Officer” means, for the purpose of *this Bylaw*, the *officer* positions appointed by *Council* and identified in the current *Officers and Employees Bylaw* for the *Town*, those being the *Chief Administrative Officer*, Executive Assistant and Director of Finance and Corporate Services for the Town of Creston. BL#1909

“Open booking” means a booking of a park, public space or facility where the general public retains access to booked area. **BL#1909**

“Park grounds” includes but is not limited to the grass, dirt, gravel, pavement, trees, fields, forests and playground areas contained within the *Town parks* and *public places* in the Town of Creston, excluding the *designated roadways*.

“Peace Officer” means, for the purposes of *this Bylaw* only, any person employed or appointed by the *Municipality* as a *Public Safety Compliance Officer*, a member of the Royal Canadian Mounted Police, any *municipal* police officer or an approved licenced security officer.

“Police” means the detachment of the Royal Canadian Mounted Police or *municipal* police force providing police services to the Town of Creston.

“Public Safety Compliance Officer” means the person appointed from time to time by *Council* as the *Public Safety Compliance Officer* for the Town of Creston, and includes any authorized alternate.

“Public Place” means all property or portions of property owned by the Town of Creston to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, the grounds of public facilities or buildings, public parking lots, *Town parks* and *public places*.

“Request for Liquor Special Event Permit/Approval Form” means the Request for Liquor Special Event Permit/Approval form as required by the Town, as per Town Policy. **BL#1909**

“Residential Garbage” means household waste generated by operations incidental to the premises, and includes *yard waste*.

“Special Event Permit” means a Special Event Permit as issued by the British Columbia *Liquor and Cannabis Regulation Branch*, under the *Liquor Control and Licencing Act*. **BL#1909**

“Spirit of Creston Square” means, only when officially blocked off by the *Town*, the area in the Town of Creston (see Appendix A) that extends along 11th Avenue North from Canyon Street to 119 - 11th Avenue North (total length/distance of 40 metres).

“Sponsor” means a local *non-profit* service club or organization, incorporated under the *Societies Act*.

“This Bylaw” means *Parks, Trails and Public Places Regulations Bylaw No. 1788, 2014*.

“Town” means the Town of Creston.

“Town Park” means all Town of Creston parks listed in Appendix A and any land subsequently reserved or dedicated by bylaw or designation by resolution as a park by *Council*. **BL#1943**

“Yard Waste” includes but is not limited to grass, lawn and hedge clippings, grass sod, dirt, flowers, weeds, leaves, stalks, shrubs and tree branches.

Part 5 General Regulations

- 5.1 Part 5, General Regulations, applies to all *Town parks* and *public places* listed in Appendix A, except as otherwise stated in *this Bylaw*.
- 5.2 If requested by the *Town*, *applicants* and event organizers will be required to provide 3rd party liability insurance in the amount of \$2,000,000, naming the *Town* as an additional insured, as per *Town policy*.
- 5.3 With the exception of the 11th Avenue Walkthrough Park, no person shall enter or occupy any *Town park* between the hours of 10:00 p.m. and 7:00 a.m. except a *Peace Officer*, Emergency Vehicle Operators, *Town* employees while on duty, contractors carrying out duties as assigned by the *Town*, persons permitted access during those hours approved for a Park Booking, or any person who has written permission of the *Chief Administrative Officer*, Corporate Officer, or Director of Community Services; or unless otherwise posted. **BL#1909**
- 5.4 No person shall skateboard or in-line skate in any *Town park* or on a *municipal trail*, unless otherwise posted at a *Town park* or *municipal trail*.
- 5.5 No person shall ride or otherwise use a bicycle in an unsafe manner on a *municipal trail*, *public place*, *park grounds* or any other *Town* properties, unless otherwise posted.
- 5.6 No motorized vehicles of any kind are permitted off the *designated roadways* of any *Town park*, with the exception of municipal service equipment, wheel chairs or motorized carts operated by persons with mobility challenges, or if special permission is given by the *Chief Administrative Officer* or *Council*. **BL#1909**
- 5.7 No unlicensed or uninsured vehicles are permitted within *Town parks* or *municipal trails*, excluding municipal service equipment.
- 5.8 While in a *Town park*, *public place* or on a *municipal trail*, no person shall do anything that restricts, prevents or inhibits the use and enjoyment of any *Town park*, *public place* or *municipal trail* by the public, including but not limited to:
- .1 Engaging in riotous, disorderly, violent, offensive, threatening or illegal activity.
 - .2 Engaging in any activity that may cause injury, harm or damage to any person, animal, tree or property.
 - .3 Defecating or urinating, except in designated facilities.
 - .4 Consuming alcoholic beverages (unless authorized by *Special Event Permit* and an approved *Request for Liquor Special Event Permit/Approval Form*. **BL#1909**)
 - .5 Possessing illegal contraband.
 - .6 Damaging or polluting a *Town park* or *public place*.
 - .7 Disobeying an authorized sign, rule, regulation or *this Bylaw*.
 - .8 Disobeying, threatening or obstructing a *Peace Officer*.

- 5.9 No animals of any kind are permitted on or in any *municipal* trail or *Town park*, unless otherwise permitted by sign, e.g. horses with rider, except registered guide dogs for the blind, dogs at the Town's Dog Park, and *police* dogs while accompanied by a *Peace Officer* while on duty.
- 5.10 The *Town* may post rules and regulations within each *Town park* and *municipal trail*. Failure to obey any posted regulation, policy, or any section of *this Bylaw*, will constitute an offence.
- 5.11 No person shall deface, destruct, damage, willfully break, destroy or impair any property, structure or natural feature within any *Town park*, *municipal trail* or *public place*.
- 5.12 No person shall sell or display for sale any refreshment, food, article, merchandise, product, thing, service, or conduct any business in a *Town park*, *municipal trail* or *public place* without a *Commercial Vendor Permit* issued by the *Town*.
- 5.13 No person shall dispose of *residential garbage* in a public trash receptacle within any *Town park*, *municipal trail* or *public place*.
- 5.14 No alcoholic beverages of any kind are permitted within *Town parks*, *municipal trails* or *public places*, except by *Special Event Permit* and an approved *Request for Liquor Special Event Permit/Approval Form*. **BL#1909**
- 5.15 All Town of Creston Bylaws are applicable in all *Town parks*, *municipal trails* and *public places*.
- 5.16 No person shall feed birds or other wildlife within *Town parks*, *trails* or *public places*. **BL#1909**

Part 6 Park Bookings

- 6.1 Council authorizes the *Chief Administrative Officer*, Corporate Officer, or Director of Community Services to grant or deny permission to: **BL#1909**
- .1 individuals, groups and organizations, on a first come/first serve basis, requesting *open bookings*, to use facilities in *Town parks*; or, **BL#1909**
 - .2 individuals, groups and organizations requesting *Closed bookings* as part of an *established annual community event*, to use facilities in *Town parks*. **BL#1909**
- 6.2 Council authorizes the *Chief Administrative Officer*, Corporate Officer, or Director of Community Services to grant or deny requests for permission for individuals, groups and organizations requesting extended park hours and/or booked time period, as part of an *established annual community event*. **BL#1909**
- 6.3 Each individual or group booking any *Town park* must sign a Waiver of Liability for the *Town*, on a form as provided by the Town of Creston.
- 6.4 For general bookings and regulations, and to obtain approval for the use of all *Town park* areas and *public places*, the *applicant* must complete the required form(s) as provided by the Town of Creston.

- 6.5 All cancellations of general *Town park* bookings must be in writing and received within 3 days of the day that the booking originally occurred.
- .1 For open *Town park* bookings, there shall not be a refund of fees.
 - .2 For closed *Town park* bookings, the total amount shall be refunded less a \$25.00 administrative fee.
- 6.6 Centennial Park:
- .1 Booking of the Ball Diamond.
 - (i) Applications for booking the ball diamond at Centennial Park are handled through the Recreation Coordinator at the Creston and District Community Complex, 312 - 19th Avenue North or by phoning the Recreation Coordinator.
 - (ii) The Recreation Coordinator shall ensure that each *applicant* agrees to the user regulations established by the *Town* and signs a Waiver of Liability, as provided by the Town of Creston.
 - .2 For general bookings and regulations, and to obtain approval for the use of *Town parks* and *public places*, the *applicant* must complete the required form(s) as stated in Section 6.3.
- 6.7 Commercial Vendor Permits. **BL#1938**
- (i) *Commercial Vendor* Permits will be issued at the discretion of the *Chief Administrative Officer*, Director of Community Services or designate, for *Town parks* and *public places*, in accordance with *Delegation of Authority Bylaw No. 1855, 2017*, as amended from time to time. **BL#1938**
 - (ii) The *Commercial Vendor* must provide waste receptacles and be responsible for cleaning all litter generated by the operation of the business, within fifteen (15) metres of the set-up location.
 - (iii) All *Commercial Vendors* must hold a current Town of Creston Business Licence.
 - (iv) Fees are prescribed in the *Fees and Charges Bylaw*.
 - (v) *Commercial Vendors* must set up their mobile units or business activities in a location approved by the *Town*. **BL#1938**
 - (vi) For a complete list of regulations and guidelines, please see the Town of Creston's Commercial Vendor Policy.

Part 7 Spirit of Creston Square Bookings

- 7.1 For general bookings and regulations, and to obtain approval for the use of the *Spirit of Creston Square*, the applicant must complete the required form(s) as provided by the Town of Creston. The application will be submitted to the *Chief Administrative Officer*, Corporate Officer, or Director of Community Services for approval of booking. **BL#1909**

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- 7.2 All installation and removal costs of any required municipal equipment or property related to the event shall be the responsibility of the *applicant*.
- 7.3 Arrangements with *Town* staff regarding installation and removal of any municipal equipment or property must be made prior to the event.
- 7.4 It shall be unlawful for any person to close and utilize the *Spirit of Creston Square* unless such person has first obtained approval to do so by the *Chief Administrative Officer*, *Corporate Officer*, or *Director of Community Services*. **BL#1909**
- 7.5 All street closures related to utilization of the *Spirit of Creston Square* must be in accordance with the *Town of Creston Traffic Regulations Bylaw*.
- 7.6 Each individual or group booking the *Spirit of Creston Square* must sign a *Waiver of Liability* for the *Town* with respect to that use, as provided by the *Town of Creston*.

Part 8 Enforcement

- 8.1 The *Public Safety Compliance Officer* and/or *Peace Officer* are hereby empowered to enforce all provisions of *this Bylaw*.
- 8.2 Any person who contravenes any section of *this Bylaw* shall be deemed to have committed an offence and may be issued a *Bylaw Notice* as per the *Town's Bylaw Notice Enforcement Bylaw*.
- 8.3 A *Public Safety Compliance Officer* or *Peace Officer* may impound or remove any item or thing that causes or creates a safety hazard, obstruction, and/or any violation of *this Bylaw*.
- 8.4 A *Public Safety Compliance Officer* or *Peace Officer* may remove or expel from any *Town park*, *municipal trail* or *public place* any person who commits any violation of *this Bylaw*, subject to providing a verbal warning to the person indicating the nature of the offence, a demand to cease and desist and a reasonable opportunity for compliance.
- 8.5 Nothing in Part 8 of *this Bylaw* shall prevent a *Public Safety Compliance Officer* and/or *Peace Officer* from immediately removing or expelling any person from any *Town park*, *municipal trail* or *public place* if any potential public risk is apparent or perceived.
- 8.6 Where, under *this Bylaw*, the *municipality* may recover from an offender, *applicant*, *sponsor* or other person, its *costs* of doing work or providing services on behalf or in default of the offender, *applicant*, *sponsor* or other person doing the work or providing the services, the *costs* may be recovered in accordance with Section 17 and other applicable provisions of the *Community Charter*.
- 8.7 No person shall obstruct, interfere with, impede, distract, hinder or prevent the *Public Safety Compliance Officer* from performing any duties or exercising any authority under *this Bylaw*.

Part 9 Penalties

- 9.1 Every person who violates a provision of *this Bylaw*, or who consents, allows or permits an act or thing to be done in violation of a provision in *this Bylaw*, or who neglects or refrains from doing anything required by a provision of *this Bylaw*, is guilty of an offence

and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and, in the case of a continuing offence, is liable to either or both of the minimum or maximum fine for each day that the offence continues.

Part 10 General

10.1 *This Bylaw* shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 15th day of July, 2014.

READ A THIRD TIME by title this 15th day of July, 2014.

ADOPTED this 12th day of August, 2014.

“Ron Toyota”
Mayor Ron Toyota

“Bev Caldwell”
Corporate Officer

Appendix A: Town Parks



INDEX OF AMENDING BYLAWS

Bylaw #1909.....Adopted July 28, 2020
Bylaw #1938.....Adopted May 25, 2021
Bylaw #1943.....Adopted January 11, 2022

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.