

# THE CORPORATION OF THE VILLAGE OF SALMO

## BYLAW #700 - PARKS & PUBLICLY OWNED SPACES REGULATIONS

WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the management of services and use of Parks and Public Spaces within the Village of Salmo and under the jurisdiction of the Village of Salmo, held by the said Village for pleasure, recreation, or community uses of the public.

The Municipal Council of the Corporation of the Village of Salmo, in open meeting assembled, enacts as follows:

### 1. INTERPRETATION

1.1 The headings contained in this bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this bylaw.

1.2 Definitions in this Bylaw:

Term	Definition
<b>Boulevard</b>	means that portion of a highway or street between the curb line and the adjoining property, or the lateral line of a roadway or lane and the adjoining property, be it either side, front and/or back. It includes, but is not limited to, sidewalks, flat land, slopes and ditches;
<b>Bylaw Enforcement Officer</b>	<p>means a person acting as any of the following are designated for the purposes of this Bylaw and the <i>Local Government Bylaw Notice Enforcement Act</i>:</p> <ul style="list-style-type: none"><li>a) Special constables, officers, members or constables of the RCMP;</li><li>b) Bylaw Enforcement Officers appointed pursuant to the <i>Police Act</i> and <i>Community Charter</i>;</li><li>c) Local Assistants to the Fire Commissioner under Section 6 of the <i>Fire Services Act</i>;</li><li>d) Bylaw Enforcement Officers, peace officers, licensing inspectors, building inspectors, animal control officers or other persons acting in another capacity on behalf of the municipality or regional district for the purpose of enforcement of one or more of its Bylaws;</li></ul>

<b>Term</b>	<b>Definition</b>
<b>Campground Park</b>	means any area of land within the Village of Salmo set aside and dedicated as a Campground Park for the accommodation of tents, trailers, campers or other recreational motorhome vehicles;
<b>Campground Caretaker</b>	means the person or persons appointed by the Village to be the caretaker of Campground Parks in the Village;
<b>Chief Administrative Officer</b>	means the person appointed by Council to the Chief Administrative Officer's position for the Village and as defined in the Community Charter and the Village's Officer's Bylaw;
<b>Community Facility</b>	means a building, lands or recreation facility including but not limited to recreation centers, ice or curling rinks, ball diamonds, playgrounds, picnic shelters and other recreation facilities located in a Park or on any other land which the Village owns or controls by means of a lease, licence or other legal instrument that is intended for athletic, social, cultural or recreational use by members or visitors to the community;
<b>Civic Works and Parks Supervisor</b>	means the person appointed as such, from time to time, by the Village, and any person delegated to assist in carrying out duties under this bylaw;
<b>Community Parks Reservation Form</b>	means a form to book use of all or part of one of the Village's Community Facilities and/or apply for a Park Special Event Permit;
<b>Council</b>	means the Municipal Council of the Corporation of the Village of Salmo.
<b>Driveway</b>	means and includes any way or thoroughfare set apart and improved for the use of pedestrians, vehicular or animal traffic, within any park and shall include Roadway, Path, Underpass, Street, Road, Lane, Bridge, Viaduct or Overpass.
<b>Fire Chief</b>	means the person appointed yearly by Council as the Fire Chief for the Village and any duly authorized delegate;
<b>Foreman</b>	means the person appointed from time to time by the Chief Administrative Officer as Civic Works and Utilities Foreman for the Village and any duly authorized delegate;

Term	Definition
<b>Park</b>	means any real property or property subject to a right of occupation by the Village for the purpose of pleasure, recreation or community uses of the public, including parks, playgrounds, sport courts, natural and landscaped areas, sports fields, trails, walkways and other public places and all improvements and may include other public places adjacent to ponds or streams including foreshore or land covered by water; but does not include the travelled portion of a highway, street, land, or right-of-way designed or intended for or used by the general public for the passage of vehicles.
<b>Parks Special Event Permit</b>	means a Permit issued pursuant to this bylaw granting use of a Community Park or Facility for the purposes of a Parks Special Event;
<b>Person</b>	means and includes natural persons, associations, societies, bodies corporate, bodies politic, and partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns, or other legal representative of such person to whom the context can apply according to law.
<b>Playground</b>	means any area of land within the Village set aside and dedicated as a Park which is primarily intended or used as a children's playground
<b>Public Building</b>	means a Building/Community Facility or structure on land owned by the Village of Salmo;
<b>Public Hazard Closure</b>	means an order from the Village that a Park, Public Building or Public Space be closed because of a threat to the Park, Public Space or Community Facility or to the public.
<b>Public Lands</b>	means any lands under the care, management and jurisdiction of the Village;
<b>Public Municipal Open Space</b>	means a Park or other outdoor Public Space which is owned, controlled or operated by the Village for the use of the public.
<b>Responsible Person</b>	means: <ul style="list-style-type: none"> <li>a) the Chief Administrative Officer, Civic Works Foreman or Salmo Fire Chief or a Village staff person or volunteer fire fighter duly appointed by one of either the Chief Administrative Officer, Civic Works Foreman or Salmo Fire Chief, as appropriate to the task, as the</li> </ul>

Term	Definition
	<p>person responsible to undertake specific tasks as described in this bylaw; or</p> <p>b) the person responsible for the control of an animal as described in Village of Salmo Animal Control Bylaw 699.</p> <p>c) the person responsible for the control of a vehicle.</p>
<b>Smoke or Smoking</b>	means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, electronic cigarette, or other smoking equipment that burns or vaporizes tobacco, marijuana or any other substance;
<b>Vehicle</b>	means and include all conveyances for the carriage or transport of persons, passengers, goods or materials, whether drawn by animals or propelled or pulled by any mechanical or muscular device or other motive power whatsoever, and shall include trailers, mobility scooters, bicycles and tricycles.
<b>Village</b>	means the Corporation of the Village of Salmo.
<b>Waste</b>	means any garbage, including but not limited too; swill, cans, bottles, papers, ashes, refuse, offal, trash, or any other type of rubbish except yard waste.
<b>Yard Waste</b>	means green waste including but not necessarily limited to grass and hedge clippings, leaves, grass, flowers, vegetable stalks, woody or herbaceous waste, fruit and vegetable waste and prunings that can be effectively composted and includes prunings up to 1 meter in length and 5 centimeters in circumference.

## 2. SEVERABILITY

- 2.1 If any part, section, sub-section, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

**3. PARK HOURS**

- 3.1 All parks shall be open for use by the general public between the hours of 7:00 a.m. and 11:00 p.m., each day of the week and no person shall use or enter any park during the hours these parks are not open to the general public unless approval to do so has been received from the Village, or in the case of K.P. Park, where a person is registered as a camper. The foregoing restrictions shall not apply to officers, officials and employees of the Village who must, in the course of their duties, be in the park during the hours of closure.
- 3.2 All park washroom and shower facilities are open during designated hours during the following specified annual periods:
- a) KP Park – April 20<sup>th</sup> to October 31<sup>st</sup> or as determined by the Civic Works Foreman, in consultation with the CAO, dependant on weather conditions and/or other pertinent issues;
  - b) Lions Park – January 1<sup>st</sup> to December 31<sup>st</sup> or as determined by the Civic Works Foreman, in consultation with the CAO, dependant on weather conditions and/or other pertinent issues.
- 3.3 A park or recreation facility may be closed to the public in the event of a danger to public health or welfare. A Notice of Public Hazard Closure will be posted at entrances to the park or facility advising of the reason for the closure and the period of closure.
4. The Village reserves the right to change Park and/or facility hours, either permanently or temporarily, with the approval of the Chief Administrative Office and Civic Works Foreman or by order of Council.

**GENERAL REGULATIONS**

- 4.1 No person shall willfully, maliciously or carelessly remove, damage or destroy any property, court, green, trees, shrubs, flowers, grounds or lawn in a park, or in any way interfere with or obstruct the free use thereof by those lawfully entitled to the use of same; and no person shall permit any animal under their control to damage any property in a Park or Public Lands.
- 4.2 No person shall in any way foul, litter or pollute any fountain, public area, stream, pool, in any park, public land, boulevard, or driveway, or

injure, deface or destroy any notices, rules or regulations posted or affixed to anything by order or permission of the Village Council

- 4.3 No person shall climb, walk or sit upon any wall, fence or other construction in or upon any park or boulevard; or cross, travel, or use any grass plot or land where signs have been posted forbidding any such use;
- 4.4 No person shall use, occupy or travel along or upon any park or park property in such manner as to obstruct or to cause an obstruction, or to interfere with any person or traffic lawfully using the same; or encumber or obstruct, or cause to be encumbered or obstructed in any manner whatsoever, any park or park property, unless they have valid permission in writing from the Chief Administrative Officer.
- 4.5 No person shall post, paint or distribute any advertisements or handbills, of any kind whatsoever in any park.
- 4.6 No person shall sell or expose for sale or gift any refreshments or any article or merchandise or thing or conduct any business in any park unless they have valid permission in writing of Council or have applied to sell as part of a farmer's or village market or other permitted special event and have met all other requirements for participation in the event.
- 4.7 Permission to hold a weekly farmers or village market may be applied for once per season and approved permits will be valid for the entire length of the market season specified.
- 4.8 The duties and responsibilities of the Campground Caretaker shall be as specified from time to time by the Chief Administrative Officer.

## **5. CLEAN AIR & SMOKING REGULATION**

- 5.1 Prohibitions – Public Buildings and Village Parks
  - 5.1.1 No person shall Smoke:
    - a) inside a Public Building - including within 7 meters (7.7 yards) of an Entranceway to a Public Building;
    - b) in a Park – including within a 7 meter (7.7 yard) buffer zone surrounding the Park;

- c) in a Public Municipal Open Space – including within a 7 meter (7.7 yard) buffer zone surrounding the Public Municipal Open Space;
- d) in the Village cemetery - including a 7 meter (7.7 yard) buffer zone surrounding the Cemetery;
- e) in a Transit Shelter or at a Bus Stop – including a 7 metre (7.7 yard) buffer zone surrounding the Transit Shelter or Bus Stop;
- f) inside a motor vehicle or equipment owned or leased by the Village.

5.2 Exceptions to Prohibitions Specified

5.2.1 This bylaw does not apply to a ceremonial use of tobacco in relation to a traditional Aboriginal cultural activity.

5.2.2 This bylaw does not apply to designated areas in the campground area at KP Park, whereby smoking is permitted at each campsite.

5.3 No person shall throw or place upon the ground any lighted match, cigar, cigarette or other burning substance, within the limits of any park, or in any recreation area, or any recreation building.

**6. FIREARMS AND FIREWORKS**

6.1 No person shall carry or discharge any firearms, including air guns, air rifles, air pistols, and spring guns, or any weapon of any description, or fire or explode any combustible or other explosive material or make a fire - except within any areas set aside for this purpose and then only if they have valid written permission of the Fire Chief and the Village Council; or

6.2 Notwithstanding the provisions of this Section, fireworks may be exploded in a park by any person or organization conducting a public display if such public display is held with valid written permission of the Fire Chief and of the Village Council.

**7. CAMPFIRES**

7.1 Campfires are prohibited in all Public Municipal Open Spaces except:

- a) in designated areas in the Campground in KP Park except when there is a provincial, regional or local campfire ban, or
- b) in an area designated and approved by the Fire Chief for a special event and assigned as part of a Park Special Event Permit.

- 7.2 No person shall start or maintain a fire in a campground, except in facilities provided at a park for that purpose.
- 7.3 No person shall burn any unsuitable materials including but not limited to organic yard waste, household waste, plastic, rubber, flammable or combustible liquid, or any treated lumber or construction debris, or toxic waste in a permitted fire.
- 7.4 No person shall leave a fire in a park unattended.
- 7.5 Camping and campfires are prohibited in Springboard Park.

**8. ANIMALS, BIRDS, FISH, AND OTHER WILDLIFE**

- 8.1 No persons shall molest, disturb, frighten, injure, catch, trap, or snare any bird, animal or fish in any park.
- 8.2 No person as owner, possessor or harbourer, or having the control of any animal or fowl, shall permit such animal or fowl to run at large or feed in or upon any park or driveway whatsoever.
- 8.3 All owners, possessors or harbourers of dogs shall not permit them to enter in or upon any park unless on a leash and under the control of a responsible person per Village of Salmo Animal Control Bylaw 699, except in a park area designated as “off leash”.
- 8.4 All owners, possessors or harbourers of dogs must accompany, supervise and control their dog(s) at all times in a designated “off-leash” area.

**9. PARK ACTIVITIES**

- 9.1 The use of any Park or Community Facility shall not be granted without first obtaining a Booking Rental Contract and/or a Parks Special Event Permit.
- 9.2 During all youth rentals, a responsible adult, having authority over the group shall, at all times, remain with the organization, group or individual(s) while on the premises.
- 9.3 No person shall play at any game whatsoever in or on any portion of any park except upon or in such portions thereof as may be especially allotted, or designated for any such purpose, and under such rules and regulations and at such times as shall be prescribed by the Council.



- 9.4 No tournament or organized sports, or series of games shall be played in any park or on any court, green, grounds, or lawn by any person, group of persons, organizations or club without valid permission in writing of the Chief Administrative Officer in the form of a Park Special Event Permit firstly having been obtained.
- 9.5 No person shall conduct any procession, march, drill, performance, ceremony, concert, gathering or meeting in or on any park or driveway, save and except with valid express permission in writing of the Chief Administrative Officer firstly having applied for and obtained a Parks Special Event Permit. In addition, Council approval is required for the above activities where participation is expected to exceed attendance of more than 150 attendees.
- 9.6 The Council or Chief Administrative Officer reserves the right to decline permission for groups whose activities may promote hate, racial or gender bias, or otherwise infringe on the constitutional rights of all Canadians.
- 9.7 No person shall enter or bathe in any water in or adjoining any park except in a swimming or wading pool set aside for that purpose.
- 9.8 No person suffering from any contagious or communicable disease shall enter or bathe in any swimming or wading pool or water in or adjoining any park.
- 9.9 No person shall disobey any command or order of any person having the superintendence, management or control of any such pool or the command of any lifeguard or other person in charge of or superintending any pool; or swim, or permit the swimming of any animal, or the fowling of waters therein or immediately adjacent thereto.
- 9.10 No person shall interfere with, obstruct, impede, hinder or prevent the discharge of the duties of any attendant, lifeguard, officer, official, employee of the Village of other person engaged in superintending, controlling, instructing or overseeing swimming, aquatic sports or any other games at any part of a park, under his or her supervision or control.
- 9.11 No person shall throw, deposit, drop, leave, or dump, or cause to be thrown, deposited, dropped, left or placed, any garbage, swill, cans,

bottles, papers, ashes, refuse, offal, trash, or rubbish in a park, pool or the waters adjacent thereto.

**10. ALCOHOL POLICY**

- 10.1 Possession or consumption of alcohol is not permitted in Village parks with the exception of individual campsites in K.P. Park or at a special event under a Liquor Special Event Permit from the Liquor & Cannabis Regulation Branch of the Ministry responsible for Liquor licenses.
- 10.2 Alcohol may be permitted at special events held in a Park or community owned-facility in accordance with the following:
- a) alcohol may only be served to those persons attending the approved special event;
  - b) the entire area in which alcohol may be served during an approved special event shall be visibly cordoned off from the rest of the Park/Facility to display that the event is closed to the public;
  - c) the hours during which alcohol may be served at an approved special event shall be authorized by the Salmo RCMP detachment;
  - d) No off-licence sales of alcohol may be made to persons attending an approved special event in a Park or to the general public unless a Liquor Special Event Permit from the Liquor & Cannabis Regulation Branch of the Ministry responsible for Liquor licenses has been obtained in accordance with *Section 10.1* of this bylaw;
  - e) The Chief Administrative Officer shall approve all requests to serve alcohol at Special Events in Parks that meet the criteria stipulated in *Sections 10.1 and 10.2 (a, b, c and d)* and may bring applications to Council from time to time as deemed necessary.
  - f) The Chief Administrative Officer or Facility Operator, whichever is applicable, shall approve all requests to serve alcohol at Special Events in Village-owned facilities that meet the criteria stipulated in *Sections 10.1 and 10.2 (a, b, c and d)*, and may bring applications to Council from time to time as deemed necessary.

**12. WASTE**

- 12.1 No person shall throw, deposit, drop, leave, or dump, or cause to be thrown, deposited, dropped, left or placed, any garbage, swill, cans, bottles, papers, ashes, refuse, offal, trash, or rubbish into or upon any such park, grass plot, or driveway, or in any stream, pool, or on any public area, or in or around any recreation building or area, or on or along any driveway except in the receptacles provided for such purpose.
- 12.2 No person may dispose of Yard Waste of any kind whatsoever in any park.
- 12.3 All waste created during park activities, such as picnics and sporting events, must be disposed of in the bear-proof garbage receptacles provided in each park or removed by the waste creators to the appropriate disposal site, such as the recycling depot or garbage dump.

**13. BUILDINGS AND SHELTERS**

- 13.1 No person shall erect, construct or build or cause to be erected, constructed, built in or on any park or boulevard any tent, building, shelter, pavilion or other construction whatsoever, save and except with the express valid permission in writing of Council firstly having been obtained.
- 13.2 The Council, the Chief Administrative Officer or any worker may remove or cause to be removed from any park any obstruction or thing placed therein or thereon contrary to the provisions of this Bylaw, at the expense of the person making such obstruction.

**14. VEHICLES**

- 14.1 No person shall ride or drive any horse or other animal or drive or propel or permit to be driven or propelled, any vehicle or other mode of conveyance on any boulevard, grass-plot or other area within any park other than on the respective driveway made and provided for such purpose; or to drive any animal on any path or other roadway allotted for pedestrian traffic only unless otherwise directed by an authorized Village official or employee, provided however, that wheelchairs, motorized mobility vehicles and children's carriages may

be allowed on the footpaths to such an extent and in such manner as shall not interfere with the free use of such walks by pedestrians.

- 14.2 Subject to the provisions herein contained, it shall be unlawful for any person:
- a) To ride or drive any horse or other animal or drive or propel any vehicle in, upon or along any driveway at a rate of speed in excess of the authorized and posted speed limit as may be determined by the Council, or in a manner not consistent with safety, having due regard to all other traffic.
  - b) To drive any motor vehicle with the muffler disconnected, or commonly called "cut-out", or in such other manner as shall constitute a nuisance or danger either to pedestrians or animals or the property within any park.
  - c) To fail to bring their horse, animal or vehicle to a stop upon the request or signal from any person authorized and lawfully directing any traffic within any park, or from any person in charge of any horse or other animal; or to stop whenever any horse or other animal shows signs of fright or getting out of control.
  - d) To ride or drive any horse or other animal or drive any vehicle in any direction on any driveway other than the direction designated by the Village, and in accordance with the authorized rules and regulations laid down in respect thereof.
- 14.3 No person shall grease, wash, clean or repair any vehicle in a park, except when repairs are necessitated by an emergency, or with the express permission in writing of the Chief Administrative Officer firstly having been obtained.
- 14.4 No vehicle shall be parked in or on any portion of any park, EXCEPT upon or in such portions thereof as may be especially allotted, or designated for any such purpose, and under such rules and regulations and at such times as shall be prescribed by Council or the Chief Administrative Officer. The foregoing restrictions shall not apply to vehicles used by officers, officials and employees of the Village while carrying out their duties.

## **15. SIGNAGE**

### **15.1 Posting of Signs**

15.1.1 A responsible person must display or ensure the display of a sign, including any necessary symbols, noting any prohibitions or other necessary information in a conspicuous position at all times:

- a) at the main entrance to a Public Building
- b) at the main entrance to a Park;
- c) at the main entrance to a Public Municipal Open Space;
- d) at the main entrance to a School Yard;
- e) at the main entrance to a Cemetery;
- f) at a Transit Shelter or Bus Stop

Suggested symbols are attached as *Schedule A*.

### **15.2 No Smoking Signs**

15.2.1 A no-smoking sign shall state

- a) the phrase “no smoking or vaping”, or
- b) a graphic symbol substantially in the form shown on Schedule “A” attached to this Bylaw, which shall be a minimum of six centimeters in diameter, and
- c) may include the words “The Village of Salmo Park Regulation Bylaw 700”.

15.3 No person shall remove, alter, conceal, deface, write upon or destroy any sign posted pursuant to this bylaw.

## **16. ENFORCEMENT**

16.1 This Bylaw is designated under the *Community Charter* as a bylaw that may be enforced by means of a Bylaw Notice.

16.2 Bylaw Enforcement Officers are designated to enforce this Bylaw by means of a Bylaw Notice under the *Community Charter*.

16.3 No person may obstruct a Bylaw Enforcement Officer in the fulfillment of his or her duties under this Bylaw.

- 16.4 Without limiting the enforcement options under section 15.1, a person who commits an offence under this Bylaw will be liable to a penalty established under Section 17.2 of this Bylaw.

**17. CONTRAVENTION & PENALTIES**

**17.1 Bylaw Contravention**

**17.1.1 Any person who:**

- a) contravenes or fails to comply with this Bylaw;
- b) permits, suffers or allows any act or thing to be done in contravention of this Bylaw;
- c) fails to carry out an order made under this Bylaw; or
- d) fails or neglects to do anything required under a permit issued by the Village in respect of this Bylaw, commits an offence of this Bylaw and each day such offence continues or is permitted to continue will constitute a separate offence.

**17.2 Notwithstanding any remedy in damages otherwise available to the Village:**

- a) on being found guilty of an offence under this Bylaw, a person will be liable to pay a fine of up to \$10,000 or to imprisonment for a term not exceeding six months or to both, such fine and imprisonment and in default of payment of the fine to imprisonment for an additional term not exceeding six months under the *Offence Act*, and
- b) any vehicle which is removed, impounded or detained pursuant to this Bylaw shall remain impounded or detained until the owner thereof shall have paid to the Chief Administrative Officer of the Village of Salmo a fee of ONE HUNDRED DOLLARS (\$100.00) plus actual costs and expenses paid by the Village for such removal, detention and impounding, which amount may be recovered by the Village by sale of the vehicle at public auction if not paid by the owner within fourteen (14) days.

18. Notwithstanding anything contained in this Bylaw or any other Bylaw of the Village to the contrary, the officers, officials and employees of the Village, while in the exercise of their duties, shall be exempt from the provisions hereof.

19. Village of Salmo Parks Regulations Bylaw 410, 1995, and all amendments thereto are hereby repealed and replaced by Bylaw #700.
20. This Bylaw shall be cited for all purposes as “Village of Salmo Parks & Publicly Owned Spaces Regulations Bylaw #700, 2019”.
21. This Bylaw shall come into force and effect upon final adoption by Council.

READ A FIRST TIME THIS	12 <sup>th</sup> day of March, 2019
READ A SECOND TIME THIS	12 <sup>th</sup> day of March, 2019
READ A THIRD TIME THIS	12 <sup>th</sup> day of March, 2019
RECONSIDERED AND FINALLY ADOPTED THIS	26 <sup>th</sup> day of March, 2019

Originally Signed By:

Diana Lockwood

Mayor

Anne Williams

Chief Administrative Officer

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF THE “VILLAGE OF SALMO PARKS & PUBLICLY OWNED SPACES REGULATIONS BYLAW #700, 2019”.

Anne Williams

Chief Administrative Officer

**SCHEDULE A – SIGNAGE**

Sample “No Smoking” Symbols



Sample “No Campfires”



Sample “No Camping”

