

CITY OF TERRACE

BYLAW NO. 1942 – 2009

"A BYLAW OF THE CITY OF TERRACE TO REGULATE THE USE OF PARKS AND PUBLIC PLACES."

WHEREAS Section 8 of the Community Charter empowers a Council, by bylaw, to regulate, prohibit and impose requirements respecting persons, property, things and activities in relation to public places;

AND WHEREAS the Council for the City of Terrace deems it desirable to regulate, prohibit and impose requirements respecting persons, property, things and activities in relation to public places;

NOW THEREFORE the Municipal Council of the City of Terrace, in open meeting assembled, hereby enacts as follows:

1.0 DEFINITIONS:

In this Bylaw:

- 1.1 **"City"** means the Corporation of the City of Terrace;
- 1.2 **"Controlled Substance"** means a controlled substance as defined or described in Schedules I to VI of the Controlled Drugs and Substances Act, 1996, Chapter 19, as amended from time to time, including related controlled substance paraphernalia, but does not include a controlled substance permitted under the Act.
- 1.3 **"Director"** means the Director of Leisure Services for the City of Terrace or his/her designate.
- 1.4 **"Enforcement Officer"** means a Bylaw Enforcement Officer or Animal Control Officer for the City of Terrace, the Director as defined in this Bylaw, or a member of the Royal Canadian Mounted Police (RCMP).
- 1.5 **"Park or Public Place"** means and includes all parks, cemeteries, public places, playgrounds, boulevards, trails, greenbelts, required buffer zones, or real or personal property owned, held or under the care, custody or jurisdiction of the City of Terrace for public park, recreation or community purposes.

2.0 GENERAL REGULATIONS:

No person shall, in any park or public place:

- 2.1 *deface, cut down or otherwise destroy or damage any tree, shrub or other plant material, unless authorized by the Director;*
- 2.2 *deface, vandalize with graffiti, remove, injure, or destroy any railing, fence, building, monument or other property;*
- 2.3 *remove any gravel, top soil, rock or sand without the written permission of the City;*
- 2.4 *leave garbage, litter or other refuse or waste except in a receptacle provided by the City for this purpose;*
- 2.5 *deposit grass clippings, dirt, rubble or other waste materials;*
- 2.6 *deposit chemicals or pesticides;*
- 2.7 *foul the water of any river, creek or stream or other similar body of water;*
- 2.8 *defecate or urinate except in a facility designed for such use;*
- 2.9 *use any toilet facility or change room facility other than for the purpose for which the building is intended;*
- 2.10 *participate in a fight or other similar physical confrontation;*
- 2.11 *engage in any conduct that may cause or be likely to cause injury, harm or danger to themselves or others;*
- 2.12 *discharge any firearms, air gun, air rifle, air pistol, or spring gun;*
- 2.13 *discharge a bow as defined in the Wildlife Act;*
- 2.14 *consume or have in their possession any alcohol, or controlled substance unless the said alcohol or controlled substance is consumed or possessed pursuant to and in compliance with a license issued under the Liquor Control and Licensing Act or Controlled Drugs and Substances Act;*
- 2.15 *possess paraphernalia for the purpose of storing, transporting or using a controlled substance;*
- 2.16 *erect, or occupy any camper, tent or other form of temporary shelter other than in areas designated for camping, and only after the required camping fee is paid, or unless authorized by the Director;*

- 2.17 *be in any City park or public place when they are closed to the public (between the hours of 11:00 p.m. and 6:00 a.m.) unless authorized by the Director;*
- 2.18 *operate a motorized vehicle except in areas designated for such use and in accordance with the Motor Vehicle Act; or*
- 2.19 *disturb the peace or enjoyment of other persons using any park or public place or interfere with the exclusive use of any park or public place granted by the Director to another person or group.*

3.0 **ANIMAL CONTROL REGULATIONS:**

No person shall, in any park or public place:

- 3.1 *wilfully, negligently, or carelessly permit any animal belonging to them, or in their custody, possession or control, to break down, destroy or otherwise damage any tree, shrub or other plant material;*
- 3.2 *leave any animal waste deposited by any animal belonging to them or in their custody, possession or control;*
- 3.3 *allow any dog or animal to run at large with the exception of areas designated as an off-leash area by the City of Terrace; or*
- 3.4 *ride, lead, drive or graze a horse, livestock or other animal except in areas where permitted.*

4.0 **USES PERMITTED BY FACILITY USE PERMIT ONLY:**

In accordance with this Bylaw, it is unlawful for any person(s), business, corporation, or other body to undertake the following in any park or public place unless a Facility Use Permit, for which a fee may apply, is first obtained from the City and approved by the Director or his/her designate:

- 4.1 *sell, display or distribute refreshments, or any other goods, articles, or service;*
- 4.2 *conduct any business or commercial venture;*
- 4.3 *hold, or attempt to hold, any show, concert, exhibition or similar activity;*
- 4.4 *operate or use any amplifying system or loud speaker;*
- 4.5 *light any fire except in barbecue pits as provided by the City;*

- 4.6 *fire or explode any combustible or other explosive material, other than the discharge of fireworks as permitted under the City of Terrace Fire Prevention Bylaw No. 1365-1994;*
- 4.7 *place or erect any structure, sign, bulletin board, post, pole or advertising device whatsoever, or distribute or post, paint or affix any advertisement, hand-bill or other article of an advertising nature, except on a public bulletin board provided for that purpose by the City; or*
- 4.8 *organize or participate in an outdoor gathering of more than 50 people.*
- 4.9 *The Director may approve exceptions to the General Regulations of this Bylaw, at his/her discretion, through the issuance of a Facility Use Permit.*

5.0 **ADMINISTRATION:**

- 5.1 *Permission to use a park, public place or any part thereof for other than general public use shall be granted through the issuance of a Facility Use Permit.*
- 5.2 *Facility Use Permits shall be obtained from the Leisure Services Department. The Permit must be signed by the user and the Director or his/her designate to make the Permit valid. The Director shall have the power to grant, refuse or revoke any Facility Use Permit.*
- 5.3 *Any person wishing to appeal the decision of the Director regarding a Facility Use Permit may do so in writing to the City of Terrace Council.*

6.0 **TEMPORARY DISCRETIONARY AUTHORITY:**

- 6.1 *The Director or his/her designate may, at any time, temporarily close any park or public place or part thereof to the use of the public if, in their opinion, such closure is necessary to prevent or assist in the prevention of a breach of the peace, prevent a violation of either criminal or civil law, protect public safety, or conduct maintenance or repairs.*

7.0 **RESTRICTION OF ACCESS:**

- 7.1 *An Enforcement Officer may direct a person to leave any park or public place if that person is acting in contravention of this Bylaw, other municipal legislation, or any federal or provincial legislation, including using or possessing controlled substances, alcohol or other intoxicants.*

7.2 *A person directed to leave any park or public place must do so immediately and shall not return within the following 24 (twenty-four) hours, or such longer period of time, up to seven consecutive days, as specified by an Enforcement Officer.*

8.0 **INTERFERENCE:**

8.1 *No person shall interfere with an Enforcement Officer in the exercise of their powers and duties pursuant to this Bylaw.*

9.0 **OFFENCE AND PENALTIES:**

9.1 *Any person who violates or contravenes any provision of this Bylaw, or fails to abide by the direction of an Enforcement Officer to leave a park or public place and not return for a period of time as per Section 7.1 and 7.2 of this Bylaw commits an offence, is punishable in accordance with the Offence Act, and is liable on summary conviction to a minimum fine of \$100 and to the maximum penalties prescribed by law.*

9.2 *This Bylaw may be enforced by means of a ticket issued in accordance with City of Terrace Ticket Information Utilization Bylaw No. 1827-2005 as authorized by Section 264 of the Community Charter.*

9.3 *Each day a violation or contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.*

10.0 **REPEALING CLAUSE:**

10.1 *City of Terrace Parks and Public Places Bylaw No. 1010-1983 and all amendments thereto are hereby repealed.*

11.0 **SEVERABILITY:**

11.1 *The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.*

12.0 **CITING CLAUSE:**

12.1 *This Bylaw may be cited as “City of Terrace Parks & Public Places Bylaw No. 1942 – 2009”.*

READ a first time this 14th day of April, 2009.

READ a second time this 14th day of April, 2009.

READ a third time this 14th day of April , 2009.

ADOPTED this 27th day of April, 2009.

Mayor

Deputy Clerk