

TOWN OF GIBSONS

Bylaw No. 1012, 2005

A bylaw to regulate the use of public places in the Town of Gibsons

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

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

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

Citation

1. This bylaw may be cited as "Town of Gibsons Public Places Regulation Bylaw No. 1012, 2005".

Definitions

2. In this bylaw:

Director means the Director of Parks and Aquatics, Director of Municipal Operations or designate which shall include the Chief Administrative Officer and the Director of Corporate Administration.

Public Place means and includes public places, parks, playgrounds, beaches, boulevards, trails, greenbelts, required buffer zones, swimming areas, or real or personal property owned, held or under the care, custody or jurisdiction of the Town of Gibsons for public park, recreation or community purposes.

Peace Officer means a Bylaw Enforcement Officer, Animal Control Officer, or Poundkeeper of, or acting on behalf of, the Town of Gibsons, a member of the Royal Canadian Mounted Police (RCMP), or an employee of the Society for the Prevention of Cruelty to Animals (SPCA) and includes Director as defined in this bylaw.

Permit means a valid and subsisting permit issued by the Town of Gibsons in accordance with this bylaw.

Vehicle means a vehicle as defined in the *Motor Vehicle Act* and includes snowmobiles, motorcycles, and all terrain vehicles not intended for license as a road vehicle.

Management Authority

3 Authority for administering this bylaw is vested in the Director.

Regulations

4. No person, other than a Town employee or contractor of the Town, or agent thereof, in the performance of their assigned duties, shall in or on any public place:
 - a. Destroy, alter, damage, or remove any tree, shrub, plant, turf, flower, soil, gravel, or other material;
 - b. Destroy, alter, damage or deface any building, fence, bench, sign, light, light standard, ornament, barrier, wharf, float, receptacle or other structure;
 - c. Foul, pollute, discard or deposit any garbage or waste, offensive matter, soil, gravel, yard waste, construction debris or other substance or material produced outside of the public place in any public place, park, fountain, pool, pond, stream, ditch or other body of water except in receptacles provided for that purpose and then only if there is space in the receptacle for such deposit;
 - d. Cross, travel on or use any area, or portion thereof, where signs have been posted or erected forbidding such crossing or use;
 - e. Climb, walk upon, sit upon any wall, fence, dug-out, enclosure or any other structure unless the same is designated or intended for such purposes;
 - f. Conduct him/herself in a disorderly or offensive manner or molest or injure any other person, or obstruct the free use and enjoyment of any public place by any other person;
 - g. Permit any animal under their ownership or custody to run at large or feed upon or damage in any way any vegetation;
 - h. Allow any animal to leave or deposit manure or dung unless the owner immediately takes steps to remove such manure or dung and dispose of the same in a sanitary manner;

- i. Ride, lead, drive or graze a horse, livestock or other animal except in areas where permitted;
 - j. Drive any vehicle at a speed greater than 20 kilometres per hour or at a speed greater than that which is indicated on a traffic sign, or drive or park any vehicle in any direction or area except as indicated on a traffic sign;
 - k. Use any motorized boat, water ski, personal water craft or other contrivance or thing propelled by a motor in such a way as to endanger or interfere with swimmers or other persons using the water of the recreation foreshore lease area nor shall such be used within fifty (50) metres of any beach or designated swimming area;
 - l. Enter or remain in or upon any public place in contravention of posted signs stating that the public place is closed to the public;
 - m. Enter into any fenced or enclosed area or building after access into the same has been closed or locked to the public;
 - n. Interfere with, obstruct or violate the orders of the Director or any other person authorized by him/her to make such orders relating to the personal safety of any person or relating to the conduct of any game, sport, instruction, maintenance or construction work;
 - o. Use or operate any device or equipment in such a manner as to disturb the enjoyment of the public place by other users, or to disturb the quiet enjoyment of residents of the area;
 - p. Enter or bathe in any fountain, pool, pond, stream, or other body of water where swimming is not permitted;
 - q. Enter or bathe in any fountain, pool, pond, stream, or other body of water where swimming is permitted without being properly attired;
 - r. Interfere with or obstruct any Town employee or contractor of the Town, or agent thereof, in the performance of their assigned duties;
 - s. Disregard any command or direction from a Town employee or peace officer as that command or direction relates to enforcement of the provisions of this bylaw; or,
 - t. Violate the provisions, prohibitions, or regulations contained on any posted sign.
5. No person, unless authorized and permitted in accordance with this bylaw, shall in or on any public place:

- a. Perform or take part in any procession, march, drill, performance, ceremony, concert, meeting or other formal or informal gathering;
- b. Play any game in any area or at such times where signs have been erected prohibiting or regulating the same and without limiting the generality of the foregoing, no person shall, except in areas specifically designated therefore:
 - i. play golf or strike a golf ball;
 - ii. fly any motor driven aircraft or glider, whether toy or not;
 - iii. shoot an arrow or practise archery; or,
 - iv. launch any power rocket;
- c. Molest, harass, trap, injure, or catch any bird, fish, or animal;
- d. Use any area for private instruction, tournament or services of games or events whether for profit or not;
- e. Post, paint or affix any advertisement, bill, poster, picture, or thing advertising any product, service, or event;
- f. Sell or expose for sale any refreshment, goods, article, or thing or sell or offer any service for a fee;
- g. Operate or use any amplifying system or loud speaker;
- h. Erect or cause to be erected any structure, tent or facility, whether of a permanent or temporary nature;
- i. Take up temporary or permanent abode including overnight sleeping, camping, or occupying a trailer, tent or recreation vehicle;
- j. Drive or operate any motorcycle, motor vehicle, or vehicle except in a place designated or provided for such purposes and in accordance with the *Motor Vehicle Act*;
- k. Light any fire except in places specially provided therefore, unless in a portable barbecue grill;
- l. Discharge, explode, or fire any fireworks, pyrotechnical or other combustible or explosive material;
- m. Carry or discharge any firearm or other weapon;

- n. Use any public place without paying the required fee or obtaining the required permits and/or licenses; or,
 - o. Consume alcohol.
6. Nothing in this bylaw shall prevent the use of a public place by a peace officer, emergency vehicle, or Town employee on official duty from being in or on a public place at any time.
 7. The Poundkeeper, a peace officer, animal control or bylaw enforcement officer may remove from a public place any animal unattended or in a prohibited area.
 8. A peace officer or bylaw enforcement officer may cause to be removed and impounded at a secure location any vehicle in violation of this bylaw with the owner of the said vehicle being responsible for all costs of the removal and storage.
 9. A peace officer or bylaw enforcement officer may remove or cause to be removed from any public place any person who violates any provision of this bylaw and who has refused to leave immediately after being requested to do so.

Temporary Discretionary Authority

10. The Director, or designate, may, at any time, temporarily close any public place or part thereof to the use of the public, if in their opinion, such closure is necessary:
 - a. to prevent or assist in the prevention of a breach of the peace;
 - b. to prevent a violation of either criminal or civil law;
 - c. to protect the public from harm or injury during construction;
 - d. maintenance or repairs are being carried out; or,
 - e. to protect the public place for maintenance or other purposes.
11. The Director, or designate, may, where a municipal interest or need in his/her opinion so requires, waive a requirement of this bylaw in any particular case.

Permits

12. Upon application submitted in the form of Schedule "A", Application for Public Place Use Permit, the Director may issue a permit in the form of Schedule "B", Public Place Use Permit, to authorize the use of a public place subject to terms and conditions prescribed in the permit and any security deposit determined by the Director to be necessary. The terms and conditions of the permit and the amount of any security required will be set at the discretion of the Director. Any person or group issued a permit under this section shall abide by the terms and

conditions of the permit, this bylaw and any other relevant Town bylaw. The Director is not authorized to vary or relax any provisions of this bylaw.

13. The Director shall ensure that sufficient liability insurance is obtained by the applicant and that the Town is sufficiently indemnified before issuing a permit. Terms of insurance and indemnification shall be in accordance with Town policy.
14. Upon written application, the Council may, by resolution, vary or relax provisions of this bylaw and authorize the Director to issue a permit including these variances or relaxations providing that an acceptable and complete application has been received and that a permit would be otherwise issued notwithstanding the Council resolution.

Signage

15. The Director may post signs from time to time in or on a public place as needed for the safe and efficient use of that public place.

Offence and Penalty

16. Every person who contravenes any provision of this Bylaw is guilty of an offence under the *Offence Act* and is liable on summary conviction to a fine of not less than \$250.00 and not more than \$10,000 or imprisonment of not more than six months.
17. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.
18. Pursuant to Section 264(1)(b) of the *Community Charter*, Peace Officers are designated to enforce this bylaw.
19. Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expression in Column 2 of Schedule "C" to this bylaw designate the offence committed under the bylaw section number appearing in Column 1 opposite the respective words or expression.
20. Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule "C" to this bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.
21. Each day that a contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

Schedules

22. Schedules "A" Application for Public Place Use Permit, Schedule "B" Public Place Use Permit, and Schedule "C" Offences and Fines are attached to and form part of this bylaw.

Severability

23. If any section, subsection, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this the 4th day of October, 2005

READ A SECOND TIME this the 18th day of October, 2005

READ A THIRD TIME this the 18th day of October, 2005

ADOPTED THIS the 1st day of November, 2005

Barry J. Janyk, Mayor

James A. Gordon, Corporate Officer

Schedule "A"

APPLICATION FOR PUBLIC PLACE USE PERMIT

Applicant Name: _____

On-site Contact Person (if different from above): _____

Contact Telephone Number During Event: _____

Telephone Number: _____

Mailing Address: _____

Dates Requested: _____

Hours of Use: _____

Area Requested: _____

Proposed Use: _____

Special Activities (liquor, band, tents, fire, fireworks, etc.): _____

Requirements of Town (power, open gates, water, garbage cans, facilities, etc.): _____

Insurance? yes no Type: _____ Amount: _____

Special Occasion Permit required for alcohol? yes no Issued?: yes no

Will the use generate noise audible beyond the public place boundaries? yes no

Will a variance or relaxation of terms of the Bylaw be required? yes no

If "yes" what is required? _____

I hereby declare that the information provided in this application is truthful, complete, and accurate. By making this application I understand that the Town may impose terms and conditions on the use of any public place if permission is granted and further, that a security deposit may be required of which all or part may be forfeited if the terms and conditions under which the permit is issued are not fulfilled by me.

I understand that the terms and conditions, and any security deposit required, may be determined at the discretion of the Director.

I understand that the public place granted access to in any permit if issued must be left in the condition in which it was found, any insurance or indemnification of the Town required must be kept in force for the period determined by the Director, and that this application is not a permit

Signature of Applicant

Date

Print Name

The personal information collected on this form is done so pursuant to the *Community Charter* and/or the *Local Government Act* and in accordance with the *Freedom of Information and Protection of Privacy Act*. The personal information collected herein will be used only for the purpose of processing this application or request and for no other purpose unless its release is authorized by its owner, the information is part of a record series commonly available to the public, or is compelled by a Court or an agent duly authorized under another Act. Further information may be obtained by speaking with the Town's Director of Corporate Administration at 604-886-2274 or 474 South Fletcher Road, Gibsons.

Schedule "B"

PUBLIC PLACE USE PERMIT

The following person or group is hereby authorized to use the specified public place on the specified days, between the specified hours and in accordance with the terms and conditions set out in this permit:

Group/Person: _____

Public place to be used: _____

Dates: _____

Time: _____

Purpose of Activity: _____

Insurance to be carried:

Type: _____ Amount: _____

Amount of security deposit required: _____

Conditions for return of security: _____

Variances or relaxations granted by Council: _____

Terms and Conditions: _____

Director's Signature

Date

My signature indicates that I have read and understand the terms and conditions of this permit, that I will comply with those terms and conditions, that I have received a copy of the Town's Public Places Regulation Bylaw, that I will conform to the provisions of that bylaw unless specifically authorized otherwise by the Council, and acknowledge that this permit may be cancelled by the Town at any time. I confirm that I am, or the group that I represent is, properly and sufficiently insured and the Town is indemnified by being named an additional insured under said insurance. I acknowledge that a security deposit may be taken to ensure that the terms and conditions of this permit are adhered to, that all or part of said security may be forfeited for failure to fulfill all or part of said terms, and that interest will not be paid on the security deposit for the period it is held by the Town.

Applicant's Signature

Date

Print Name

This permit is not valid unless signed by both parties.

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copies: RCMP
Bylaw Enforcement Officer
Fire Department

Schedule "C"

OFFENCES AND FINES

Section	Designated Expression	Fine
4(a)	Destroy, Alter, Damage, or Remove any Tree, Shrub, Plant, Turf, Flower, Soil, Gravel, or Other Material	\$100
4(b)	Destroy, Alter, Damage or Deface any Building, Fence, Bench, Sign, Light, Light Standard, Ornament, Barrier, Wharf, Float Receptacle, or Other Structure	\$100
4(c)	Foul, Pollute or Deposit Waste or Other Substance	\$50
4(d)	Cross, Travel On or Use Any Area where Posted Prohibited	\$50
4(e)	Climb, Walk Upon, Sit Upon Any Wall, Fence, Dug-out, Enclosure or Any Other Structure Unless Designated	\$50
4(f)	Disorderly Conduct, Molest/Injure Person, Obstruct Use of Park	\$50
4(g)	Permit Animal to Run At Large/ Feed On/ Damage Vegetation	\$50
4(h)	Failure to Remove Manure or Dung	\$50
4(i)	Ride, Lead, Drive or Graze Horse or Livestock	\$50
4(j)	Exceed Speed Limit/Park Contrary to Sign	\$50
4(k)	Use Contrivance to Interfere With Swimmers or Within 50 m. of Beach	\$100
4(l)	Enter/Remain in Park Contrary to Sign	\$50
4(m)	Enter Area Closed to Public	\$50
4(n)	Obstruct Authorized Person	\$100
4(o)	Use/Operate Device/Equipment to Disturb Public Place Users/ Residents	\$100
4(p)	Enter/Bathe Where Prohibited	\$50
4(q)	Enter/Bathe Without Proper Attire	\$50
4(r)	Interfere/Obstruct Town Employee	\$100
4(s)	Disregard Direction of Authority	\$100
4(t)	Violate Posted Regulation	\$50
5(a)	Procession, Performance or Other Gathering Without Permit	\$100
5(b)	Play Game When/Where Prohibited Without Permit	\$50
5(c)	Molest, Trap, Injure or Catch Bird, Fish or Animal Without Permit	\$50
5(d)	Use Area for Private Use Without Permit	\$100
5(e)	Paint, Post, Affix Poster Without Permit	\$50
5(f)	Sell Goods Without Permit	\$100
5(g)	Use Amplifying System Without Permit	\$100
5(h)	Erect Tent or Structure Without Permit	\$50
5(i)	Take Up Temporary or Permanent Abode Without Permit	\$50
5(j)	Drive Motor Vehicle Where Prohibited Without Permit	\$100
5(k)	Light a Fire Without Permit	\$50
5(l)	Discharge, Explode or Fire Fireworks Without Permit	\$100
5(m)	Carry or Discharge Firearm Without Permit	\$100
5(n)	Failure to Obtain Permit	\$100
5(o)	Consume Alcohol in Public Place Without Permit	\$100