

**DISTRICT OF PORT HARDY  
BYLAW NO. 19-2005**

**A BYLAW TO REGULATE THE USE OF  
PUBLIC PARKS AND BEACHES IN THE DISTRICT OF PORT HARDY**

WHEREAS Section 8 of the *Community Charter* provides that Council may by bylaw impose requirements in relation to public places;

AND WHEREAS Council deems it necessary to regulate the use of public parks and beaches within the District of Port Hardy;

NOW THEREFORE the Council of the District of Port Hardy enacts as follows:

**1. TITLE**

This bylaw may be cited as the "Parks and Beaches Regulation Bylaw".

**2. DEFINITIONS**

Words defined in this bylaw shall have the same meaning as given by the *Local Government Act* and the *Community Charter* unless otherwise defined in this bylaw or unless the context otherwise requires.

*Boulevard* shall mean and include any portion of any road, street, lane or highway which is within the right of way but excluding the traveled portion of roadway.

*Council* shall mean the Municipal Council of the District of Port Hardy.

*Designated Parking Area* shall mean those areas within the District abutting public parks, public beaches and other recreational parcels of land which are posted by signs or are clearly set out as parking areas for motor vehicles.

*District* shall mean the District of Port Hardy.

*Driveway* shall mean and include 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 or bridge.

*Overnight* shall mean anytime between 12:00 midnight and 6:00 am of the same day.

*Park* shall mean any real property or interest therein within the District of Port Hardy used for pleasure or recreation uses of the public and includes the land held under any lease of the foreshore, including any thoroughfare set apart and improved by grading, graveling or other means for the use of pedestrians and includes any street and sidewalk and land covered by water granted to the Municipality by Her Majesty the Queen.

*Person* shall mean and include natural persons, associations, bodies corporate, bodies politic and partnerships whether acting by themselves or by a servant, agent or employee and assigns or other legal representative of such person to whom the context can apply according to law. The singular shall, when necessary be held to mean and include the plural, the masculine, the feminine and the converse thereof.

*Overnight camping* shall mean to camp, lodge or otherwise encamp with or without a tent or other form of shelter anytime between sunset of one day and sunrise of the day following.

*Vehicle* means any conveyance for the carriage or transport of persons, passengers, goods or materials, whether drawn by animals or propelled by any mechanical or muscular device or other mode of power, and includes bicycles and tricycles.

### 3. PROHIBITIONS

- (a) No person shall cut, pick, break, dig or pull up, injure or in any way destroy, change or damage in whole or in part any tree, shrub, plant, grounds, turf, flower, building, structure, sign, fence, equipment, seat, bench, thing or ornament of any kind, or in any way foul, litter or pollute any public beach area, stream, pool, pond, boulevard or driveway or injure, deface or destroy any notices, rules or regulations posted or affixed to anything.
- (b) No person shall deposit any waste offensive material or other substance of any kind into or upon any such park, grass plot or driveway, or in any stream, pool or pond within the limits of any park, or on any public beach area, except in receptacles provided for such a purpose, and no person shall remove soil, earth, topsoil, or dirt.
- (c) No person shall post, paint, or affix any advertisement, bill, poster, picture, matter or thing in or on any park or any tree, post, pole, building, structure or thing in any park. This section shall not apply to signs erected or placed by the District for the purpose of conveying information on park or recreation matters or controlling activities within parks or a political sign posted no sooner than 30 days before the election and not remaining more than seven days after the election .
- (d) No person shall erect, construct or build or cause to be erected, constructed or 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 the District.
- (e) No person shall molest, disturb, frighten, injure, trap or snare any bird or animal, or fish in any river, pond, lake or stream in any park.
- (f) No person shall, without limiting the generality of the foregoing, in or on any park without the express written permission of the District:
  - i) play golf or strike a golf ball;
  - ii) fly any motor driven aircraft or glider;
  - iii) shoot any arrow or practice archery;
  - iv) launch any power rocket;
  - v) carry or discharge any firearm or weapon.
- (g) No person shall ride, drive or lead any animal or drive or propel any vehicle in or on any park in such a manner as to disturb the enjoyment thereof by any person, or to cause injury or damage to any person, animal or property.

- (h) No person shall consume or possess any alcoholic beverages of any type within any park except for which a valid permit or licence has been issued under the Liquor Control and Licensing Branch of the Government of British Columbia.
- (i) No person shall let off or discharge or cause to be let off or discharged any water from any reservoir, river, stream, pond, or hydrant in or on any park.
- (j) No person, group organization, or club who has not received express prior permission from the District may:
  - i) drive or allow or permit a vehicle to be driven within any park except upon the hard surfaced portions of the established roads within the park;
  - ii) park any vehicle within any park, except upon the areas, if any, set apart and posted for the parking of vehicles;
  - iii) park a vehicle in a park except for the bona fide purpose of visiting the park;
  - iv) leave a vehicle parked in a park when he is not himself within the park;
  - v) park a vehicle in a park or a designated parking area for the purpose of sleeping overnight in the vehicle, and no person may sleep overnight in any vehicle in the park;
  - vi) clean any car or truck in any park;
- (k) No person shall conduct business in the parks without first having received a valid permit as prescribed from time to time by the District. The requirements governing vendor selling in or on Municipal property are as follows:
  - i) A District of Port Hardy Business Licence must be obtained.
  - ii) No overnight parking of trucks or related equipment may be left on site. Any materials left on site will be subject to impoundment. A vendor will only operate with a permit for his/her business for fifteen (15) days per annum in any park. A day shall be determined as a full day irrespective of the number of hours in the day that the vendor offers his wares for sale, i.e. one hour or twelve hours will count as one days operation.
  - iii) A vendor will be responsible for garbage pickup in the vicinity of his mobile vending vehicle and will post a \$50.00 clean up deposit for each location which is only refundable if the Municipality does not provide clean up.
  - iv) Mobile food operations will comply with the regulations set out in sec 3(k) (i),(ii) and (iii) above.
  - v) A permit fee will be payable in advance for each days use as well as a clean up deposit for each location, as outlined in The District of Port Hardy Rates Bylaw.
  - vi) Service Clubs and non-profit organizations operating mobile food vehicles have the same limitations but will not pay a business licence or permit rental fee.
  - vii) The concessions shall in no way hinder the use of the parks by the public.
- (l) No person shall climb, walk or sit on or upon any wall, fence, or other structure in or on any park unless the same is designed and intended for such purpose.
- (m) No person shall cross, travel on or use any park or any portion thereof where signs

have been posted thereon prohibiting such crossing, traveling on or use.

- (n) No person shall, except for the setting off of fireworks as approved by Council, fire or explode any combustible or explosive matter in or on any park.
- (o) No person shall, without first obtaining the written permission of the District, hold or take part in any procession, march, drill, demonstration, play, ceremony, concert, gathering, meeting or similar thing in or on any park.
- (p) No person shall conduct himself in a disorderly or offensive manner, or molest or injure any other person or loiter or similar thing in or on any park.
- (q) No person shall, without first obtaining the written permission of the District, operate or use any amplifying system or loudspeaker in or on any park unless such operation conforms to all bylaws of the Municipality.
- (r) No person shall obstruct the lawful free use and enjoyment of any park by any person.
- (s) No person shall violate any bylaw, rule, regulation, or notice of the District.
- (t) No person shall fish, or play ball, or any game, or throw any object or thing so as to molest or interfere with or become a nuisance to the general public on any beach or any lawn, or in or on any water, adjacent thereto, in or on any park.
- (u) Overnight camping is not permitted without the expressed written permission of the District.
- (v) No person shall obstruct or cause to be obstructed, any official, employee, agent or contractor of the District in the exercise of any of his lawful duties.
- (w) Notwithstanding anything contained in this bylaw or any other bylaw of the District of Port Hardy to the contrary, the officers, officials, and employees of the District, while in the exercise of their duties, shall be exempt from the provisions hereof.

#### **4. CONTRAVENTIONS AND PENALTIES**

- (a) The Council by its workmen or others 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 provision.
- (b) Every 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 neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- (c) Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of One Hundred Dollars (\$100), which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.

**5. SEVERABILITY**

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**6. REPEAL**

Bylaw No. 04-2002 Parks and Beaches Regulation Bylaw and any amendments thereto are hereby repealed.

READ A FIRST TIME ON THE 9<sup>th</sup> DAY OF AUGUST, 2005.

READ A SECOND TIME ON THE 9<sup>th</sup> DAY OF AUGUST, 2005.

READ A THIRD TIME ON THE 9<sup>th</sup> DAY OF AUGUST, 2005.

ADOPTED BY THE MUNICIPAL COUNCIL ON THE 13<sup>TH</sup> DAY OF SEPTEMBER, 2005.

*Original signed by:*

\_\_\_\_\_  
DIRECTOR  
OF CORPORATE SERVICES

\_\_\_\_\_  
MAYOR



APPENDIX 1  
**DISTRICT OF PORT HARDY  
PARKS AND BEACH PERMIT**

Date \_\_\_\_\_

The permit rental fee TO BE PAID IN ADVANCE is \$30.00 per day or partial day, with a clean-up deposit of \$50.00 per site also payable in advance.

Business Licence obtained: \_\_\_\_\_  
Yes No

Indicate property intended for use: \_\_\_\_\_  
Civic Address \_\_\_\_\_  
Legal description if necessary \_\_\_\_\_

Location	No. of days	Fee \$30.00 / day
		TOTAL \$

I/we hereby agree that I understand the policy attached herewith and agree that I will not occupy the Municipal property other than the dates shown above.

\_\_\_\_\_  
Print Name Signature  
\_\_\_\_\_  
Company  
\_\_\_\_\_  
Address Phone

**Office Use - Check List:**

<b>Business Licence:</b>	Yes	No	<b>Clean-up Deposit Paid:</b>	Yes	No
<b>Insurance:</b>	Yes	No	<b>Clean-up Refund Approved:</b>	Yes	No
<b>Fee Receipt #</b> _____			<b>Date:</b> _____		

**Initials:** \_\_\_\_\_