

## THE CORPORATION OF THE DISTRICT OF SUMMERLAND BYLAW NUMBER 2022-012

A bylaw to regulate the use of District of Summerland owned and managed parks and beaches.

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**WHEREAS** it is deemed desirable to regulate the use of municipal owned and managed parks and beaches;

**NOW, THEREFORE**, Municipal Council of the Corporation of the District of Summerland, in open meeting assembled, enacts as follows:

### 1. Citation

This bylaw may be cited as for all purposes as “Parks Regulation Bylaw No. 2022-012”.

### 2. Definitions

“**Chattel(s)**” means a moveable item of personal property, including but not limited to, watercraft, boat trailers, vehicles and overnight camping equipment.

“**Council**” means the Municipal Council of the Corporation of the District of Summerland.

“**Director**” means the Director of Community Services or designate.

“**District**” means the Corporation of the District of Summerland.

“**Park(s)**” means public parks, playgrounds, green spaces, beaches, sport fields, sport courts, trails, natural and landscaped areas, and other public places under custody, care and management of the District of Summerland.

“**Permit**” means the written permission under this bylaw, authorizing access, activity, use or conduct in or on any park.

“**Vehicle**” means a device in, on or by which a person or thing is or may be transported or drawn on a highway but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment, a motor assisted cycle or a regulated motorized personal mobility device.

“**Watercraft**” means any boat, personal watercraft or other means of conveyance on water.

### 3. General Regulations

- a) No person shall be on or within any park between the hours of 11:00 p.m. and 6:00 a.m. Pacific Standard Time daily, except areas designated by the municipality as open to the public or where prior permission has been obtained from the Director.
- b) No person shall be permitted in any park to possess open liquor at any time, except where the said liquor is possessed pursuant to and in compliance with a license issued under the *Liquor Control and Licensing Act*.
- c) No person shall cause to be ignited any fire within a park except for in approved Municipal campfire pits in accordance with the District bylaws. Portable propane cooking appliances may be used.
- d) Motorized watercraft shall not be allowed within areas designated as public swimming areas with boundaries identified by the use of floating buoys or other suitable markers. No person may launch or load motorized watercraft unless in a designated boat launch area.
- e) No person may use a non-motorized watercraft in a manner that endangers, disturbs or interferes with the use of the beach and swimming area by members of the public. Buoys or other apparatus in any water adjacent to any municipal beach, except with prior permission of the Director, shall not be removed.
- f) No person shall break, peel, cut, deface, remove, injure, root up or otherwise destroy or damage the trees, shrubs, flowers, roots or grass planted, growing or being in the park. No person may attach decorative lights to a tree or infrastructure located in a park except with prior permission by the Director.
- g) No person shall deposit litter or rubbish, except into a garbage receptacle, in any park.
- h) No person shall break, injure, damage or remove the locks, gates, bolts, fences, seats, benches, building structures or other property located in a park.
- i) No person shall destroy, mutilate, efface, deface or remove any sign posted under this or any other Bylaw.
- j) No person may erect, construct or build any camping or event tent, building, shelter, or other construction in a park without prior permission within a park permitting process or approval from the Director.
- k) Removal of any gravel, sand, or earth from any part of any beach or shore of Okanagan Lake or removal of debris of any kind from within a park is not permitted except with prior permission of the Director.
- l) No person may interfere with or feed birds or fowl.
- m) A valid permit from the District is required for any person who wishes to operate

a remote-control driven boat, car, aircraft, glider, drone, or similar device within a park or public space.

- n) Conducting business, providing a commercial service or soliciting a business in a park is prohibited except as authorized by a permit.
- o) No person shall ride or use a skateboard on a paved surface within Giants Head Mountain Park, except with prior permission from the Director.
- p) No person shall obstruct, interfere with, impede, hinder or prevent a bylaw enforcement officer, lifeguard, officer, employee of the District or other Person engaged by the District from performing any duties or exercising any authority under this bylaw.

#### **4. Vehicles in Parks**

- a) Vehicles are to be parked only in designated parking areas.
- b) No vehicles are permitted to park overnight or remain in a park during the hours that the park is closed unless authorized with a permit.
- c) Vehicles left in a gated park after closing will be locked in, unless otherwise posted. Owners or operators of vehicles locked in after closing must wait until the next scheduled opening to remove their vehicle or will be subject to all associated fees for an after-hours callout.
- d) With the exception of municipal vehicles, no person shall drive or allow or permit a vehicle to be driven, or to be parked, within any park, except in areas specifically provided for such purposes or as approved in writing through the permitting process. Special conditions will apply including event maps, onsite meeting, and no vehicle zones to protect park greenspaces and infrastructure.

#### **5. Special Events and Park Bookings**

- a) Any special event, organized sport or organized activity taking place in a park requires a permit issued through by the Director.
- b) Event/activity organizers are required to: follow the park booking application process; provide park booking insurance and licencing requirements; comply with all booking terms and conditions; and pay all associated park booking fees.
- c) Any new large-scale events and requests for event exemptions to this bylaw require approval by Council.
- d) A person or organization with an authorized permit has use for all or part of a park for the timeframe stipulated in the permit. When the permit holder has a permit for exclusive use for all or part of a park, they may inform others of their exclusive occupancy and use of that portion of the park by displaying their permit.

- e) No authority is granted or transferred to the permit holder to physically restrict access to or remove from the permitted area any individual who is not the permit holder or a member of their party.

## **6. Animals in Parks**

- a) No person shall cause or permit any animal to be in any park except as outlined in this section unless otherwise posted by the District.
- b) Dogs are permitted on-leash year-round at Memorial Park, Dale Meadows Park, Living Memorial Park, Peach Orchard Beach Park, Powell Beach Park, Peach Orchard Campground, Giant's Head Park, Conkle Mountain Park, Cartwright Mountain, "Horse Beach", and Summerland Rodeo Grounds except on sports fields, sport courts, skateparks and beaches, or near playgrounds and spray parks.<sup>1</sup>
- c) Dogs are permitted off-leash during the off-season (October 1 – May 1) at Peach Orchard Beach Park, Powell Beach Park, Peach Orchard Campground, Conkle Mountain Park, Cartwright Mountain, and Summerland Rodeo Grounds (except around equestrian events and activities) except on sports fields, sport courts, skateparks and beaches, or near playgrounds and spray parks.<sup>2</sup>
- d) Dogs are permitted off-leash year-round only at designated District off-leash dog parks.
- e) Horses are permitted year-round in Conkle Mountain Park and at the Summerland Rodeo Grounds.

## **7. Chattels**

- a) Chattels unattended in a park or public place are prohibited.
- b) District staff or a designated contractor may remove any chattels, left or stored in a park or public place in a manner contravening to the provisions of this bylaw, and take such equipment to a place of safekeeping until it is returned to the owner or disposed of in accordance with this bylaw.
- c) For removal, detention and impounding of chattels, the fees identified for impounding of chattels in the District of Summerland Fees and Charges Bylaw, as amended, are payable to the District prior to the owner being entitled to the return of the chattels.
- d) Upon the expiration of 30 calendar days from any removal or detention, the District may put the chattels, or other items up for sale by public auction and recover any fees accrued from the proceeds of the sale or may dispose of the seized items as deemed necessary.

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<sup>1</sup> Bylaw No. 2024-033 (September 24, 2024) deleted and replaced s. 6b in its entirety.

<sup>2</sup> Bylaw No. 2024-033 (September 24, 2024) deleted and replaced s. 6c in its entirety.

## 8. Delegation of Authority

- a) Without limiting the powers of the Director, the Director may:
  - i) Grant permission in accordance with of this bylaw.
  - ii) Issues permits in accordance with this bylaw.
- b) A person that is subject to a decision made the delegate designated in this bylaw may appeal to have the decision reconsidered in accordance with the Districts Delegation of Authority Bylaw, as amended.

## 9. Severability

If a section, subsection, paragraph, subparagraph or phrase in this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

## 10. Penalty

Any person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, commits an offence and shall be liable, upon summary conviction, to the penalties imposed and any other penalty or order imposed pursuant to the *Community Charter* as amended from time to time.

## 11. Repeal of Existing Bylaws

The District of Summerland Parks Regulation Bylaw No. 95-013 and all amendments thereto are hereby repealed upon adoption of this bylaw.

Read a first, second, and third time as amended this 14<sup>th</sup> day of March, 2022.

Adopted by Municipal Council this 28<sup>th</sup> day of March, 2022.

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Mayor

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Corporate Officer